PARLIAMENTARY DEBATES

(HANSARD)

SIXTH SERIES—VOLUME 424 (Part 1)

HOUSE OF COMMONS

OFFICIAL REPORT

THIRD SESSION OF THE FIFTY-THIRD PARLIAMENT
OF THE UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
FIFTY-THIRD YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SESSION 2003–04

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19 July 2004

THE PARLIAMENTARY DEBATES

OFFICIAL REPORT

IN THE THIRD SESSION OF THE FIFTY-THIRD PARLIAMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
[WHICH OPENED 13 JUNE 2001]

FIFTY-THIRD YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIXTH SERIES VOLUME 424

TENTH VOLUME OF SESSION 2003–2004

House of Commons

Monday 19 July 2004

The House met at half-past Two o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

DEFENCE

The Secretary of State was asked—

Suez Medal

1. **Mr. Graham Allen** (Nottingham, North) (Lab): If he will make a statement on the distribution of medals to those who served in the Suez campaign. [184468]

The Parliamentary Under-Secretary of State for Defence (Mr. Ivor Caplin): Distribution of the Suez medal began last November after the publication of Command Paper 5999 in the House on 23 October. As at the week ending 16 July, 40,297 applications had been received and 11,199 medals had been dispatched. I pay tribute to the hard work of all staff at the medal offices who are dealing with the backlog as speedily as possible under the current arrangements for medal distribution.

Mr. Allen: I will surprise my hon. Friend not by linking this to the question of an Arctic convoy medal, but by paying tribute to him and the Front-Bench team, I hope, on behalf of hon. Members in all parts of the House, for their superb work in finally awarding the medal to the Suez veterans. That is appreciated by hon. Members of all parties and, indeed, by the veterans themselves. There have been some difficulties and delays, as we would expect on an exercise of this size, but will my hon. Friend tell us how the distribution is going and whether all those brave ex-servicemen will get their medals as soon as possible?

Mr. Caplin: I endorse my hon. Friend's comments and praise him and many other colleagues from all parts of the House who campaigned so assiduously during 2002 and 2003 for the award of a Suez medal. Let me update the House on the current situation. All applications that are received from Suez veterans are acknowledged on receipt. In the medal offices, these are the assessment dates: in the Royal Navy, 5 February 2004; in the Royal Marines, as the applications are received; the RAF is assessing cases received on 26 November 2003; and the Army Medal Office is currently assessing cases received on 31 October 2003.

Mr. Peter Luff (Mid-Worcestershire) (Con): I am sure that my constituents in Droitwich will be very pleased to hear the Minister's tribute to their work in issuing the canal zone medal—one of some 300 to 400 medals issued by the Army Medal Office in Droitwich Spa—but may I tell him perhaps one last time that the proposal to close the Army Medal Office and move it to RAF Innsworth is bound to throw into chaos the distribution of the Suez canal zone medal and other medals? Whatever the long-term merits of moving the Medal Office, please may I ask him not to do it now?

Mr. Caplin: Again, I reject the hon. Gentleman's comments and pleas in relation to the future of the Army Medal Office. It is essential that we establish the Ministry of Defence medal office, and we have taken the decision to establish it at RAF Innsworth. I believe that it will lead to a greater and more beneficial production of medals for veterans, both Suez veterans and those

who are leaving our forces at present. I plan to make a statement to the House when it returns in September about the progress that we will have made during the summer.

Local Regiments

2. **Chris McCafferty** (Calder Valley) (Lab): What assessment his Department has made of the role of local regiments in encouraging recruitment. [184469]

The Parliamentary Under-Secretary of State for Defence (Mr. Ivor Caplin): Local regiments play a significant role in encouraging recruitment through regional recruiting teams—I am sorry—through regimental recruiting teams. */Interruption./* Since their formal establishment in early 2002, those teams have contributed greatly to the Army meeting its recruiting targets. Potential recruits list regimental recruiting teams as one of the top reasons why they contact recruiting offices.

Chris McCafferty: Given the very strong local ties that the Duke of Wellington's Regiment has with Calder Valley and Halifax and the impact that that has on recruitment to our armed forces, will my hon. Friend assure me that the Duke of Wellington's Regiment will retain its single cap badge? If he cannot give me that assurance, will he at least ensure that relevant officers in the Army are allowed to participate in any discussion about the future of their regiments?

Mr. Caplin: I am pleased to hear of my hon. Friend's interest in her local regiment, and I can assure her that, in the coming days and weeks, when my right hon. Friend the Secretary of State for Defence makes his announcement, we will take her comments into consideration.

Mr. Robert Key (Salisbury) (Con): Is the Minister aware that one of his very senior civil servants recently caused considerable offence by referring to cap badges as logos? Does the Minister understand that soldiers will die for their Queen and country and for their ideals and they may even die for their regiment, but they will not die for cap badges?

Mr. Caplin: I am afraid that I am not familiar with the comments to which the hon. Gentleman referred, but I understand the point that he makes.

Jim Knight (South Dorset) (Lab): The Minister may be aware that there is concern down in Dorset at the possible demise of the Devon and Dorset Regiment and its merger with other west country regiments. Can he assure me that any such decision will be made by the Army and not by Ministers or accountants?

Mr. Caplin: All I can say to my hon. Friend is that, when announcements are due to be made, they will properly be made to the House.

Annabelle Ewing (Perth) (SNP): I have a particular interest in this subject as the regimental headquarters of the Black Watch is in my constituency. The Minister will be aware that the regimental system in Scotland has proven its worth time and again, not simply in terms of recruitment, but also in terms of retention and operational worth. Why then are the United Kingdom Government planning to scrap the traditional regimental structure in Scotland?

Mr. Caplin: I do not think that the Government need to take any lessons about defence from the Scottish nationalists. I made the point on my visit to Scotland recently that recruitment is essential to keeping the Army in the public eye and it plays an important and continuing role in ensuring and nurturing applicants, particularly young people from Scotland, who have expressed an interest in joining our armed forces.

Mr. John Smith (Vale of Glamorgan) (Lab): Given the enormous success of the relocation of the first battalion of the Welsh Guards to RAF St. Athan in my constituency, does it not make great sense to the cause of recruitment to locate even more units to regions such as south Wales that have such a superb recruitment record?

Mr. Caplin: My hon. Friend will know that it is for the first time in many years—certainly for the first time that I can remember—that that is occurring at RAF St. Athan. That decision was taken by this Government. I also point out that the regimental recruiting teams are an essential part of what we do in all areas, and there are 93 of them across the UK.

Sir Patrick Cormack (South Staffordshire) (Con): Are we to take the Secretary of State's convulsive reaction to the Minister's Freudian slip as confirmation that *The Daily Telegraph* had it right last Friday?

Mr. Caplin: Perhaps I should say to the hon. Gentleman that believing all that one reads in newspapers is not the best way to pursue matters.

Mr. David Stewart (Inverness, East, Nairn and Lochaber) (Lab): Will my hon. Friend join me in congratulating the Highlanders, who have their headquarters in my constituency? By the end of this year, they will be the best recruited regiment in Scotland. Does he share my view that it is very important to have a strong regional recruitment base and that that is extremely good for the morale of our troops?

Mr. Caplin: I join my hon. Friend in congratulating the Highlanders. He will be aware that although some regiments recruit on a regional basis, other regiments or corps recruit on a national basis, and some do both. There is room for all that.

Mr. Nicholas Soames (Mid-Sussex) (Con): Does the Minister agree that the great strength for well-run recruiting efforts of the local regiments are their proud and often historic links deep inside the counties and cities from which they spring? Will he further accept that these regiments and all that they mean and have meant to our national life will, once disbanded or amalgamated, never again be recreated?

Mr. Caplin: Perhaps patience will be a virtue for the hon. Gentleman. My right hon. Friend the Secretary of State will say more about these matters later in the week and in the coming weeks. I looked back at *Hansard* and I saw the quote:

"The numerical strength of the Army should not be regarded as the primary measure of front-line strength. Its operational capability is of prime importance."—[*Official Report*, 4 July 1995; Vol. 263, c. 131.]

Those are not my words or those of my right hon. Friend the Secretary of State; they are the words of the hon. Member for Mid-Sussex (Mr. Soames) in 1995.

Mr. Soames: Very prescient and admirable words they were, too. I want to press the Minister again, but thank him for his incitement for me to be patient. However, I would like a little frankness from him for a change. Can he confirm that there has not been a cap on recruitment targets for the Army in the training year 2004–05?

Mr. Caplin: I can absolutely and categorically tell the hon. Gentleman that there is absolutely no freeze on recruitment to the British Army.

Mr. Soames: I think that the hon. Gentleman is mistaken. May I suggest that he reads the latest report by the Army Training and Recruiting Agency, a copy of which I have obtained for greater accuracy? It says:

"During the year under review, recruiting group have done well on recruiting against, it should be noted decreasing targets."

Has the hon. Gentleman imposed a cap on recruiting targets to the Army?

Mr. Caplin: The hon. Gentleman indicated earlier that he still agrees with his quote of nine years ago. *[Interruption.]* If he is patient, as I said, he might get the answer. I can tell him that the whole Army training strength has increased by more than 3,300 in the past two years. Retention is above average levels and recruitment is buoyant. To answer his earlier question, the Army Training and Recruiting Agency has outperformed against the mandated targets over both of the past two years.

Mr. David Drew (Stroud) (Lab/Co-op): To take us back to the main point behind the question, does my hon. Friend accept that the reorganisation that took place less than five years ago to put the Gloucesters in with the Berkshire and Wiltshire regiment has taken some time to work its way through? That is one thing, and we retain the name "the Gloucesters", but it would be quite different if a proposal were coming forth to merge us yet again into a Wessex regiment. I hope that my hon. Friend will take due note of the concern that was expressed locally about any recruitment if such a proposal were brought forward.

Mr. Caplin: I certainly take note of my hon. Friend's comments. I know something about the Gloucesters because of the regiment's involvement in Korea in the 1950s. I was pleased to meet members of the regiment when I visited Korea last summer for the 50th anniversary celebrations of the end of the Korean war.

Bosnia and Herzegovina

3. **Bob Spink** (Castle Point) (Con): How many UK servicemen and women are serving in Bosnia and Herzegovina. [184470]

The Minister of State, Ministry of Defence (Mr. Adam Ingram): The United Kingdom currently has around 1,000 service personnel committed to Bosnia and Herzegovina.

Bob Spink: Will the right hon. Gentleman join me in sending to those troops the congratulations and thanks of the House on the courageous and professional job that they do in fiendishly difficult circumstances while peacekeeping in Bosnia? At the end of this year when the SFOR operation under NATO command comes to an end, will British troops be involved in the new EU-sponsored operation? Will he tell us how many troops will be involved then?

Mr. Ingram: The hon. Gentleman asks me to send a message of support to our troops in Bosnia and Herzegovina and I assume that he would extend that to those in the rest of the region. I can certainly do that because I visited those troops only a matter of weeks ago, when I was able to give our warm message of support to them. They are doing a magnificent job, and although there are still issues to be resolved in the region, we are making progress. The EUFOR mission will take forward the progress that is being made and yes, British troops will be involved—we will be leading that mission.

Mike Gapes (Ilford, South) (Lab/Co-op): Will my right hon. Friend tell me what progress has been made on dealing with national caveats among some of our EU partners? Can he assure us that when the transfer from SFOR to EUFOR takes place, there will be no diminution of the effectiveness of the forces there in case there are further difficulties in the future?

Mr. Ingram: As ever, my hon. Friend raises an important and key issue relating to the deployment of international forces. National caveats were discussed at the Istanbul summit. It is recognised that they need to be addressed and that solutions need to be found to any blockages that impact adversely on the successful conclusion and implementation of such missions.

Hugh Robertson (Faversham and Mid-Kent) (Con): Will the Minister confirm that no regiment, battalion or unit involved in operations in Bosnia and Herzegovina, or any active service zone, will return to this country to find that it has been cut? As I am sure he appreciates, rather than representing the grateful thanks of the country, that would be an awful kick in the teeth.

Mr. Ingram: My hon. Friend the Under-Secretary gave the message for today: the Secretary of State will make an announcement later in the week. I am sure that the hon. Gentleman will be present to raise his concerns. I suggest that he waits for the full announcement because such issues are better addressed in the round and with consideration of the balance of judgments that have to be made. His party had to make such judgements when it was in government.

RAF Museum, Hendon

4. **Mr. Andrew Dismore** (Hendon) (Lab): If he will make a statement on the support his Department gives to the RAF museum, Hendon. [184471]

The Parliamentary Under-Secretary of State for Defence (Mr. Ivor Caplin): The Ministry of Defence sponsors the RAF museum as a non-departmental public body and provides a grant in aid to meet the majority of the museum's running costs. Last year the grant in aid was £6.8 million. In addition, we have supported the museum with various development projects, and most recently we earmarked £1 million in capital funding for a new development at the Cosford site to house an exhibition of the cold war years.

Mr. Dismore: Does my hon. Friend agree that the decision two or three years ago to find additional resources to enable the museum to allow free admission has been extremely successful? Visitor numbers have doubled, with 250,000 attending Hendon and a similar number visiting Cosford—half a million visitors between the two sites. Since the Milestones of Flight and the restored Grahame-White aircraft factory opened—

Hon. Members: Too long.

Mr. Speaker: Order. I hope the hon. Gentleman will not take too long over this.

Mr. Dismore: I was going on to suggest, Mr. Speaker, that you might like to visit the museum yourself to see how well it is doing. I had expected to ask my hon. Friend the Minister to put his hand in his pocket again to enable some of the galleries to be opened, but I am pleased to say that the money has now come through, so the museum can be fully opened. The museum is grateful to my hon. Friend for that additional help.

Mr. Caplin: As always, I am delighted to thank my hon. Friend for the brevity of his question. I very much enjoyed my visit to his constituency in February when we were campaigning in a local council by-election, and during my visit we drove past the RAF museum. The RAF is rightly proud of its heritage and, as I am sure my hon. Friend will agree following his visit a couple of weeks ago, the museum provides an excellent showcase for that. The relationship with the RAF is mutually beneficial, since the museum actively promotes the Royal Air Force to the general public, as well as to aspiring airmen and airwomen. It is worth noting that the policy of free admission and access for all to both national museums and RAF museums is a policy of this Government, reinforced by the Chancellor's recent spending review. We are proud of that policy, but the Opposition continue to object.

Mr. James Gray (North Wiltshire) (Con): While the whole House will be pleased to hear about the support that the Government are giving to the RAF museum, does the Minister agree that if the cuts to the RAF that his right hon. Friend the Secretary of State is to announce on Wednesday are as deep and damaging as we all believe they will be, the spending on the RAF museum will have to increase by an enormous amount?

Mr. Caplin: I am afraid the hon. Gentleman did not hear the words—

Mr. Speaker: Order. I hope that hon. Members will not revert to a previous question in their supplementary.

Mr. Caplin: I agree, Mr. Speaker. I was about to give the hon. Member for North Wiltshire (Mr. Gray) the same advice as I gave to the hon. Member for South Staffordshire (Sir Patrick Cormack) earlier about not believing all the speculation.

Iraq

5. **Mr. Richard Bacon** (South Norfolk) (Con): If he will make a statement on the current situation in Iraq. [184472]

The Secretary of State for Defence (Mr. Geoffrey Hoon): I have to inform the House that a United Kingdom Puma helicopter crashed this morning at the airfield in Basra. I regret to report that there has been one British fatality. It appears unlikely that hostile action was the cause, although it is too soon to confirm any other details.

Elsewhere in Iraq, the Iraqi Interim Government are well established, and are working to ensure that the conditions are right to hold full elections to a Transitional Assembly early next year. The task of preparing the elections themselves falls to the Independent Electoral Commission of the United Nations, which has been operating since May. I understand that arrangements for holding a National Conference to advise the Interim Government are also well advanced.

Significant security challenges remain, but the Iraqi Interim Government have made clear their determination to confront them. We are providing support where necessary, and helping to modernise, train and equip Iraq's own security forces. There are now over 230,000 recruited Iraqi security personnel, including some 90,000 police. More than 20,000 reconstruction projects have begun, building and redeveloping schools, hospitals, bridges and roads across Iraq and providing employment for hundreds of thousands of Iraqis.

Mr. Bacon: May I offer my condolences to the family of the Puma helicopter victim this morning. I am sure that other Members join me in doing so.

The Butler report shows that the Government took the country to war on the basis of flawed intelligence. Was that because the Government did not know what they were doing, or because they knew what they were doing but tried to hide it? Either way, is it not time, rather than for promotions for people like John Scarlett, that someone took responsibility for the mess and resigned?

Mr. Hoon: The Butler report was a thorough examination of the relevant facts. I am sure that, if the hon. Gentleman looked at the report properly and comprehensively instead of seeking to select certain aspects of it, he would recognise that Lord Butler and those who joined him in producing the report did not criticise any individual member of the Government or, indeed, any individual civil servant. It is wrong of the hon. Gentleman to come to the House and make such attacks on an individual who does not have the opportunity to respond.

Mrs. Alice Mahon (Halifax) (Lab): May I also offer my condolences with regard to the tragic loss that the British Army has suffered today?

My right hon. Friend paints a rosy picture about the Interim Government, but may I put it to him that the Interim Prime Minister of Iraq has agreed to an occupying force bombing the country's own civilians yet again in Falluja? We now hear that women and children were killed in that bombing. How can anybody have any faith in such a Government?

Mr. Hoon: I was not, I hope, painting a rosy picture to the House. I recognise that there are still significant security challenges to be faced, but they are now being faced increasingly by Iraqis themselves. I hope that they, like the Prime Minister, whom my hon. Friend mentioned, are in the best position to judge the appropriateness of the action being taken. I am sure that the Iraqi Prime Minister is right to recognise that it is necessary to take action against those who will attack not only coalition forces, but, increasingly, the Iraqis themselves. It is not surprising, therefore, when the Iraqi Prime Minister authorises the sort of action that is necessary to deal with those attacks.

Mr. Paul Keetch (Hereford) (LD): The situation is indeed still serious in Iraq, with the news of the car bomb this morning, and the shooting and downing of the Puma helicopter, to which the Secretary of State referred. We send our condolences to the persons involved.

Does the Secretary of State agree that, whatever honest disputes we on the Liberal Democrat Benches and many on his Back Benches had about the decision to go to war last year, we all now want Iraq to be a stable country working towards the beneficial prospects of a democratic Iraq? We support the role of our forces and civilians in the responsibility that they now have, but what message does he have for those on some other Benches who now suddenly claim that they were misled into war? What is his opinion of their view now?

Mr. Speaker: Order. I do not think that the Secretary of State should air that view at the moment. There is a debate tomorrow on the Butler report. This question is about the current situation in Iraq.

Mr. Hoon: I have made this point before, but I make no apology for repeating it: whatever views right hon. and hon. Members took of the decision to take military action against the regime of Saddam Hussein, the situation that confronts us now is the one that the hon. Gentleman referred to; it is vital that we rebuild the country, provide stability for the Iraqi people and restore Iraq as a rightful member of the international community. Right hon. and hon. Members will, understandably and rightly, have different views of that decision to take military action, but surely we must all now unite in wanting to see Iraq restored as a stable, tolerant and ultimately democratic country.

Mr. Andrew Miller (Ellesmere Port and Neston) (Lab): May I join colleagues from all parts of the House in what they have said with regard to my right hon. Friend's comments about the person lost in the Puma this morning?

My right hon. Friend will have heard the Prime Minister praise the role of the Cheshire regiment, which is currently serving in Iraq. When I last saw the regiment, immediately after active service in Bosnia, I came across many young men who had faced very serious traumas and needed a great deal of support post that period. Will he assure me that, on their return, members of the regiment will get every possible support to ensure that the horrors that they faced do not live with them for the rest of their lives?

Mr. Hoon: I am grateful to my hon. Friend for raising that vital point on behalf of not only the Cheshires, but all those who are currently serving with such distinction in Iraq and, indeed, other theatres around the world. I assure him that efforts have been made to learn the lessons of previous conflicts and deal with the stresses that arise as a result of the horrors seen by members of our armed forces. If those efforts are not producing the right results, we will re-examine the matter, but efforts have been made to learn the lessons.

Mr. Keith Simpson (Mid-Norfolk) (Con): Conservative Members also send our condolences with regard to the crew of the Puma. From previous questions, it is obvious that the British sector in Iraq is currently stabilised by the professionalism and bravery of the British armed forces. Given Conservative Members' experiences of talking and listening to members of the British armed forces, the Secretary of State should think very seriously about turning the British Army into regional regiments to deal with manning in Iraq. That would undermine the morale of regiments such as the Black Watch, the Royal Welch Fusiliers and others, which will turn into unloved regional regiments, rather like the unloved regional assemblies.

Mr. Speaker: Order. The hon. Gentleman is going back to Question 2.

Mr. Michael Clapham (Barnsley, West and Penistone) (Lab): May I add my condolences on the helicopter crash? My right hon. Friend knows that the monitoring board was established in May 2003 to ensure that Iraqi oil revenues were not misused, but we now hear that a report prepared by KPMG suggests that as much as $1.4 billion may have gone to the American contractor Halliburton. If that allegation proves to be true, does he agree that that is a scandalous misappropriation and will he call for further investigations?

Mr. Hoon: Those allegations are subject to investigation. It is important that we ensure that oil revenues are used properly for the purpose agreed by the United Nations.

Procurement Contracts

6. **Miss Anne McIntosh** (Vale of York) (Con): If he will make a statement on the criteria used in awarding procurement contracts. [184473]

The Secretary of State for Defence (Mr. Geoffrey Hoon): Our procurement policy is driven by the need to provide the armed forces with the equipment they require at best value for money for the taxpayer. As set out in the Government's defence industrial policy, acquisition decisions are driven principally by cost, operational effectiveness and affordability.

Miss McIntosh: The Secretary of State knows that a £1.5 billion contract will be awarded for the Ministry of Defence support vehicle. I pay tribute to the work of our servicemen and women, especially in Iraq and Afghanistan. They should get the best vehicle that money can buy, which should have been battle tested in Iraq and Afghanistan and proven to have the highest reliability and technical capability. Why have none of the four main bidders' vehicles been trialled?

Mr. Hoon: A decision will be made soon on the support vehicle competition—the bids are in the final stage of their evaluation, and it would be inappropriate to say any more. As I indicated a moment ago, affordability is undoubtedly one of the key criteria for any equipment. No doubt the hon. Lady will make those representations to her Front Benchers, who propose to cut the defence budget by something in the order of £2.7 billion, which is rather more than the total cost of that project.

Mr. Stephen Hepburn (Jarrow) (Lab): Is the Secretary of State aware that the average age of a skilled worker on the Tyne is more than 50, so there is a lot of hope in the north that the proposed aircraft carrier project will do something to rectify that? Can he assure me that the aircraft carrier programme will go ahead on time and as the MOD originally specified?

Mr. Hoon: I can give my hon. Friend that assurance. I have set out in a written answer today our determination to proceed with the carrier contract. I am confident that the contract will provide a significant amount of shipbuilding work, not only for my hon. Friend's constituency, but for many other shipbuilding constituencies around the country.

Sir Sydney Chapman (Chipping Barnet) (Con): Will the Secretary of State confirm that the defence procurement budget is running at between £9 billion and £10 billion a year? Can he assure the House that the Defence Procurement Agency, which took over from the Procurement Executive in 1999, is meeting its main objective of buying weapons systems and platforms and delivering them on time, within budget, and to specific standards?

Mr. Hoon: I can give the hon. Gentleman that assurance. I regret to tell the House that, particularly in relation to some of the older contracts signed under previous Governments, there has been some slippage as a result of the poor financial standards that were imposed—poor financial standards of the kind that we get used to, unfortunately, from the hon. Gentleman's Front-Bench colleagues, who want to cut the total defence budget by roughly a quarter of the amount that he said was available for procurement. Perhaps he could ask them which particular projects they intend to cut.

Mr. Nicholas Brown (Newcastle upon Tyne, East and Wallsend) (Lab): What are the implications of my right hon. Friend's opening remarks for the shipbuilding programmes that are under way at Swan Hunter and at Govan, and for the proposed extensions to that work?

Mr. Hoon: We have a very extensive programme of new shipbuilding to provide the Royal Navy with the latest and best equipment for frigates and for carriers. Members of the Royal Navy are hugely enthusiastic about the forward programme, which, as I said to my hon. Friend the Member for Jarrow (Mr. Hepburn), will provide significant job opportunities right across the shipbuilding industry.

Mr. Edward Garnier (Harborough) (Con): May I ask the Secretary of State about military helicopter procurement? This time last year, the hon. Member for Glasgow, Anniesland (John Robertson) and I, under the auspices of the armed forces parliamentary scheme, spent the week with the joint helicopter force based at Basra airport, and learned at first hand how difficult it is to fly helicopters in the intense summer heat in that part of the world. What plans, if any, do the Government have to procure helicopters for use by the Iraq military, instead of by British and other coalition forces, so that they can patrol the skies of their own country without the need to use British helicopters?

Mr. Hoon: Extensive programmes are available to Iraq to provide the right kind of equipment for its armed forces once the training that they are receiving is of the necessary complexity to enable them to operate sophisticated equipment such as helicopters. At this stage, I cannot say precisely when those helicopters will be delivered to the Iraqis, but I know that that is in the programme.

Mr. Brian Jenkins (Tamworth) (Lab): Further to the question by the hon. Member for Chipping Barnet (Sir Sydney Chapman), when will my right hon. Friend come to the House to justify the continued existence of legacy projects that are running massively over-time and over-budget? We know that they were initiated under the previous Administration, but are they needed now, and at such cost?

Mr. Hoon: I will not give the House a long list of the various procurement projects that are under way, but I can say that, even allowing for certain of the legacy projects that were subject to significant delay before this Government were elected, we will continue with those that meet a justifiable military need. However, we have tried to get them under control in terms of cost and time, because that is crucial in delivering their capability to our armed forces.

Future Strategic Tanker Aircraft

7. **Mr. James Paice** (South-East Cambridgeshire) (Con): What plans he has to reassess the contract for the future strategic tanker aircraft private finance initiative. [184474]

The Minister of State, Ministry of Defence (Mr. Adam Ingram): We are currently assessing whether placing a private finance initiative service contract with AirTanker Ltd. will provide the best value for money solution for the future strategic tanker aircraft project. No final decisions have been taken.

Mr. Paice: I thank the Minister for that answer. Can the House therefore assume that the question whether to go ahead with the project is still in the melting pot, as well as the decision on to whom the contract should be granted? If he intends to go ahead with the project, but is still considering who should do the work, I urge him to look again at the preferred option and to consider the alternative option of using refurbished aircraft adapted in Cambridge, in my constituency.

Mr. Ingram: As my right hon. Friend the Secretary of State announced to the House in January 2004, AirTanker Ltd. has been judged to offer the best prospect of providing a value-for-money PFI solution. However, several detailed issues remain to be resolved on this complex PFI project before a final decision is taken. We are resolved to proceed with it once that assessment is completed. Clearly, air refuelling is a key military capability and it is important to take the time necessary to make the right decision for the armed forces and the taxpayer. I would have thought that the hon. Gentleman agreed with that. We shall make further announcements when appropriate.

I am aware that Marshall of Cambridge and other companies have submitted unsolicited alternative proposals for future air refuelling capability. Our evaluation remains focused on securing a value-for-money private finance initiative contract with AirTanker Ltd. I hope that that answers the question.

Mr. Lindsay Hoyle (Chorley) (Lab): We are considering an important contract. Does my right hon. Friend appreciate that the location of the base, where maintenance will be carried out, is also important for supply and back-up to the fleet? I believe that Warton is the right place for maintaining and basing the aircraft.

Mr. Ingram: My hon. Friend can be assured of the importance with which we view the contract. The accompanying base and support mechanisms are clearly part of any solution, but my hon. Friend, like other hon. Members, will have to wait for the final announcement.

Wind Generators

8. **Mr. David Heathcoat-Amory** (Wells) (Con): What discussions he has had with the Department of Trade and Industry about the siting of electricity wind generators. [184475]

The Parliamentary Under-Secretary of State for Defence (Mr. Ivor Caplin): The Ministry of Defence maintains an extremely close working relationship with the Department of Trade and Industry on wind energy issues. Both Departments are members of the wind energy, defence and civil aviation interests working group, which also includes representatives from the Civil Aviation Authority, the National Air Traffic Service and the British Wind Energy Association. We also work jointly with the industry on round 2 offshore wind farm developments. Later this week, the Minister for Energy, E-Commerce and Postal Services and I will meet representatives of the wind energy industry.

Mr. Heathcoat-Amory: I do not think that a working group measures up to the scale of the problem. Does the Under-Secretary realise that wind generators are ugly, unnecessary, expensive and a threat to everything that flies? I do not simply mean birds and bats but aircraft, especially military aircraft. They also interfere with military radar. Rather than objecting on a case-by-case basis, will the Department create a presumption against any more of those gimmicky contraptions on the ground of good defence as well as that of saving the environment?

Mr. Caplin: I assure the right hon. Gentleman that every proposal for wind farm development is considered on a case-by-case basis rather than according to an overall presumption. The Ministry of Defence does not have a policy of automatically refusing proposals and we encourage developers to work with officials from both the Ministry of Defence and the Department of Trade and Industry to determine whether a mutually acceptable solution can be found. That is a sensible and practical way forward.

Mrs. Gwyneth Dunwoody (Crewe and Nantwich) (Lab): The Under-Secretary knows both that we are delighted to hear that and that the Energy Bill had to be amended to include another clause to ensure that wind farms were not built in shipping lanes. Wind farms at sea pose a genuine problem for radar. Will my hon. Friend assure me that the Ministry and the Department for Transport are consulting closely with the Department of Trade and Industry before making decisions that can be only inimical to defence and transport?

Mr. Caplin: I give my hon. Friend the commitment that she seeks.

Mr. Owen Paterson (North Shropshire) (Con): RAF Shawbury trains pilots from all three services. What threats do the huge new turbines pose to inexperienced junior pilots who are undertaking training?

Mr. Caplin: We have a proper, consultative process with the industry, which involves eight different tests, to ensure that such matters are considered before we agree to further negotiations about a wind farm. The Ministry of Defence is clearly committed to supporting the Government's renewable energy target of 10 per cent. renewables generation by 2010. We intend to play our part in that.

Iraq (Detainees)

9. **Adam Price** (East Carmarthen and Dinefwr) (PC): For what reason no reference was made to the prohibition of hooding of detainees in Iraq in guidance issued to service personnel until 30 September 2003. [184476]

The Minister of State, Ministry of Defence (Mr. Adam Ingram): Ministry of Defence training makes it clear that the use of hoods during interrogation and tactical questioning is not permitted. However, hooding as a means of blindfolding where this is militarily justified—for example to prevent prisoners from viewing sensitive areas—has been routine practice in successive conflicts and is considered to be compliant with the relevant international conventions.

Adam Price: I thank the Minister for his reply. He will know that the policy on hooding was changed in September as a result of the death of Baha Mousa, in which that practice was deemed to be a contributory factor. Will the right hon. Gentleman confirm that the International Committee of the Red Cross had previously expressed concerns on the practice of hooding to the British Army? Having failed to act on that advice until it was too late, must not the Government accept their share of responsibility for Mr. Mousa's death?

Mr. Ingram: I am conscious that, every time I answer a question from the hon. Gentleman on this matter, a misinterpretation of what I have said appears in either *The Independent* or *The Independent on Sunday*. Either he does not understand my answers or there is a deliberate practice of trying to read too much into them. I do not accept the premise in the opening part of his question, and I must point out that these matters are under investigation, although I understand that he might want to judge people guilty before due process has taken place. He also asked me to confirm that discussions had taken place with the ICRC. Again, I do not think that he has been listening to the answers that have been given in the House. The International Committee of the Red Cross makes it very clear that its dealings with and reports to Governments are confidential, so we cannot discuss the matter and I cannot comment on the latter part of the hon. Gentleman's question. If he has been told something different by the ICRC, I hope that he will write to me and we can take the matter up with that body.

Harry Cohen (Leyton and Wanstead) (Lab): Was hooding used following the operation by British troops in Majar al-Kabir in May? Have any complaints been received about that operation and, if so, what has been their nature? Will the Minister say what the proper procedure is following such military action? Is it to remove bodies? Is it to take prisoners if at all possible, and to keep them alive? How are the relatives of the deceased notified—

Mr. Speaker: Order. One supplementary question will suffice.

Mr. Ingram: One of the issues that we have been dealing with is a report from another body, Amnesty International. I replied in detail on 1 July to submissions made by Amnesty across a range of issues, and all that material has been placed in the Library of the House of Commons. I suggest that the hon. Gentleman refers to those detailed responses, and if he wants to write to me further on the back of the detailed examination that is taking place in respect of each of the known complaints and the way in which they are being conducted, perhaps we can get to an established answer that will satisfy him.

Rosyth Dockyard

10. **Rachel Squire** (Dunfermline, West) (Lab): If he will make a statement on the future of Rosyth dockyard. [184477]

The Minister of State, Ministry of Defence (Mr. Adam Ingram): Rosyth royal dockyard has always carried out a significant element of Royal Navy surface ship refit work, and will continue to do so. I am pleased to announce the decision to award the upkeep contracts for HMS Edinburgh and HMS Walney to BSSL—Babcock Support Services Ltd.—at Rosyth. I pay tribute to the work force and management at Rosyth dockyard for their success in being awarded these contracts.

Rachel Squire: I sincerely thank my right hon. Friend for giving such excellent news to Rosyth and to Scotland, and for praising the Rosyth work force, who stand out for delivering ships at or below cost, on or before time and to the highest standards. Does he agree that the UK's defence industrial base will benefit from maintaining Rosyth's naval and maritime skills in the lead-up to its playing a major part in the construction of the future aircraft carrier?

Mr. Ingram: Let me pay tribute to my hon. Friend, who has been assiduous in supporting the case for Rosyth and has been in almost daily contact with me, my right hon. Friend the Secretary of State for Defence or the Minister of State for Defence Procurement, the noble Lord Bach. Her hard work has paid off, and she is also right to pay tribute to the work force and management at Rosyth dockyard. As for Rosyth's future shipbuilding capabilities, it is one of the four yards named last year with the potential to be involved in the construction and assembly of the new future aircraft carriers. While I cannot confirm Rosyth's future involvement in the carrier programme at this stage, this is none the less promising for the future.

Dr. Julian Lewis (New Forest, East) (Con): Does the Minister accept that the future of both Rosyth and Faslane is bound up with that of the strategic nuclear deterrent? While appreciating that specific systems will be decided on in the next Parliament rather than in this one, can he send a signal of encouragement to the communities in Rosyth and Faslane that the Government still accept in principle that Britain should continue to possess a strategic nuclear deterrent as long as other countries have nuclear weapons?

Mr. Ingram: I suggest that the hon. Gentleman reads the White Paper to get the answer to the latter part of his question. I am sure that he will understand that the life cycles of the nuclear deterrent and the boats that carry it last for long years, so the future for many years ahead is assured for those who carry out the support work. I reflect that not so many months ago, I announced the retention of about 1,000 jobs—I think that that is the correct figure—at Faslane for 25 years. We hardly got any recognition in the Scottish press for that statement. I just hope that they report the good news for Rosyth.

Mr. Ian Davidson (Glasgow, Pollok) (Lab/Co-op): Although the Minister's recent announcement about orders being placed is welcome, may I ask him what steps he is taking to investigate claims made by the work force in Rosyth that the playing field is biased against them by unfair subsidies given by the MOD to their competitors? What steps is he taking to end the hunger-and-burst system of orders with the introduction of a best-value system that smoothes out procurement work?

Mr. Ingram: I am not sure whether my hon. Friend heard my original answer, but this is good news for Rosyth. It has won the contract, not lost it, and I am sure that all the other yards may ask whether there is a level playing field in such circumstances. Obviously, if any dockyard or shipbuilder offers substantive evidence to prove bias, we must investigate it. The way in which my hon. Friend poses the question, however, is not based on fact.

Front-line Personnel

11. **Dr. Vincent Cable** (Twickenham) (LD): If he will make a statement on the implications of the comprehensive spending review for the number of front-line service personnel. [184478]

The Secretary of State for Defence (Mr. Geoffrey Hoon): The spending review settlement will provide an additional £3.7 billion for our armed forces in 2007–08 compared with 2004–05, with average annual real growth of 1.4 per cent. It will allow us to take forward our modernisation plans, so that our forces are ready for the challenges of the 21st century. I expect to announce the detail of our plans to the House on Wednesday.

Dr. Cable: The spending review suggests that additional funding for front-line staff will come by cutting 15,000 support staff. Is the Secretary of State in a position to say where those redundancies will occur and whether the staff concerned have yet been told?

Mr. Hoon: Obviously, the precise details will be announced on Wednesday. The usual process of consultation will take place: indeed, I attended a meeting this morning with some of the trade unions to discuss with them the ways in which programmes will be taken forward. By and large, given the time scale of the proposals, we hope that it will be possible to ensure that those redundancies occur without involving significant harm to the work force—generally through natural wastage.

Mr. Gordon Prentice (Pendle) (Lab): But why are we so dependent on Commonwealth recruits, and particularly on recruits from Fiji? I have the figures in front of me, and it appears that the British Army could not function without Fijians? Will the spending review allow for more UK recruits to be attracted into the British Army, and what exactly is the problem with recruitment?

Mr. Hoon: I am sorry that my hon. Friend responds in that way to the valuable contribution that citizens from Commonwealth countries are making, and have always made, to Britain's armed forces. Their contribution to our armed forces is tremendous, and long may that continue. He is also wrong to suggest that there is not an increase in the number of recruits coming from the United Kingdom—that is the fact, and it is revealed in the latest survey of where our recruits come from.

Mr. Julian Brazier (Canterbury) (Con): We must wait until Wednesday to find out how large the cuts in numbers and in the training of our armed forces will be, but may I remind the Secretary of State that the last time the Conservatives held a big defence review, just after the Berlin wall came down, there was a war going on in the Gulf? May I suggest that this is no time to be thinking about cuts? Let us see the Iraq crisis through, and think about cutting afterwards.

Mr. Hoon: The fact is that this Government are spending more on defence. We planned to spend more on defence in each of the last six years, and that will continue in the latest spending review round. The Government who directly preceded us could not make such a claim; indeed, they presided over a cut in defence spending of some 15 per cent. That was not during the period immediately after the cold war, but during a period following the Gulf war, when it was clearly necessary for us to improve our armed forces in the light of lessons learned. The hon. Gentleman's comment—which he will no doubt repeat on Wednesday—could be taken a good deal more seriously if he recognised the cuts imposed by Conservative Governments, and also recognised that this Government are significantly increasing our defence spending.

Ms Dari Taylor (Stockton, South) (Lab): Will my right hon. Friend confirm that over the past 20 years this Government's spending round has provided more money for the armed forces than that of any other Government? In fact, the two Opposition parties are set to cut spending. Would my right hon. Friend not describe that as a testament to the Labour party? Is it not the case that defence is safe in Labour's hands?

Mr. Hoon: I would have some difficulty in disagreeing with my hon. Friend, and let me say for the record that I do not intend to. As Conservative Members wind themselves up and as those in Conservative central office prepare the script for next Wednesday's announcement, they should recognise that we are seeing a sustained increase in defence spending over a longer period than was ever possible under the Conservatives in recent times. That is something of which we are proud, and on which Conservative Members should congratulate us.

Defence Storage and Distribution Agency

14. **Tony Baldry** (Banbury) (Con): When he expects to make a decision on the future structure of the Defence Storage and Distribution Agency. [184482]

The Minister of State, Ministry of Defence (Mr. Adam Ingram): In the light of recent commercial developments, a decision on the future defence supply chain can be expected early in 2005.

Tony Baldry: Does the Minister accept that a trading fund could both provide the Ministry of Defence with substantial savings in defence logistic procurement and ensure that Ministers retain the assets in their control? Does he appreciate that many people are keen for Ministers to retain those assets? If Margaret Thatcher were Prime Minister, she would not have lost control of crucial assets of this kind. I find it rather worrying when Ministers are moving further to the right than me.

Mr. Ingram: I will not refer to past Tory Administrations. We have already had a good history lesson today about the impact of some of them, under Lady Thatcher and of course John Major, on the armed forces. We need only refer to the spending profiles. The hon. Gentleman should take stock before praying Lady Thatcher in aid.

The hon. Gentleman asked whether a trading fund was recognised as a possible solution. The answer is yes: it is one of the options, although it must be set against what the private sector is offering. We must get that right, so that we can ensure that the supply chain is robust, is there when it is needed, delivers on time and provides value for money.

Defence White Paper (Procurement)

15. **Richard Ottaway** (Croydon, South) (Con): What assessment he has made of the procurement implications of the Defence White Paper. [184483]

The Secretary of State for Defence (Mr. Geoffrey Hoon): The defence White Paper made clear that our future force development process is focused on capability and the need to deliver flexible, deployable and hard-hitting forces to perform a range of military tasks. Our procurement plans are configured to provide the equipment required to achieve that goal. I will be making a more detailed statement on Wednesday following the results of the 2004 spending review.

Richard Ottaway: I am grateful to the Secretary of State. What proposals does he have to provide airborne early warning cover to the new aircraft carriers?

Mr. Hoon: The way in which modern ships are provided with defence is quite different from the way in which the previous generation of ships were protected—I believe that is what the hon. Gentleman is alluding to. A multi-layered approach will ensure the safety of ships on deployment.

John Robertson (Glasgow, Anniesland) (Lab): Will my right hon. Friend give us an update on the MARS—military afloat reach and sustainability—project and the new ships that are going to be built?

Mr. Hoon: I will send my hon. Friend a detailed account of that project and how it is proceeding.

Home Office Strategic Plan

3.30 pm

The Secretary of State for the Home Department (Mr. David Blunkett): With permission, Mr. Speaker, I wish to make a statement on the strategic plan for the Home Office, "Confident Communities in a Secure Britain", which sets out our detailed plans for the next five years. It is linked to the joint plan for the criminal justice system that I published alongside a written statement earlier today.

Fundamental to our strategy is the need to build security, order and stability. Whether in our homes or neighbourhood, a sense of security is the basis of a civilised society, and is central to our economic prosperity and the regeneration of our most deprived communities. Security builds confidence and trust, removes the fear of difference, reinforces social cohesion and enables people to cope with rapid change. In the strategy, we set out plans for both preventive and tough enforcement action. Crucially, these measures are linked to strengthening the assets of the family and the wider community.

For decades, rising crime and insecurity seemed inevitable. By the mid-1990s crime had risen to the highest levels in the developed world, and fear of crime and antisocial behaviour rose as police numbers fell. Since 1997, we have demonstrated that a very different future is possible. Crime has fallen by well over a quarter, and the chance of being a victim is at its lowest for over 20 years. Since the late 1990s, asylum claims have, as we know, increased substantially—a trend seen across the developed world. In 1997, it took an average of 22 months to reach an initial decision, and only 9,000 failed asylum seekers were removed. Today, with security and immigration controls moved to the French coast, the use of new technology at borders, and the closure of the Sangatte camp, applications have fallen by 60 per cent. in 18 months.

By investing in communities we are encouraging a new spirit of civic engagement, as evidenced by the additional 1 million men and women who are involved in volunteering, compared with the number involved three years ago. We have put the sense back into sentencing. We have introduced tough minimum terms for murder and longer jail sentences for dangerous offenders. Tough and effective community sentences will replace ineffective short-term custody. Drug abusers are now offered a way out through arrest referral and treatment programmes. All of that is the result of sustained investment and reform, and I thank everyone whose dedication has brought about the transformation.

Yet challenges remain. International terrorists aim to undermine our freedom and security. Organised criminals build ever more sophisticated international networks. Antisocial behaviour, binge drinking and lower-level thuggery continue to blight the lives of too many people. Gun crime and domestic violence too often lead to serious injury and fear. Our solutions must be rooted in the community. We must change the culture of violence. Respect needs to be restored; responsibility and duty accepted; and parenting seen as an essential contributor to change.

Our task is to renew the relationship between the citizen and government by putting the interests of law-abiding citizens first, focusing support on individuals and families, and developing stronger partnerships between communities and public service. As part of this, we will re-examine the resources currently directed into local communities, whether in public services or in sustaining families. We will audit how this investment could be used more effectively to prevent, and not simply to ameliorate, poverty.

We will reinforce, and further invest in, the development of neighbourhood policing teams, complementing and not replacing the intelligence model. These teams will work alongside the communities that they serve, addressing the causes, as well as the manifestations of, criminality. That will contribute to a further 15 per cent. reduction in crime over the next three years. The teams will provide a visible and responsive presence in our communities. Our sustaining of record police numbers—they are up by 12,500 since 1997—will make this possible. We will supplement that by providing the equivalent of 12,000 extra officers on front-line duty and by a sustained reduction in bureaucracy, and as in the NHS and in schools, we are complementing the skills of existing professionals with new support staff. Since 2002, nearly 4,000 community support officers have taken up post.

I can announce today that, with the agreement of my right hon. Friend the Chancellor of the Exchequer, we are launching a new neighbourhood policing fund, which will be kick-started by £50 million of new money in this financial year—money over and above the spending announced by the Chancellor last Monday. As a result, we will be able to recruit the first tranche of an additional 20,000 community support officers from this autumn. Next year, we will add to this fund and combine it with the current crime fighting fund. That underlines our commitment to fully accredited police officers.

No Government have done more to increase police numbers, and we will seek to enhance the role of the constable by focusing effort back on to the front line. The development of the national intelligence model will provide the link between neighbourhood policing and the measures needed to tackle high-volume, serious and organised crime. The exchange of necessary information will be enhanced through the development of a new national information technology system for police intelligence. In addition, we will establish a policing improvement agency and thereby rationalise the relevant bodies. We will consult further on this over the summer.

Neighbourhood policing will go hand in hand with new approaches to targeting offenders. Some 5,000 repeat offenders are responsible for almost one in 10 crimes. That is why we are investing in a new prolific offender programme, which will use tagging and satellite tracking to enhance existing measures. In addition, for lower level offenders we can provide prison without bars, which, combined with mentoring, support, drug treatment and restorative justice, will contribute to reducing re-offending. We will also develop improved and intensified supervision and surveillance programmes.

In tackling antisocial behaviour, we will extend the current focus, in 12 areas of England and Wales, to a total of 50. That will be matched by the development of our new community justice centres, the first of which

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will open in Liverpool next year. Additional investment in prison and probation services and in counter-terrorism will supplement the existing plans for next year.

To build confidence, we must also transform public access to the police. We will set out new consistent standards of customer service. By 2008, we will have a new nationwide non-emergency call number. We will give local communities new powers to require information and to trigger action when problems remain. I will publish our full proposals in a consultative paper later this year.

Victims and witnesses are at the heart of our policy. The no witness, no justice programme is already making a difference and it will be expanded across the whole of England and Wales. The victims commissioner will hold to account the agencies responsible and a new dedicated victims fund will add to the support available.

Immigration must not be a political football. Securing legal routes for migration and offering legitimate ways of employment is common sense. We need the skills and enterprise of those prepared to come here to work. To achieve that, we will reinforce existing rigorous controls at our ports and airports to prevent abuse of our immigration system. We will develop new electronic border controls, known as e-borders. That system of automatic tracking of travellers entering and exiting our country will provide monitoring and usable data. That innovative technology will clearly help us with counter-terrorism. Taken together with the introduction of biometric identity cards, these measures will help to ensure that only those legally entitled to be in our country will be able to work, to draw down on services and to have permanent residence here.

Global terrorism and organised crime require a new level of responsiveness. The creation of the serious and organised crime agency and additional resources for the Security Service and counter-terrorism police will help us tackle those who would destroy our democracy and undermine our well-being. Using the recovered assets agency, we will target those living on the proceeds of crime. Through a new incentivisation programme, we will return those resources to the communities from which they were stolen. From fixed penalty notices to severer penalties, it will be the criminal, not the law-abiding citizen, who pays. We are today laying orders to extend the offences for which a fixed penalty notice is available, targeting under-age drinking, lower-level damage and theft, and the misuse of fireworks.

The correlation between enforcement and prevention is crucial. We must invest in young people. In addition to the existing resources across government, I can announce today an expansion of the youth inclusion and early intervention programmes. Those will be doubled across England and Wales. From Sure Start to enhanced children's centres, from learning mentors to parenting orders, we will provide a route out of inter-generational disadvantage.

It is within the communities themselves that we face the biggest challenge. Nowhere is that more important than in race relations and equality. Community cohesion can be achieved only by an awareness of the need for comprehensive and active engagement with faith communities and a coherent drive against racism. I will shortly publish an updated strategy on the way forward. Where those measures will help the most is in reinforcing confidence and belief in our own identity and citizenship. For those seeking naturalisation, the learning of English and citizenship and the ceremonies of celebration are reinforcing a sense of belonging.

We have a choice: to work together to overcome insecurity, instability and fear, or to deny the role of government; to match tough enforcement, with investment, support and powers for local communities or to do nothing to build respect and overcome alienation.

We on the Government Benches are clear. We will put the law-abiding citizen first. We will invest in the modernisation of policing and we will develop new forms of community engagement appropriate for the 21st century. We seek a partnership with all those willing to join in this critical task. That is why I commend this statement to the House.

Mr. James Paice (South-East Cambridgeshire) (Con): I apologise on behalf of my right hon. Friend the Member for Haltemprice and Howden (David Davis), who could not be in the House today. I also thank the Home Secretary for an early copy of the statement.

From this morning's headlines and programmes, we could have been forgiven for thinking that the Home Secretary's statement would be entirely dedicated to dealing with antisocial behaviour. This morning the Prime Minister rejected the Labour Government of the 1960s and the actions of his mentor, Lord Jenkins. But for the ordinary people of Britain, there was no liberal consensus, as the Prime Minister suggests. They did not want political correctness stuffed down their throats. They did not want to be intimidated by young hooligans or to have to step over vomit in the streets. In the light of the Prime Minister's statement this morning, will the Labour party—and for that matter, the Liberal Democrats—apologise for all their bedfellows of the past 30 years, who told us that the criminal was the real victim? Or is it just another example of the Prime Minister and the Home Secretary grabbing headlines without substance? Why should we believe this lot of initiatives? Why should we believe that they are any better than the 155 others that we have had since the last election?

We welcome the extra resources for our security services and for anti-terrorism measures. In principle, we welcome the resources for crime reduction, although they fall significantly short of our commitment to fund the extra 40,000 police officers necessary to achieve the quantum leap we need if we are to get real neighbourhood policing to work.

A year ago, the Home Secretary published his last strategic review. He was going to reduce crime, the fear of crime and antisocial behaviour. Today, he claims a reduction in crime that no one believes. That is not surprising because he is counting only part of the figures. His figures exclude illegal drug use, which is up 16 per cent.; retail crime, which has doubled; sexual offences, which are up 42 per cent.; and, most importantly, crime against young people, which is also up. The truth is that after falling for five years under the Conservatives, recorded crime is up by 800,000 a year under Labour.

Violent crime is at an all-time high and there was a gun crime every hour of every day last year. With the latest crime figures due out this week, is it not the case that violent crime will be up again?

Last year, the Home Secretary also set a target to ensure effective delivery of justice. That was a laudable aim, but the good intention has failed. The proportion of convictions and cautions compared with recorded crime fell to its lowest level for well over a decade. It peaked in 1997, and has fallen, year in year out, under Labour. Why?

Now the comprehensive spending review sets new targets, including to reduce crime by 15 per cent. in high-crime areas. Will the Home Secretary tell us specifically which the high-crime areas are? What are the baseline figures, so that we can judge whether he achieves his target? He pledges to improve the delivery of justice by increasing the number of crimes for which an offender is brought to justice to 1.25 million. That is another laudable aim, but the figure has not reached 1.1 million under Labour and is falling, so how does he expect to achieve it?

The Home Secretary pledges to reduce unfounded asylum claims—

The Minister for Crime Reduction, Policing and Community Safety (Ms Hazel Blears): He has done it.

Mr. Paice: Well, the Home Secretary pledges to do it in the future. The Minister should read the review that was published last week. What is the baseline against which he can be judged in a year's time? What is also obvious is the long list of targets that have disappeared. Can the Home Secretary tell us whether that is because he accepts our position that there are too many targets, or because virtually none have been met or have any chance of being met?

The Home Secretary refers to 12,000 extra police officers and says that the police can make 3 per cent. annual efficiency gains. They probably can, but not unless he lifts the yoke of central bureaucracy from their shoulders. So when he gets rid of 2,700 civil servants, how many forms, how many targets, how many ring-fenced funds and how many Home Office units will go with them?

The Home Secretary refers to tagging. Will he clarify whether he considers the tagging of prolific criminals as part of their sentences? Is that an expansion of the early release scheme, which we were told last week would not be expanded, or is it a long-term protection for the public, especially from paedophiles? Is tagging really a sufficient punishment, or is it driven by prison overcrowding?

The Home Secretary pledges in his statement to develop new electronic border controls. He says that a system of automatic tracking of travellers entering and exiting our country will provide monitoring and data. Will he explain what he is saying? Is he today announcing the re-introduction of embarkation controls? If so, of course, we welcome that adoption of Conservative policy as an effective measure to control immigration.

The Home Secretary also says that he will give local people power to ensure that laws are implemented. What does that mean? I agree with him, of course, that antisocial behaviour has many causes and that the community needs to be involved, but who is he blaming for not using the law—the police, the Crown Prosecution Service or the courts system?

The Home Secretary has announced the extension of fixed penalties. Will they work? Does he really think that they are what people want? I suggest to him that people want a penalty that is both a deterrent and that provides a chance of rehabilitation. They do not want a minor penalty that becomes a badge of honour for some young oik.

The Home Secretary also refers to the increase in community support officers. Let me repeat our support for the role of civilians in helping the police. Our concern has always been about giving them police powers, especially the power of detention. So what has happened to the review of those powers, which we were promised at the time of the legislation, or the national evaluation that the Under-Secretary of State for the Home Department, the hon. Member for Slough (Fiona Mactaggart), promised only last week, an hour before the Chancellor announced 20,000 more CSOs?

Will the Home Secretary tell us what discretion chief constables will have over the use of the money? Will they be able to spend it instead on full police officers? If not, what has happened to his drive for local accountability? What happened to his statement in last year's White Paper that

"Home Office research has found that delegation of resources and responsibilities can . . . increase responsiveness"?

The people of this country are fed up with units, targets and initiatives. They want a Government who do not confuse good intent with achievement. When a crime is committed, they want a police officer, not an incident number. What they have got is centralised control, 10,000 more bureaucrats, 40-plus units, overcrowded prisons, record crime levels and a Home Secretary who says that he has not got a clue how many illegal immigrants are in the country. What they are offered is a new public service target of reassurance—a new word for spin, a patronising word from a Government who know best. Does the Home Secretary realise that reassurance will come not from words or money alone, but from results: fewer crimes, quicker justice, secure borders and a Government on the side of the law-abiding? He cannot buy reassurance; it will come by itself when he delivers the rest.

Mr. Blunkett: I congratulate the hon. Gentleman on his second appearance in two Mondays. The Opposition Front Bench is characterised this afternoon by no money, no policy and no shadow Home Secretary. I am almost beginning to forget what he looks like—he has been missing two Mondays running.

Let me take the questions that have been raised head on. Yes, when we have got in place the electronic border surveillance, we intend to reintroduce embarkation controls, which were abandoned 10 years ago, as hon. Members know, under the former Conservative Government. However, that was understandable because, without the new electronic surveillance and computer system, such controls were a complete waste of time. If we do not know who has come in, there is no point in trying to track who goes out. If we do not have identity cards, we do not know who is here anyway, so

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we cannot know whether they are legitimate or not in terms of drawing down on services. I am glad that we are agreed on that.

We appear to be agreed that we should all be tackling antisocial behaviour. The hon. Gentleman asked me about fixed-penalty notices. Some 20,000 fixed-penalty notices have been issued, and they are effective and speedy. They contribute to the reduction in bureaucracy that the police service has been seeking. They ensure that, instead of four to five hours for arrest, a fixed-penalty notice can be issued within 30 minutes. That means that the police can go about their business rather than returning to the station. It means therefore that we can release people for front-line services and we can bring in civilian staff to undertake the backroom work. That, again, frees police officers to do their job. The 20,000 additional community support officers are available on the streets on a permanent basis. That frees the rest of the community beat team and their colleagues to target particular offenders, including prolific offenders, who cause so much havoc in the community.

Yes, the prolific offenders programme will involve electronic tagging and satellite tracking. The hon. Gentleman asked me whether that would be instead of prison sentences. No, it will be part of the new supervision programme that was passed in the Criminal Justice Act 2003, and it can really be effective as part of that programme only if we know exactly where people are and can track their movements down to the last few metres. This will be a major drive to prevent the scourge of prolific offenders, and often prolific victims. That is why our victims programme is so crucial.

On immigration, we have a record to be proud of. We have turned round a major problem in world movements and, from 18 months ago, we have reduced unwarranted asylum claims by 60 per cent. The baseline level is 2002, but we are actually saying that we will reduce unwarranted asylum claims year on year, so we will be reinforcing that message.

The hon. Gentleman asked me what baseline we would use and how we made a judgment on the areas with the greatest density of crime. For the first time ever, a baseline assessment is published on the website that shows a comparator force by force and command unit by command unit in terms of the crimes committed and therefore the density and proliferation of crime. We and the force at local level can target resources to make that happen.

The hon. Gentleman asked whether we would give freedom to chief constables. They already have it. We will, of course, provide the funding for the additional community support officers and, through the police grant and the amalgamation of the crime fighting fund, the retention of the record police numbers that we have put in place. They will have the freedom to use those resources sensibly. *[Interruption.]* The hon. Gentleman is heckling from a sedentary position, as his colleagues did throughout my statement; they were not really interested.

Police chiefs will obviously be able to make decisions about deployment and they will not be rigidly told that they can employ only community support officers. When we passed the legislation to bring these in, both Opposition parties said that police forces would not use them and that the police service would not welcome them. Well, every police force in the land is clamouring for them; neighbourhoods are clamouring for them. What people want is not more of one thing and less of another; they want more of both. They want uniformed constables and an intelligence model; they want community support officers; they want us to clamp down on organised crime; they want to treat drug users sensibly; and they want to reinvest in youth inclusion and overcoming criminality by young people.

In short, people want us to have the comprehensive overview, the coherent policy and the balance of prevention and enforcement that I have laid out this afternoon. No other political party, now or in the past, has laid out such a comprehensive and, in my view, balanced programme. In doing so, I am proud to be Home Secretary.

Mr. Mark Oaten (Winchester) (LD): I thank the Home Secretary for advance notice of his statement. We agree with much of it. There is certainly a need to tackle the increase in unacceptable behaviour, although I am at a loss to understand why the Prime Minister is blaming the liberal culture of the 1960s for that because I would have thought that the culture of the 1980s might have more to do with it.

The Home Secretary's measures to increase numbers of community support officers are welcome, but does he agree that many of our police still spend far too much time stuck in stations filling in forms? Will he today commit to increasing the amount of technology, such as palm tops and mobile fingerprinting, that police have so that they can be seen much more out in the streets, where the public want them? He made no mention of his plans to have directly elected police authorities, so have they now been abandoned?

This morning, the Prime Minister raised the issue of holding some trials without juries. Liberal Democrats will oppose that. The Home Secretary will remember that, at the time of his heavy defeat on the matter in Parliament last year, he gave a commitment that no new measure would be introduced without cross-party talks. Does he stick by that commitment?

The Government said that they would be tough on crime and tough on the causes of crime. We have had much focus on tough-sounding measures, but little on causes. With that in mind, does the Home Secretary recognise the urgent need to do much more to tackle the terrible rates of reoffending, with up to 70 per cent. of 20-year-olds who leave prison reoffending? Is it not time for a greater focus on education and training, with a tough prison regime, to target those issues?

The Home Secretary again raises ID cards in his main document. Does he not agree that the £3 billion cost of introducing them would make our country safer much more effectively if it were spent on more police and more technology for them?

Mr. Blunkett: I thank the hon. Gentleman for that vote of confidence. I think that we all agree that we need to get police out of the station. We are spending £800 million on information technology in the criminal justice system and £500 million on the Airwave system. It is crucial that we develop the most extensive system

for using DNA in the world and ensure that people are trained to use such technology. The enhanced police national computer and the information intelligence model that I outlined in my statement are vital parts of achieving that.

We need to invest in avoiding repeated and prolific offending and in introducing restorative justice, so I was pleased that the Conservative shadow Minister agreed with that on the radio this morning. We are starting to get somewhere and agreeing what we need to do, although we are not all in agreement on whether we are prepared to raise the money for that. Labour Members are.

It is absolutely true that we will ask people to make a contribution towards biometric ID cards, but as I explained to the House at considerable length earlier in the year, the system will be associated with updating the security on passports, which we have to do. We will thus introduce biometrics on passports at the same time as ID cards, so it will cost an additional £4 per person, over a 10-year period, to issue the card rather than simply having a biometric passport. We do not have to spend £3 billion because, as people renew their passports, they will pay as they get the biometric cards. I thought that I should explain that at length so that people understand the system and realise that we are not diverting money from what we are doing elsewhere.

Let me be clear that we agree with the Liberal Democrats on many issues, such as training programmes in prisons. Some 50,000 prisoners are now getting basic education, but no systematic education programmes existed in 1997. We also agree that we should introduce work programmes, but we cannot spend the same money twice. We must all agree what resources are available and what they should be spent on. Last week, the Chancellor allocated to the Home Office for next year—not just for 2006–07—an additional £140 million for correctional services, and I want to spend that not only on expanding the prison estate, but on providing alternatives. If we can do that, we will turn round the dangers that exist in our communities.

The hon. Gentleman cannot tell people that the Liberal Democrats are in favour of clamping down on antisocial behaviour and crime, yet vote against such measures in the House. The Liberal Democrats cannot vote against closing crack houses, dispersal and curfew powers, expansion of antisocial behaviour orders, fast-track evictions—

Mr. Oaten: We did not.

Mr. Blunkett: When the Liberal Democrats vote against the Second and Third Readings of a Bill, they are voting against it. Week after week we will expose the duplicity in every way we can, so that at the general election those who mistakenly voted Liberal Democrat in Leicester, South and earlier in Brent, East will understand precisely what they voted for: open borders, open crack houses, open to exploitation.

Alan Simpson (Nottingham, South) (Lab): Will my right hon. Friend look carefully at two aspects of antisocial behaviour that we need to tackle? One is to build on the record of intervention schemes that work. We have a fantastic scheme in my constituency called Wheelbase. It has a remarkable record of intervening with youngsters involved in multiple car thefts, but exists on hand-to-mouth funding year in, year out. We have to try and break the cycle of game-show funding for the schemes that work. If he is looking for a source of revenue to pay for that, let us consider the commercial interests who fund the licensing problems of binge drinking that plague our inner cities and pour drink into young people before they are poured out on to the streets, leaving the local authorities and the police with the problems of clearing up?

Mr. Blunkett: I agree entirely with my hon. Friend. We need not only investment, but consistent investment in programmes that are working. In addition to resources from the Home Office through the Youth Justice Board, we have the potential to put together the Connexions programme, the new community safety fund on which we will work jointly with the Office of the Deputy Prime Minister and the expanded neighbourhood renewal fund. It is crucial that we do so. There is a major role for those who make a profit out of the industries concerned to contribute in return. That is why an expanded business improvement district programme should be the opportunity to get agreement on putting something back in for those who get something out.

Sir Patrick Cormack (South Staffordshire) (Con): Will the Home Secretary explain to the House in simple Queen's English three or four things that my constituents and those of other hon. Members can expect to see during the next 12 months as a result of his statement today?

Mr. Blunkett: More police, more community support officers, more fixed-penalty notices, the expansion of the curfew and dispersal powers, the universal expansion of the justice care scheme for witnesses that I have just announced, and the youth intervention programme, which will be doubled. I announced all those things in my statement. I think that that is four.

Tony Lloyd (Manchester, Central) (Lab): In hard-pressed inner-city areas such as mine, people will be grateful for the comprehensiveness of my right hon. Friend's statement, covering everything from the most serious crime through to vandalism. May I draw his attention to the question of how we assess the performance of the police? For example, my police force—Greater Manchester police—is often near the bottom of most measures of police performance. The public in a city such as mine are entitled to know whether that is because we need better policing or whether, as Greater Manchester police claim, they are underfunded. It is important for the public to know that they are getting value for money from the police in Manchester and throughout the country.

Mr. Blunkett: I agree entirely with my right hon. Friend. The increase in resources is important for the expansion of programmes and numbers, but the quality of policing, which has improved under the leadership of Mike Todd in Greater Manchester, is crucial as well. The assessment process now allows us to examine the

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family of forces so that we can compare like with like, which seems perfectly fair. It is important to reinforce the improvement that is taking place in one area by spreading it to others, which is why the police standards unit, working with the inspectorate, is doing just that. Greater Manchester police, with considerable encouragement from my hon. Friend the Minister for Crime Reduction, Policing and Community Safety in relation to organised gang and gun crime, has shown substantial improvements. There is still a long way to go, and the process of accountability at local level, not necessarily with fully directly elected police authorities, but with revised democratically accountable functions at both command unit and force level, will drive that from the bottom up, as well as from the top down.

Sir Teddy Taylor (Rochford and Southend, East) (Con): Does the Home Secretary agree that excessive alcohol consumption is responsible for a huge percentage of violent crimes and antisocial behaviour? Is he willing to discuss with the Secretary of State for Education and Skills tuition in secondary schools on the nightmares that excessive alcohol consumption can cause? Is he also willing to look again at the consequences of 24-hour pubs?

Mr. Blunkett: Forty-four per cent. of all violent crime is alcohol-driven. It is necessary to provide education and I agree with the hon. Gentleman that we should undertake to do so. Of course, it is right that we should keep under review the changes—although people keep grumbling that they have made a tremendous difference, they have not yet been implemented—to the licensing laws. We have already made it clear that we would need to take action if we found that greater deregulation and flexibility were damaging.

Siobhain McDonagh (Mitcham and Morden) (Lab): I thank my right hon. Friend for his statement, particularly with regard to the new neighbourhood policing fund, which will have £50 million. My constituency has four police reassurance wards, and I am willing to offer my constituency if any hon. Member does not want police community support officers or police reassurance teams. Will he look at the hours of operation of police reassurance schemes, because they currently end at 10 pm and we need to consider how to extend them?

Mr. Blunkett: I thank my hon. Friend, who has done a sterling job in her constituency in mobilising the community and working with the police. We need to look at the working hours and we could open up that matter and discuss it with appropriate representatives.

Mr. James Clappison (Hertsmere) (Con): May I gently remind the Home Secretary that all the issues that he has raised today in respect of antisocial behaviour were raised by his predecessor when this Government came to power in 1997? The fact that he is still talking about them today and that the Prime Minister is still sexing them up is the clearest possible proof that the answers that the Government claimed to have in 1997 have not been the overwhelming success that the Government claimed that they would be. May I invite the Home Secretary to look instead at much tougher and more obvious and readily useable powers to deal with antisocial behaviour in the community, such as taking away tenancies from antisocial tenants, even though that may cost him the vote of confidence that he received from the hon. Member for Winchester (Mr. Oaten), since the Liberal Democrats opposed it tooth and nail and kept antisocial tenants in place?

Mr. Blunkett: Of course we are building on measures that we put in place in our first Parliament. This is the same Government, and we are building on, reinforcing and learning from those measures. That is why we have introduced fast-track and interim antisocial behaviour orders and why we have learned from the problems in implementing curfews. I have revised the arrangements so that we have had dozens of curfew and dispersal orders since 1 April, when the measures came into force. It is also why we learned about what needed to be done with regard to crack houses and antisocial tenants, and why, both in housing and antisocial behaviour legislation, we introduced new forms of tenancy ensuring that permanent, secure tenancies can be reversed. Where people continue to behave in an antisocial fashion, they can be fast-track evicted. All those things build on what was there, expand it, learn from it and put in place measures to allow the community to drive the change. I would have thought that that was very welcome.

Liz Blackman (Erewash) (Lab): What further steps can my right hon. Friend take to persuade the very few chief constables left who have not done so, including the chief constable of Derbyshire, to take up community support officers? Does my right hon. Friend agree that they make a huge difference? The constituents of Erewash look across the border into Nottinghamshire and want a slice of the action. At the moment, we are experiencing some resistance. Can he help?

Mr. Blunkett: I suggest that my hon. Friend recommend that her constituents and those across Derbyshire write to the chairman of the police authority in Derbyshire demanding that the Derbyshire force take up the money that is available so that constituents, including me and the hon. Member for Chesham and Amersham (Mrs. Gillan), can enjoy wonderful, peaceful weekends in the Peak district, including in Baslow, where my car was scratched on Sunday afternoon.

Annabelle Ewing (Perth) (SNP): Asylum and immigration policy is one of the powers that the Home Secretary still has over Scotland. In the context of the five-year strategic statement, will he tell us his plans to expand Dungavel removal centre?

Mr. Blunkett: We have already announced the expansion at Dungavel, which is not for families and children, but for single men and women. The hon. Lady will recall her intervention one week ago and that she must tread carefully when she raises Dungavel with me.

Mr. Adrian Bailey (West Bromwich, West) (Lab/Co-op): I welcome the Home Secretary's statement and in particular his comments about the introduction of a non-emergency telephone number. In my experience, nothing undermines confidence in the police more than communication problems with the local police station. We should have not only a non-emergency telephone number, but adequate back-up staff and a procedure to ensure that such problems are gone for ever.

Mr. Blunkett: The best thing that I can say is, "Spot on." All hon. Members know that that is one of our constituents' biggest gripes, and we must get the issue right. The point is not only whether the phone is picked up, but whether the system can properly judge the weight and repetition of a problem. The new computerised system tracks such calls and makes sure that the police and community support officers get to the area as fast as possible. The system is about not only reassurance, but decent customer service, so my hon. Friend is entirely right.

Mr. Andrew Mackay (Bracknell) (Con): Does the Home Secretary accept that my constituents will not be impressed by his statement, because the police are hopelessly overstretched in our part of the Thames valley? My constituents rarely see a police officer, and one reason why so many of them have stopped reporting crime is because there is no point in doing so.

Mr. Blunkett: We have 10 per cent. more police and 4,000 extra CSOs compared with 1997. Using the same methodology, criteria and year-on-year comparators, crime has decreased by more than one quarter since 1997—sex offences are now counted, which is one of the few points raised by the right hon. Member for Haltemprice and Howden (David Davis) that I did not answer. Given all that, why is policing so bad in the constituency of the right hon. Member for Bracknell (Mr. Mackay)? We must ask both the police and ourselves that question. That is why Peter Neyroud is so important in driving change in the Thames valley.

Clive Efford (Eltham) (Lab): I welcome my right hon. Friend's emphasis on community policing. At the last Greater London authority election, both the Liberals and the Conservatives pledged to cut the money that the Mayor is using to roll out community safety teams across London, so we will take no lectures from them. If the programme is to succeed, we must expand work with young people to divert them from crime in the first place, which is why I welcome the roll-out of the youth inclusion programme. Many initiatives in the local community are led by people from the community, including young people's parents, who want facilities for young people to be expanded to stop young people getting involved in crime in the first place. Will my right hon. Friend undertake to ensure that when the YIP money becomes available, local communities are engaged in finding solutions at the grassroots level?

Mr. Blunkett: I entirely agree with that point. Last Friday, I saw a YIP working extremely well. It was turning around the lives and the hope of young people who had been involved in substantial criminality or who were in real danger of becoming involved in substantial criminality—the issue is about the hope of a better tomorrow. We must ensure that YIPs are joined up with the extended school programme, weekend and after-school activities and the Connexions service, in which we are investing large sums of money. Getting the matter right is a matter of common sense, but it is also prudent, as my right hon. Friend the Chancellor of the Exchequer would say, because in the long run it will save us a great deal of money as well as heartache.

Mr. Edward Garnier (Harborough) (Con): In May 2001, no doubt following extensive Cabinet discussion and in order to speed up the criminal justice system, the Prime Minister announced the establishment of night courts. Can the Home Secretary tell me where I can go to watch one of those courts at work? In which cities are they, and what hours do they sit?

Mr. Blunkett: As the hon. and learned Gentleman knows, we introduced three pilot night courts, they were not successful and we did not pursue them. I have no problem at all in experimenting and innovating, and then being big enough to say, with my right hon. Friend the Secretary of State for Constitutional Affairs, "This isn't working, so let's not waste any more time doing it."

Kate Hoey (Vauxhall) (Lab): I warmly welcome, as will my constituents, the extra resources that are going into policing and community support officers. However, will the Home Secretary bear in mind the special nature of inner-London constituencies such as Vauxhall, which contains high-profile security targets? That means that many of our extra resources are directed there, leaving community estates in the more deprived areas without the benefits of the extra policing. Will my right hon. Friend, in conjunction with the Metropolitan Police Authority, consider a different way of policing the areas on the south bank just opposite the Houses of Parliament?

Mr. Blunkett: Yes, the new chair of the Metropolitan Police Authority, Len Duval, and I will examine how best to do that. In addition to the money that I announced, next year there will be an additional £50 million for policing and counter-terrorism. It is right and proper that the particular pressures faced by the Metropolitan police are recognised and that a combination of additional community support officers and uniformed police can be deployed. Displacement is a problem not only for inner-city constituencies such as that of my hon. Friend, but for outer boroughs, whose neighbourhoods are left vulnerable when people have to be taken out of their normal duties for particular events. It is crucial to get the balance right.

Mr. John Redwood (Wokingham) (Con): What are these improvements in policing that the Home Secretary thinks he needs a quango to bring about? Does that replace the current policy of sacking top cops when he does not like what they are doing?

Mr. Blunkett: I have not sacked top cops and I never will. As I spelled out fairly clearly, we are trying to build on what is already in place. I am not entirely sure whether the right hon. Gentleman is for or against what we are doing.

Mr. Redwood: I am asking what the right hon. Gentleman is doing.

Mr. Blunkett: I have already explained that we will discuss bringing together into an improvement agency the range of bodies at national level that deal with policing excellence, training and the like. I should have thought that hon. Members would warmly welcome a rationalisation that will bring major gains in administration and coherence.

Alan Howarth (Newport, East) (Lab): Does my right hon. Friend agree that, through all the vagaries of fashion in policing over decades, our constituents have continued to say that they want regular, uniformed patrols in their neighbourhoods? Is it not the case that community support officers have already been welcomed as symbols of the authority of the local community and its insistence that law and order be maintained? Will not the additional resources and numbers that my right hon. Friend announced reinforce confidence and optimism among law-abiding citizens?

Mr. Blunkett: They certainly will. That is the experience of the neighbourhood policing teams, which comprise uniformed police and CSOs working with them. They have demonstrated admirably that that is what people want. It is time to respond to that and I commend the retiring Commissioner of Police of the Metropolis, who was big enough to say that the change in policing a decade ago had not succeeded and that it was time to return to the community.

Mr. Desmond Swayne (New Forest, West) (Con): Why did the Prime Minister announce that the Government would withhold housing benefit as a means of tackling antisocial behaviour only for them to abandon that proposal?

Mr. Blunkett: Because my right hon. Friend was trying to show that rights and responsibilities, duties and obligations go hand in hand. Any policy that reinforces that is worthy of examination. If we have ideas—not the sort of ideas that I heard on this morning's "Today" programme from someone who claimed to be the director of an organisation for ideas, but ideas that change people's lives—it is right to float them. Not only the Prime Minister, but other colleagues and I will continue to float ideas even if cynics keep knocking them down.

Mr. Martin Salter (Reading, West) (Lab): The Home Secretary knows that all agencies have been in the forefront of the fight against crime and antisocial behaviour in Reading using the welcome new powers that the Department introduced. We have street crime wardens, drug action teams and ASBOs, as well as more police officers on our streets. All those measures have proved their worth in cutting crime but does my right hon. Friend agree that, unless the Government ensure that magistrates courts have more resources and that magistrates are properly trained in, and are aware of, the powers that are available to them, one important piece of the jigsaw will be missing?

Mr. Blunkett: Yes. That is the reason for the new public prosecutors who are directly linked to antisocial behaviour—currently in 12 areas but shortly in 50—and the introduction of specialist courts where there is intensive need. When antisocial behaviour courts need to be established as part of the existing system, we must do that. However, the ultimate message must be that magistrates and district judges have to clamp down heavily on breaches of existing orders. Otherwise, those who breach the orders will get the wrong message and the community will become disillusioned.

Mr. Eric Forth (Bromley and Chislehurst) (Con): If the proposal is all that good, why has it taken seven years to get around to it? Why should anybody believe the Home Secretary when he says, "Trust me, it will all be much better next year"?

Mr. Blunkett: I could say, "Trust me" because things have got a lot better in the three years that I have been Home Secretary. Even since 1 April, when measures under the Anti-social Behaviour Act 2003—whose introduction we had to fight through Parliament—began to take effect, a discernible change has occurred in those areas that have begun to implement the provisions. Anyone who represents those areas knows that that is true. Why has it taken seven years? Because we have been busy introducing all the other measures before getting around to the one that we are discussing. The idea that there is a year zero, that one day after an election we pass everything and life is okay and that we make a further judgment five years later is nonsense. The right hon. Gentleman used to be shadow Leader of the House. It is a good job that he was a shadow and that he no longer fills that position.

David Cairns (Greenock and Inverclyde) (Lab): There is a clear link between crime and the ready availability of cheap hard drugs. It would therefore make sense to try to stop as many of those drugs as possible getting into the country. Will my right hon. Friend assure me that his strategic plan envisages closer working with his European counterparts to clamp down on trafficking hard drugs, especially the 95 per cent. of heroin on Britain's streets that starts life in Afghanistan?

Mr. Blunkett: Yes. It is a difficult issue that will form part of the forward programme for the Dutch presidency, the Luxembourg presidency and the United Kingdom presidency this time next year. It is difficult because we are dealing with sources and with tracking the organised criminals. That is why the serious organised crime agency, working not only from this country but with a revamped Europol, will be vital to achieve some real gains.

Mr. Michael Clapham (Barnsley, West and Penistone) (Lab): My right hon. Friend knows that the prolific offenders programme kicks off in South Yorkshire on 6 September. I stress that it will work. It gives the opportunity of a gateway out of crime for many young people. However, we require residential units in South Yorkshire for those young people, many of whom have spent a life on the streets. Will funding be available for residential units?

Mr. Blunkett: I commend my hon. Friend, who, as chair of his community safety partnership, has been driving change in his constituency and across the metropolitan district. Yes, we need to look at forms of residential support. We put in our document that we also need to look at intensive fostering, because if we can get those in their teens away from the dangers and the peer group pressure that they face in their home environment, we shall be doing them a big favour. I think that that is the way forward.

Mrs. Anne Campbell (Cambridge) (Lab): May I thank the Home Secretary for his recent announcement of £960,000 extra for Cambridgeshire police to deal with the policing of demonstrations against Huntingdon Life Sciences, many of which take place in my constituency? Is it part of his strategic plan to introduce further measures to protect the innocent people who work in scientific establishments and to deal with the animal rights terrorists?

Mr. Blunkett: Yes I will and we will introduce a new programme pulling together what has already taken place, which we will announce within the next three weeks. I am deeply sorry that those who have been involved with the programme in Oxford have felt, for a whole variety of reasons, that their viability was threatened. I make no bones about the fact that it is necessary to find alternatives to the use of experiments on animals where we can, so I make no apology for having supported humane research in the past. It is vital, however, that we bear down with everything that we have on those terrorists in our own community who intimidate, damage and scare away those who would invest in perfectly legal, legitimate, properly licensed and regulated research. We are all clear about that.

Mr. Kelvin Hopkins (Luton, North) (Lab): I share the serious concern of my right hon. Friend and other hon. Members about the effects of alcohol and their implications for crime and disorder. Does he accept that a major factor involved is the easy availability of oceans of cheap alcohol, that it is time seriously to consider legislation to insist on minimum prices for alcohol in retail and licensed premises and to restrict the floods of cheap alcohol coming in from the continent of Europe?

Mr. Blunkett: Two critical issues here are the need to step up our response to the smuggling of alcohol through Customs coming into the serious organised crime agency, and the price at which alcohol is sold on the street at a particular time. I and the Secretary of State for Culture, Media and Sport had a very constructive meeting with representatives of the industry three weeks ago. If their code works, the pressure that they will be bringing to bear within the industry will reduce the incidence of happy hours and other promotions that damage the chance of avoiding the misuse of alcohol. We have made it clear to them, however, that if it does not work, we would be prepared to legislate.

Mr. Stephen McCabe (Birmingham, Hall Green) (Lab): I welcome the Home Secretary's proposals to use satellite tracking technology to keep tabs on prolific offenders and early-release candidates. Given the start-up costs of the equipment involved, why do we not also use it to show the public that curfew orders and banning orders will be rigorously enforced?

Mr. Blunkett: I believe that, as we manage to get the technology in place, and if we can spread it, we shall be able to do that. At the moment, however, we are keen to use it in two ways: first, with those who would otherwise go to prison for non-violent first offences; and, secondly, with those prolific and dangerous offenders who are on supervision. If we can get that programme in place quickly, it will be worth its weight in gold, and we can then extend it to ensure that the same policing methodology is not needed to keep track of those on curfew orders.

Mr. Wayne David (Caerphilly) (Lab): I welcome the Home Secretary's statement—indeed, it will be welcomed by millions of people up and down the country—and I particularly welcome the commitment that he has made to community support officers. There is no doubt that they have been an outstanding success. Would he consider introducing a modest extension to the powers of CSOs at an opportune time?

Mr. Blunkett: As part of the evaluation, it is our intention to review the powers available to CSOs. Without in any way threatening the clear distinction between those powers and police powers, we think that that would be very helpful.

Huw Irranca-Davies (Ogmore) (Lab): May I, through my right hon. Friend, thank his Home Office ministerial colleague, the Minister for Crime Reduction, Policing and Community Safety, for her visit to my constituency a week last Friday? I could have chosen to take her to Maesteg, where a brand new police station, six community support officers funded through the communities first programme, and some of the 300-odd new police officers in south Wales would have been in evidence. What joy can he bring to the community to which I did take her, Nantymoel, where people do not see the evidence of that programme being rolled out, and the priorities of the police or local authorities are not reflected? What provision has he made to extend the power of accountability to those communities so that they can take charge of their own policing?

Mr. Blunkett: First, in terms of the police reform and accountability agenda, at panel and forum level in the neighbourhood, as well as through the division, the voice of the community will be heard. Secondly, where there are additional resources, the community will be able to decide where those can be deployed and on what priority, as I saw this morning in Camden, where that has been extremely successful with the Metropolitan police. Thirdly, where there are major problems, the local community can trigger the necessary meetings and, if necessary, the snap inspection that I talked about in my statement. All those matters need to be handled with sensitivity for the reasons that I gave: we do not want vexatious activity; we want people collaborating in partnership.

Kevin Brennan (Cardiff, West) (Lab): Will my right hon. Friend acknowledge that it is not so much the legacy of the 1960s as the legacy of the 1980s that was damaging to communities such as the one that I represent, which were decimated by policies introduced by a Government who said that there was no such thing as society, and that mass unemployment was a price worth paying for low inflation? His approach to try to rebuild confidence in those communities is therefore absolutely right. What can we do to make sure that the policies that he announces are introduced at that local level?

Mr. Blunkett: As I have made clear in broadcast interviews, I believe that the 1980s and early 1990s, with the massive increase in unemployment, the fall in police numbers and the individualisation and selfishness of society being reinforced, were a disaster for all of us, and we are reaping that now. That is why not only reinforcing citizenship and civic renewal but ensuring that powers exist at that level to command change is important. We also need to examine the idea of co-funding, whereby we put up resources, and local neighbourhoods have the power to raise and match spending. That is currently being done through regeneration budgets and it may be done where local residents wish to raise a levy. That occurs in relation to tenants and residents associations, and some parts of the country are keen for us to examine whether that could be done. Again, it would be targeted on the most deprived areas, so that it would not be the wealthiest—who could do it for themselves—but the most deprived who would benefit most.

Vera Baird (Redcar) (Lab): I congratulate my right hon. Friend on the range and diversity of his plans, which hold much promise, not only for now but for our third term. Does he intend tagging to be used to tag domestic violence criminals out of premises where their victims live, as well as tagging other kinds of criminals to stay at home? Can I ask him to exercise care in the use of the restorative justice in domestic violence cases, where the imbalance of power and the emotional links between victim and offender can make restorative justice oppressive?

Mr. Blunkett: On the latter point, it is true that we would not wish to use restorative justice in circumstances in which the victim feels threatened. It would be entirely wrong to do so. All of us, however, accept the responsibility for payments for children in that family. The first issue is an interesting one. One would only wish to track or tag an individual to maintain their presence in an area, or out of area, in the more serious cases, for obvious reasons, not least because it would be uneconomic to do otherwise. It is an interesting idea, however, which the Under-Secretary of State for the Home Department, my hon. Friend the Member for Wythenshawe and Sale, East (Mr. Goggins), who is responsible for correctional services, will take away and reflect on.

Health Protection Agency Bill *[Lords]* (Programme) (No. 2)

4.39 pm

The Parliamentary Under-Secretary of State for Health (Miss Melanie Johnson): I beg to move,

That the programme order of 21st June 2004 in relation to the Health Protection Agency Bill *[Lords]* be varied as follows:

Proceedings on consideration and Third Reading

1. Paragraphs 4 and 5 (proceedings on consideration and Third Reading) shall be omitted.

2. Proceedings on consideration and Third Reading shall (so far as not previously concluded) be brought to a conclusion two hours after the commencement of proceedings on the motion for this order.

The motion amends the programme order agreed on 21 June. The only changes are to paragraphs 4 and 5 of the original programme order, which made provision for proceedings on consideration and Third Reading.

Mr. Andrew Lansley (South Cambridgeshire) (Con): It might be convenient to the Minister to know that we are not going to oppose the motion. The sooner we begin our genuine debate, the better.

Miss Johnson: I am grateful to the hon. Gentleman. I can therefore expedite matters. I believe that new clause 1 is next on the agenda.

—Question put and agreed to.

Orders of the Day

Health Protection Agency Bill *[Lords]*

As amended in the Standing Committee, considered.

New Clause 1

INFECTION CONTROL STANDARDS

'(1) For the purpose of the exercise of its functions under section 2(1)(a) and (b) the Agency may prepare and publish statements of standards.

(2) The Agency must keep such standards under review and may publish amended standards whenever it considers it appropriate.

(3) The Agency must consult the appropriate authority and such other persons as the Agency considers appropriate—

(a) before publishing a statement under this section;

(b) before publishing an amended statement under this section which in the opinion of the Agency effects a substantial change in the standards.

(4) The standards set out in statements under this section are to be taken into account by every English NHS body, Welsh NHS body and cross-border SHA in discharging its duty under section 45 (quality in health care) of the Health and Social Care (Comunity Health and Standards) Act 2003 (c.43).

(5) This section does not extend to Scotland and Northern Ireland.'.—*[Mr. Lansley.]*

Brought up, and read the First time.

4.41 pm

Mr. Andrew Lansley (South Cambridgeshire) (Con): I beg to move, That the clause be read a Second time.

The Bill has not been the subject of detail or aggressive controversy. We are all working towards one objective, which is to reach a point at which patients in the NHS, and the public generally, are protected to the maximum possible extent. A key part of that objective is securing good-quality infection control, not least in the NHS.

It will not have escaped the House's notice that since the Committee stage there have been further developments in the control of hospital-acquired infection in particular—developments that have led Conservative Members to believe that one further change is required before the Bill completes its passage.

The Health Protection Agency's function under the Bill is to promote measures to prevent the spread and promote the control of infectious diseases both in the community and in the NHS. New clause 1 provides that when standards are published for NHS bodies, the agency—as an independent body—would have power to publish those standards. English and Welsh NHS bodies would then have legal responsibility to have regard to them in the pursuit of their duties, and they would become part of the framework of health care standards that is intended to be the subject of inspections by the Healthcare Commission in due course.

We would not have been minded to do this but for the particular nature of the Government's failure in regard to the publication and pursuit of standards relating to hospital-acquired infection. Last week the National Audit Office published its progress report on reducing the risk of hospital-acquired infection. Appendix 1 includes details of developments in the surveillance of hospital-acquired infection since its report on 2000. A number of actions had been taken before then, which are not described in the report but include the publication of work by the working party consisting of, among others, the Infection Control Nurses Association, the British Society for Antimicrobial Chemotherapy and the Hospital Infection Society. Those bodies worked together to produce guidelines for the control of MRSA infection, originally back in 1998.

In 1999, controls assurance standards were issued, the first of which dealt with hospital-acquired infection. Given that standards against which NHS bodies were supposed to assess their performance were already in place, the regularity with which Ministers and their agencies have published guidance is astonishing. In February 2000, they published a programme of action. In May 2000, NHS Estates published standards for environmental cleanliness. In June 2000, "An organisation with a memory: report of an expert group on learning from adverse events in the NHS" was published dealing with inspection control.

Guidelines on preventing health care-associated infections were commissioned by the Department of Health and published in the *Journal of Hospital Infection* in January 2001. In April 2001, national standards of cleanliness for the NHS were published by NHS Estates, and the requirement for mandatory surveillance of rates for methicillin-resistant Staphylococcus aureus was issued. "Building a safer NHS for patients" was published in July 2001 as a follow-up to "An organisation with a memory". In the same month, the Government responded to a report from the House of Lords Science and Technology Committee, and in January 2002, the chief medical officer published "Getting Ahead of The Curve", in which he first recommended the establishment of the Health Protection Agency. In March 2002, national standards of cleanliness for the NHS were published by NHS Estates.

4.45 pm

Mr. Paul Burstow (Sutton and Cheam) (LD): The hon. Gentleman is rightly listing a wide range of reports, guidance and other documents published by the Government since the last NAO report. Does he share my puzzlement and disappointment that throughout those few years they have not undertaken the necessary auditing to ascertain whether any of their guidance has been applied on the ground? We therefore have a sense of déjà vu, as the Government continue to re-announce proposals.

Mr. Lansley: The hon. Gentleman is right—the publication of those documents is not the same as achieving enforcement or implementation. I shall, however, complete my argument.

In August 2002, the National Patient Safety Agency initiated the "clean your hands" hygiene project, to which I shall return in due course. The chief medical officer announced a number of additional requirements on surveillance in June 2003, and revised standards of cleanliness were published by NHS Estates in August 2003. In December 2003, "Winning Ways: working together to reduce healthcare associated infection in England" was published by the chief medical officer. In March 2004, NHS Estates published "The NHS Health Care Cleaning Manual".

[Mr. Lansley]

The Secretary of State published a document entitled "Towards cleaner hospitals and lower rates of infection" last Monday, although it was not listed by the NAO, because it was not told about it until it had sent its report to the printers. The Healthcare Commission, following the consultation on health care standards, is due to publish detailed criteria later this year. As the hon. Member for Sutton and Cheam (Mr. Burstow) said, one must consider why the issue has been revisited, but the NAO is to be congratulated on the thoroughness with which it has investigated those initiatives and reported to the House. It said that

"the NHS still lacks sufficient information on the extent and cost of hospital acquired infection".

The balanced score card that is used to assess the performance of NHS bodies refers to measures on cleanliness and infection control but they are no more than procedures. The question appears to be whether the requirements of "Winning Ways" have been met, not whether infection rates have been reduced, and the consequences for patient care. For example, the NAO report states that there has been

"a focus on structures and processes, and a limited emphasis on evaluating changes in patient care".

Let us consider some of the things that the Government said would be achieved, compared with what has actually happened. The NAO states:

"Seventy-one per cent. of trusts are still operating with bed occupancy levels higher than the 82 per cent. target that the Department told the Committee"—

the Public Accounts Committee—

"it hoped to achieve by 2003-04."

Fifty-six per cent. of trusts undertook risk assessment in respect of isolation facilities, but only a quarter had secured the required facilities. The NAO states that

"it is impossible to quantify with any certainty if there have been any changes in NHS Trusts' infection rates."

By that I assume that it means infection rates generally, as distinct from the very specific MRSA hospital-wide data that were published as a result of mandatory surveillance. The NAO went on to say:

"There has been no progress in introducing a national post-discharge surveillance scheme as recommended by the Committee".

There is clearly a substantial difference of opinion between the NAO and the Government on the question of the production of information and the way in which it is to be used. The NAO further states:

"Feedback of specific local infection rates to clinical staff is vital".

In its summary, which I shall quote at rather greater length as it includes several specific points, the NAO states:

"The new mandatory national surveillance schemes do not currently enable clinicians to identify and reduce risks within their own specialty. In the absence of ownership and access to such data, hospital acquired infection is still perceived as a problem for the infection control team to deal with"—

so those in the NHS with clinical responsibility do not regard such infection as their own problem—

"and consequently many of the issues identified as barriers to effective infection control practice in our original report still apply. Considerable improvements could therefore still be made in: the coverage of education and training in infection control to all groups of staff, particularly doctors; compliance with guidance on issues such as hand hygiene, catheter care and aseptic technique; antibiotic prescribing in hospitals; hospital cleanliness; and consultation with the infection control team on wider trust activities such as new build projects."

Given that the Secretary of State doubtless had access to the NAO's findings, one might have thought that his purpose in publishing the new document last Monday was to demonstrate that—even though the chief medical officer had published previous recommendations in detail—he was taking personal responsibility to ensure that what the NAO said had not been done would be done. However, that is not what happened. That new document, entitled "Towards cleaner hospitals and lower rates of infection", begins with patient environment action teams' assertions about cleanliness in hospitals. It states that these teams

"have been assessing hospital cleanliness from a patient perspective since 2000 and have found consistent improvement".

That is the position from which the Secretary of State begins, but how is that to be reconciled with the views of the Healthcare Commission? Two weeks ago, it said that

"there is only weak agreement between cleanliness scores produced by official inspections of NHS Trusts and patient survey results on the cleanliness of the in-patient facilities of those Trusts".

The National Audit Office also looked into the same issue and its report states that

"only a third of infection control teams believe that standards have improved",

where cleanliness is concerned,

"in over half of the clinical areas in their trust over the last two years".

There is no certainty, as the Secretary of State appears to believe that there is, about improvements in cleanliness.

It is curious that the Secretary of State's document seems to be designed around the proposition that increased cleanliness necessarily leads to improved infection control. I do not think that any of us believes that poor cleanliness is consistent with good infection control—we view cleanliness and such control as complementary—but I do not think that anyone has any evidence to suggest that good or improved standards of cleanliness are a sufficient condition for good-quality infection control. If we examine the professional advice given to hospitals, it is perfectly clear that there is a requirement for a range of special measures associated with infection control that go beyond any patient's individual perception of what constitutes a clean hospital for this purpose.

It is disappointing that the Secretary of State appears not to believe what the Department told him in the departmental report—effectively that common sense tells us that cleanliness and infection rates are related to one another, but that there is no hard evidence to show that that is the case. That is what the departmental report said only about three months ago. The Secretary of State, however, has clearly decided that, if he can

convince the public that they will have clean hospitals, he can also convince them that they will also have, by extension, low-infection hospitals. Clean hospitals are very important and it is necessary that we secure them, but the Secretary of State has started to push cleanliness and infection control together as if they were entirely the same thing.

Let us examine the weight that the Secretary of State places in his latest document on the empowerment of patients and, in particular, on the hand hygiene project launched by the National Patient Safety Agency. It is mentioned on page 38 of the National Audit Office report that the project began at the John Radcliffe hospital, Oxford and that a range of pilot sites developed from that while the "clean your hands" project was being evaluated. It is due for national roll-out this year.

The John Radcliffe had 92 cases of methicillin-resistant Staphylococcus aureus between April 2001 and 2002; 114 from April 2002 to March 2003; and 127 from April 2003 to March 2004. Let us compare that record with some of the other pilot sites for the "clean your hands" project. At the Queens Medical Centre, such cases have increased from 58 to 77 over the last year; at the Royal Devon and Exeter from 36 to 50; and at St. George's Health Care NHS Trust from 75 to 93. No one would argue that there is no merit in the "clean your hands" campaign. Everything that it says is right and should be followed, but it is not sufficient. The Secretary of State appears to be treating it as if the process of trying to ensure cleanliness in hospitals is sufficient for infection control purposes. It is not.

I was deeply disturbed by the way in which the Department, presumably for presentational reasons, set out just over a week ago to try to convince the public that the Secretary of State regarded this matter as a new issue and that he would take a hands-on approach and try to resolve it. He then publishes this document, but there are aspects of "Towards cleaner hospitals and Lower Rates of Infection" that make life even worse from the NHS point of view. Previously, it had the chief medical officer's document "Winning Ways", but things have been left out of the new document—and the NAO report referred to some of them, such as the importance of reduced use of catheters in intravenous drips and invasive procedures. That is in "Winning Ways" and is referred to by the NAO, but it does not get a mention in "Towards cleaner hospitals". The prudent use of antibiotics is also important and was mentioned in "Winning Ways". The importance of emphasising infection control in undergraduate and postgraduate curricula for doctors, nurses and other NHS professionals is in "Winning Ways" but is not referred to in "Towards cleaner hospitals".

5 pm

One might be forgiven for thinking that the Secretary of State, or others acting on his behalf, had cobbled together the document at a few days' notice—including a number of things that were due to happen anyway, such as the publication of standards, the roll-out of national surveillance and the National Patient Safety Agency's "clean your hands" campaign—and published it a couple of days before the National Audit Office report to try to offset the range, depth and seriousness of its criticism of the Government's failure to achieve reduced rates of infection control.

Mr. Burstow: The hon. Gentleman may be interested to know that both versions of the original PDF version of the document—it was placed on the Government's website, and I also had a copy emailed to my office—had blank pages where there were meant to be new initiatives.

Mr. Lansley: That is very interesting. The hon. Gentleman may be able to speculate a bit more about that when he makes his contribution. My proposition may well be reinforced by that thought.

I want to give others, albeit perhaps not that many, the opportunity to speak, so let me return to the failure of the 20 or so documents that the Government have published in one form or other. If it were possible to achieve improvements in performance in the NHS by publishing documents, that would have happened already, but it has not. Why not? It will not happen simply because somebody publishes a statement of standards. But it will happen—on this point, at least, the Secretary of State has belatedly accepted one of our propositions—if NHS institutions are increasingly required to respond to the demands of patient choice and are provided with the information necessary to enable patients to exercise that choice and incentivise their hospitals to respond.

Unfortunately, it is not clear whether the information provided will be sufficient for that purpose. I am forcefully reminded by some of those who work in hospitals that the current hospital-wide MRSA data do not distinguish between infections brought into a hospital and those acquired in it. Now, that is not easy to do. As the best guidelines appear to suggest, there is sufficient screening in some clinical specialities to demonstrate the prevalence of infection in a hospital, but it would be a major task to achieve pre-admission screening across hospitals generally. But it can be achieved in some circumstances, and the National Audit Office report notes the successful impact of pre-admission screening at University College hospital in London.

We agree with the Government that it is important quickly to reach the point—indeed, it should be done more quickly than they propose—at which data are introduced in a form that allows the relative importance of cleanliness and infection control to be demonstrated to patients so that it can form part of their decisions. However, the Government do not propose the kind of independent system that we need to back that up. At every point, one continues to see, for example, the imposition of Government targets, and they will, of course, have a new target for MRSA. However, as we learned from the National Audit Office report,

> "Many of the survey responses from trust senior management identified difficulties reconciling the management of hospital acquired infection with the fulfilment of government performance targets."

Indeed, 50 per cent. of those responses singled out compliance with waiting times and, I suspect, bed occupancy rates and the like.

[Mr. Lansley]

It should be for patients and hospitals to determine the balance between bed occupancy rates, waiting times and patient choice. Where patients regard a hospital as good, efficient, clean and with minimal infection rates, they will be able to make a trade-off between that and the waiting times with which they may have to comply to enter that hospital rather than another one. We shall arrive at that situation only when there is independence in the NHS system.

Over the past few days, we have been driven to conclude that, through his latest intervention, the Secretary of State has only further demonstrated the Government's desire to interfere with the NHS for presentational reasons and to confuse the already confused picture concerning guidance. We are already to have a new set of criteria from the Commission for Health Improvement, in response to the new health care standards.

The Secretary of State's document does not appear to build appropriately on "Winning Ways", published by the chief medical officer. Under the Bill, the Government propose to set up a body geared to the control of the spread of infectious diseases, yet the Public Health Laboratory Service, in the past, and the Health Protection Agency special health authority more recently have demonstrated their competence to understand the control of infectious diseases in a health care context, and have published guidance for that purpose. After reading the working party guidelines, I was far more informed about how a hospital would, in reality, manage infection control than by reading anything that the Department of Health has produced recently.

If there are to be such standards for the NHS to respond to, everything points to their being produced by a more independent body, with the necessary competence. Such a body would be more likely to command support across the NHS in publishing standards that were not only practical but also evidence-based and peer-reviewed. They should form the basis for the NHS response.

The Health Protection Agency needs a legal basis on which to publish a statement of standards relating to its responsibilities for infection—something that is part of the legal structure that NHS bodies must observe. New clause 1 would give the agency that responsibility and take it away from Ministers who have so transparently failed to tackle infection control in the NHS and have recently made the situation worse.

I commend the new clause to the House.

Mr. Burstow: I support the new clause; it is useful and would improve the Bill. It also enables us to explore a little further some of the issues discussed outside this place last week, in conversations on the GMTV sofa and following the publication of the NAO report.

In my intervention on the hon. Member for South Cambridgeshire (Mr. Lansley), I referred to "Towards cleaner hospitals", because it struck me as symbolic of the true content of the document that neither of the two copies sent electronically to my office could be opened, so one could not see what was new about the Government's announcements. I fear that as we examine that document in greater detail we shall find that there is almost nothing—if anything—new and that it was merely a ragbag of recycled announcements brought together to provide some cover in a particularly embarrassing week, before the publication of the NAO report last Thursday and, subsequently, of the latest MRSA figures. The figures were brought forward so that they could be published on the same day as the NAO report, thereby conflating them with it and obscuring their importance. I am, therefore, sceptical about what the Government proposed on Monday.

My scepticism was reinforced by the fact that I understand that the hon. Member for South Cambridgeshire quite properly sought to secure an urgent question to enable the matter to be discussed, but that his request was declined for various reasons. Indeed, no written statement was made to the House. My understanding of the conventions—I may be wrong; if I am, I am sure I will be put right—is that new policy and substantive changes in Government policy must be announced first in the House, not on the sofa of GMTV. Therefore, one can only conclude charitably that the Secretary of State for Health has not announced a new policy to deal with the threat of hospital-acquired infections. The hon. Member for South Cambridgeshire gently discussed the reasoning and rationale behind the publication of the document on Monday, but its publication was very much about managing the fallout from a very negative report that examined the Government's progress since 2000, when the NAO first considered the issue in detail and made its comprehensive set of recommendations to the Government.

I want to explore one or two of the issues in the report that fit very nicely with the standard-setting responsibilities that the new clause would give the Health Protection Agency. It is right that a body with a deal of independence from Government has the responsibility of becoming almost the critical friend when it comes to such issues. Only a couple of weeks ago the Health Protection Agency set out the scientific basis for some of its concerns and what it saw as the links between bed occupancy rates and hospital-acquired infections—something that is reiterated and borne out in the NAO report.

The new clause picks up on an issue that I raised in Committee during debates on amendment No. 5, which I tabled and which said:

> "The Agency shall draw up and consult on a protocol with the Commission for Healthcare Audit and Inspection to collect and publish information concerning the performance of NHS organisations in controlling healthcare-acquired infections."

The Minister said that that was unnecessary because it would be covered in the star ratings. The criticism in the NAO report, which relates to the Government's attempted rebuttal of my amendment in Committee, seems to be that the star-rating system is much more focused on process than on outcomes. In other words, people can tick all the boxes, adhere to all the guidelines and have wonderful policies lining the shelves of the infection control team's office, but whether or not people still pick up infections and get sicker in hospital would not count in awarding the star ratings. Surely that must be the litmus test of whether the NHS is getting to

grips with the problem of hospital-acquired infections, irrespective of whether those involved have ticked all the boxes and have all the manuals in place.

The report "Winning Ways", which was published last December, shows that, according to currently available data, the Government have achieved only a small improvement. I hope that the Minister will be able to explain that and say what will be done, in concrete terms, to change it. That small improvement was mentioned not only in "Winning Ways", the chief medical officer's report, but in the Commission for Health Improvement's findings. In its annual report, published in May 2003, the commission concluded that it

"had seen few examples of notable practice in infection control; good policies did not always exist and, even when they did, they were often not followed sufficiently well to make them effective."

The new clause proposes a mechanism to ensure that the standards are grounded in good practice across the NHS.

The NAO refers at paragraph 2.21 of its report to the fact that it undertook a survey in February to evaluate the implementation of a number of aspects of the Government's policies. It found that trusts expressed concern that, for example, the only people who could undertake the role of the new director of infection control in hospitals were the existing infection control doctors. There still seems to be a great deal of uncertainty and lack of clarity on the ground about the precise remit of infection control directors. I hope that the Minister will be able to shed some light on that.

5.15 pm

One of the most worrying findings was contained in paragraph 2.25 of the report. Almost one in four NHS trusts—24 per cent.—said that they had cut their budgets for infection control since the NAO last looked at the issue in 2000. That is an extraordinary finding, and I hope that the Government were sufficiently disturbed by it to make their own inquiries through the strategic health authorities and so forth.

Another figure struck me when I read the NAO report, and its significance was reinforced by representations that I received last week from the Infection Control Nurses Association, which feels rather shut out from the Government's latest set of announcements about how to take forward the fight against infection. Paragraph 2.32 of the NAO report states:

"Twelve per cent. of infection control teams reported that their recommendation to close a ward or hospital to admissions for the purpose of outbreak control was refused or discouraged by their chief executive. Two per cent. of teams also reported that their strategic health authority had refused or discouraged their recommendation."

One of the points that the Infection Control Nurses Association strongly put to me was that it feels quite insulted by the idea that the best way to solve the crisis of infection within the NHS is to fly in experts from abroad when there are experts in our country who are not being adequately used, sufficiently consulted or given the authority on the ground to do the job. It is strange that, four years on, the NAO is yet again having to recommend in its report that it should be mandatory that infection control teams are consulted on the letting of a range of contracts from cleaning and laundry to catering. It is disturbing that, when it comes to their judgment being applied with regard to the risk of infection and outbreaks, those teams are being turned down, presumably because of concerns about hitting targets.

The hon. Member for South Cambridgeshire mentioned the NAO report's remarks on chief executives. It said:

"Almost 50 per cent. reported that waiting times for inpatient treatment had caused conflicts, one third that trolley waits in accident and emergency departments caused conflicts, and one in ten experienced difficulties in reconciling the management and control of hospital acquired infection with other targets."

The truth is that the Government's obsession with targets—the targets and tick boxes that they have so many of nationally—gets in the way of, and conflicts with, the objectives of trying to contain and prevent infection. That is not my view; it is the view of NHS managers and staff articulated through the NAO report. It is no wonder that on Monday the Government were keen to do all that they could to cast a shadow over that report so as to obscure its findings.

The report's findings on bed occupancy are also worth commenting on, and I hope that the Minister will address them. When the Government responded to the NAO report and the Public Accounts Committee on this matter in 2000–01, they basically said, "Don't worry; it will be sorted out because we will make a massive investment in the NHS so there will be more beds, more staff and bed occupancy rates will come down." However, we now know from paragraph 2.34 of the NAO report that the reverse has happened: bed occupancy rates have gone up. In answer to a parliamentary question that I asked, I learned that, according to the Department of Health's hospital activity statistics, whereas bed occupancy rates were 80.8 per cent. in 1996–97, they rose to 86.5 per cent. by 2002–03. That is a significant increase, well above that which the Health Protection Agency seems to think would be appropriate and certainly well above that which the NAO recommends in response to the representations that it has received.

On the Bill's Second Reading, I raised some questions about surveillance, which go to the heart of how to ensure that standards really are bedding down and having traction on the problem. I asked the Under-Secretary of State for Health, the hon. Member for South Thanet (Dr. Ladyman), to outline the timetable for the roll-out of the surveillance of other types of hospital-acquired infection, because I understand that MRSA accounts for only 44 per cent. of such infections. Subsequent to that, the NAO report makes interesting reading, because paragraph 3.5 states:

"Instead of developing mandatory specialty specific surveillance of bloodstream, surgical site and urinary tract infections whose information would be fed back to clinicians to improve practice, the Department focussed on trust wide surveillance of MRSA bacteraemias and other specific organisms, together with plans for mandatory reporting of orthopaedic surgical site infection."

Although the hon. Member for South Cambridgeshire is right to say that it would be an engine for choice if people had information and a clearer idea of the worst hospitals for infection, surely the key is to

[Mr. Burstow]

provide clinicians with information in such a way that they may identify how mistakes are made so that practice can be changed. The current system does not do that. Indeed, the scariest statistic from the report is that 18 per cent. of infection control teams fail to carry out any surveillance activities other than the mandatory MRSA bacterium surveillance. No other activity is going on in many of our trusts to find out which parts of hospitals are experiencing the worst rates of infection so that real feedback may be given to clinicians to enable them to change practice and save lives.

I hope that the Minister will tell us how the Government, at long last, are ensuring that the succession of initiatives and announcements—recycled, re-announced and so on—are beginning to have a real effect on the NHS. Will she also tell us when the Infection Control Nurses Association will have the opportunity to meet Ministers to discuss its worries about Monday's announcement and the NAO's findings, and talk about how it may help the Government to crack the problem of infection?

Mr. John Redwood (Wokingham) (Con): I rise to support the new clause moved by my hon. Friend the Member for South Cambridgeshire (Mr. Lansley) because it is desperately important to tackle the problem as vigorously and objectively as possible. As my hon. Friend pointed out, we have had seven years of initiatives—well-intentioned ones, I am sure—from Secretaries of State and Ministers in the Department of Health that have failed to deliver. Seven years on, and many circulars and directives later, we still have unacceptably high rates of infection in our hospitals. As we have heard, infection rates have risen dangerously in some hospitals over recent years, and there have often been no positive responses to the exhortations from the centre.

I support new clause 1 because, like many right hon. and hon. Members, I have constituents who have paid a high price for the failure of a local hospital to control infection. I recently received a letter from one of my constituents who went to the local district general hospital for an operation at the end of last year. My constituent was told that a full recovery from the wounds that the surgeon had to inflict was very likely and that their quality of life would be much improved after the operation had been successfully carried out. Seven months later, my constituent is in more pain than that experienced before going to hospital to get the original problem sorted out. My constituent contracted a dangerous infection in the wound as a result of the hospital operation, and had to be readmitted twice so that the wound could be reopened and cleansed under hospital conditions. On each occasion, the process was not only painful but failed to overcome the obstinate infection that had got into the wound, presumably when the original operation was performed. My constituent had to spend a couple of months on antibiotics, but that has still not solved the problem.

In a macabre way, I suppose that my constituent was lucky because they did not die—we know that all too many hundreds of people die as a result of severe infections contracted in hospital by one means or another. This Government are all too ready to tackle the problems of death and serious injury on the roads, when perhaps as many as one in eight of all accidents are caused partly or wholly by speed. The Government are always dramatic in their moves to try to control speed on the roads, yet far more people die in our hospitals as a result of mistakes and infections contracted in our hospitals, where there is not the same sense of urgency.

One of my objections to the way the Government legislate and respond is that if the problem lies in the private sector, the answer is regulation and legislation, often with criminal charges, penalties and prosecutions attached, but if the problem is in the public sector, the answer is exhortation and another quango, and not the same sense of urgency or seriousness. I see the Minister objecting, but she must see the justice of what I am saying. My constituents are very angry that there is still so much infection and danger in our hospitals.

Of course, elective surgery has always been a risky process. It entails first wounding the patient in order to bring about a much better life for them in due course. It is worth taking the risk of having the skin and muscle cut through if the surgeon is skilful, as they often are, and if, as a result of surgery, a part of the body that will not work properly can be removed or a part of the body can be repaired. Many fine things are done by many brilliant surgeons around the country and many of us are grateful for their work. We hope we will not need it, but we will be very grateful should we need it ourselves.

If the risk of a serious infection while the process is under way becomes too great, the entire question of what we are doing in hospitals is opened up with an entirely different balance of risk. If someone is told that they will probably have a substantial improvement in their quality of life if a non-threatening condition is tackled, they will say, "Well, I don't mind the pain for a few weeks from a flesh wound that will repair." But if they are told, "By the way, there is a danger that while you are going through that process, you might contract something that causes you permanent pain or that was even life-threatening in itself," that will lead people to ask, "Is that really what I want? Is this what we should be doing?"

I agree with the hon. Member for Sutton and Cheam (Mr. Burstow) that one of the issues that need to be tackled in the new clause and in the Bill is bed utilisation. Bed utilisation in the Royal Berkshire hospital in Reading, my local district general, is undoubtedly too high. I am someone who likes to use public money wisely and usually I favour great productivity, but there are limits. There must be enough time between one user of a hospital bed and another to ensure thorough cleaning and preparation of the bed and the ward or the room, so that the new patient is not likely to be at risk as a result of over-utilisation of the bed and perhaps some rushing of the procedures that should be undertaken to prepare the bed and the area for the new patient.

I quite understand how managers and senior doctors in hospitals, faced day after day with the terrible problem that there are not enough beds and there are people in the corridors, people queuing and people needing treatment, say, "Let's just clear the bed and get on with it," but we must take some of the strain off them by offering enough beds in our hospitals and enough facilities so that we can have a more civilised regime, so

that there are not queues at the doors and so that there is adequate time between patients to make sure that all the right procedures are followed.

As my hon. Friend said, the Secretary of State intruded into the debate in recent days, without the courtesy of a statement to the House of Commons, to say that he would be hands-on and would solve the problem of cleanliness in hospitals. I do not think that that will work. I do not believe it is possible for any man or woman, however talented and energetic, to be personally responsible for the cleanliness of every hospital and every surgery throughout the country, or simply by the magnetism or lack of magnetism of their personality to ensure that every one of the million-plus staff follows all the right procedures all the time to guarantee that conditions are clean enough.

It may be, as my hon. Friend said, that the Secretary of State was going to be hands-on by way of washing his hands of responsibility. We certainly hope he will wash his hands thoroughly before taking responsibility and before intruding in this sensitive area. He seems to think that hand-washing is one of the most important routines that has not been properly observed in recent years.

I will support my hon. Friend, as the new clause is a valiant attempt to bring about improvement and change in an important area. I hope the Minister understands how desperately important that is to many constituents contemplating operations or who have recently had operations, who want the reassurance from someone within such a mighty organisation that everything is being done to get on top of the problem and, more importantly, that infection rates are falling rapidly and not continuing to rise, as they have done in many places in recent years. Patients and constituents expect no less. They expect clean hospitals but, above all, they expect to have hospitals in which infection control is taken seriously and successfully implemented. It cannot be beyond the NHS, with all the money now at its disposal and all the people whom the Government say they are now recruiting, to control infection better. We owe it to our constituents, and I hope that the Minister will accept my hon. Friend's new clause in that spirit.

5.30 pm

The Parliamentary Under-Secretary of State for Health (Miss Melanie Johnson): I shall try to address all the issues that have been raised, but I shall try also to relate my comments to the new clause, as Opposition Members have made little effort to do so.

The hon. Member for South Cambridgeshire (Mr. Lansley) raised the question of standards and the work that is going on. I draw his attention to the fact that his proposals would lead to the HPA having power to set standards, but no responsibility to resource them. The reason why we do not support such proposals is that they would divorce responsibilities for standards from those for money. Under the new clause that he advocates, the agency would be able to set standards, but would have no responsibility to meet the bill. I do not think that it would take him much effort to work out why any Government of any political persuasion would think that that might not be a desirable situation. That is one of our three basic objections to his proposals.

On the question of standards generally and what we are doing about them, we have already issued standards, and I am glad that the hon. Gentleman was confident that we had issued so many and that we had regularly issued guidance. I was not sure whether he made those points as a criticism. They seemed to me to be a compliment, and I chose to take them as such. However, the issue of health care-acquired infections is a question not of dealing with only one component, but of bringing together a set of components. Indeed, I thought that that was the point that a number of hon. Members made in their contributions. That is why we need a multi-pronged approach that brings together the sort of issues to do with standards that need to be brought together, as well as the guidance that goes with them.

Of course, we are following up the publications that the hon. Gentleman mentioned. We do so through National Care Standards Commission work, through PEAT—patient environment action team—inspections and through the Commission for Health Improvement and its successor body, the new CHI. We follow up all those things.

Mr. Lansley: We are supposed to call it the Healthcare Commission.

Miss Johnson: We are indeed. To help the hon. Gentleman, I shall be absolutely correct in these matters.

We do not believe that there is any room for complacency. The nub of the issue has been mentioned by a number of hon. Members, although they have not been as up-front as they should be about acknowledging it. The crux of the issue is implementing the standards. The overall guidance includes standards, and work continues to make sure that the standards are right. We must ensure that we get them right, which requires the compliance of all NHS staff. The guidance covers everything from estates to consultants and back again, and people must get standards right throughout the NHS.

Mr. Burstow: Will the Minister give way?

Miss Johnson: Yes, provided that the hon. Gentleman does not raise a point that he made earlier.

Mr. Burstow: Heaven forbid. I agree with the Minister about the importance of compliance. In a written answer some months ago, she indicated that the Government were not minded to undertake and publish an audit of compliance with the published guidance to date. Do the Government still take the view that an audit to see whether compliance is being achieved on the ground is not necessary?

Miss Johnson: We are making sure that the outcomes improve.

The other day, the Secretary of State for Health made an announcement, and I am sorry the hon. Member for South Cambridgeshire was not included on the sofa at the television station—he obviously took it badly, and I regret that he did not get that opportunity. Had the Secretary of State's announcement raised any problems

[Miss Johnson]

in relation to the powers and prerogatives of this House, I am sure that they would have been raised and that the House would have opined accordingly.

The proposals cover six main areas, many of which are based on the notion that we must improve compliance and implementation. Measures such as being open, displaying information about infection levels, involving patients, making sure that matrons control cleaners, including housekeeping buttons on patients' bedside phones and cleanliness inspections, the results of which will be made public, are all important in improving compliance and dealing with health care-acquired infection and methicillin-resistant Staphylococcus aureus in particular.

Mr. Redwood: Given that the most serious threat occurs in situations such as the one that I described, where the infection took place in the operating theatre when the wound was open, how will those procedures help cleanliness in operating theatres, where nurses and surgeons work, or in the preparation of patients before operations?

Miss Johnson: It depends. All of us sympathise with any patient who experiences the same difficulties as the right hon. Gentleman's constituent. The risk depends on the procedures and the type of surgery. If one undergoes surgery to the stomach or gut, the risk of acquiring an infection is substantially greater than that in orthopaedics, where special provisions are made tightly to control infection and where those parts of the body are not directly involved. Different parts of hospitals clearly face different issues, and it would be wrong to make a blanket statement.

A second area of difficulty is contained in new clause 1. We have consulted on key standards across a wide range of areas and are currently collating our response. Those standards will be linked to decisions on priorities and resources. That brings me back to what I said earlier about the importance of linking the two.

As a service provider, the agency needs to consider how it can work with the primary care trusts and other NHS bodies as equal partners. That relationship would be undermined if, as envisaged in new clause 1, the agency had the unilateral power to specify standards for PCTs. Awkward tensions could arise between the agency and NHS bodies that it works alongside to support. The new clause would not bring about a desirable change.

The hon. Member for Sutton and Cheam (Mr. Burstow) asked about innovation in relation to infection control. On the whole, there are no amazing discoveries to be made about the subject—it is not rocket science. He criticised what we are doing in respect of cleaner hospitals for its lack of innovation. On that, and on star ratings, we are trying to encourage compliance in terms of audit outcomes. The hon. Gentleman suggested, as did the hon. Member for South Cambridgeshire, that the star ratings are not important. That is an odd complaint, because they relate to whether certain processes are carried out. The hon. Gentleman nodded when I mentioned compliance; I think that he recognises that that is the core issue on which we need to achieve improvement. That is why much of the Secretary of State's recent announcement featured compliance and related issues.

Mr. Burstow: The Minister talks about auditing outcomes in terms of compliance. Will she undertake to start to collect and publish the outcomes of those audits so that the public, clinicians and others can see whether compliance is really being delivered?

Miss Johnson: We are certainly saying, in relation to published information—*[Interruption.]* The hon. Gentleman shrugs, but the audits carried out at a local level by patient forums, in line with guidance set by infection control experts, will be published quarterly. Such information is the best indicator of whether we are making the improvements that we should.

As regards the director of infection prevention and control, of course people other than doctors can carry out that role. Some post holders may be senior nurses, who are extremely well qualified for the job. Indeed, the Bristol trust's director of infection prevention and control chairs the Infection Control Nurses Association.

I agree with the hon. Gentleman on staffing and expertise in the health service. The press notice that accompanied the Secretary of State's announcement made it clear that we are consulting our own experts as well as experts from abroad. Many individuals are leading substantial work to improve infection control in their trusts. Recent publicity in the media in the past couple of weeks has covered that. It is vital to use our expertise, which we greatly value, as well as considering what we can learn from abroad if we are to get the right control mechanisms to achieve the outcomes that we want on health care-acquired infections generally and MRSA in particular.

5.45 pm

I want to consider bed occupancy because we need to strike a balance between bed management and the risks of health care-acquired infection. "Winning Ways" covers that and the matter is being progressed. Although we need to ensure that the balance is right, we must also make sure that we use beds efficiently. I am glad that the right hon. Member for Wokingham (Mr. Redwood) continues to support efficiency because we should not ignore it. It is clear that we need to avoid risk to patients by ensuring that one patient is kept separate from another so that infection is not passed between them.

Such passing on of infection may happen because the patients are in the same part of the hospital or because a health care professional passes from one patient to another. We need to ensure that, apart from the environment, the processes that involve individual members of staff who deal with patients are correct. For example, it is important that members of staff wash their hands. That might seem a small thing but we all acknowledge its importance. That is why so much emphasis was placed on it today and in the Secretary of State's earlier announcement.

The new clause would not be helpful for all the reasons that I have outlined. I therefore hope that hon. Members will not support it. The Health Protection

Agency can, should and will make a big contribution to raising health protection standards. We want the agency to be an authoritative source of advice, information and support on infectious disease and other health protection matters. The Bill provides for that.

However, the Secretary of State remains responsible for policy on health and health protection. That applies to the National Assembly for Wales for matters that are devolved to Wales. The policy therefore needs to take account not only of health protection issues about which the agency is well placed to advise but other matters, including judgments about affordability and competing priorities for the NHS and more generally.

The current agency is an authoritative source of advice, which contributes to the policies of both the Secretary of State and the National Assembly. As I said earlier, a range of other bodies, including the Food Standards Agency, which I did not mention, the Healthcare Commission and the National Institute for Clinical Excellence also want to have an input into the advice and the work. They are well placed to help to put many policies into practice, for example, through their support for health protection services locally. I hope that I have answered the points and I commend the Bill as it stands.

Mr. Lansley: I am grateful to the hon. Member for Sutton and Cheam (Mr. Burstow) and to my right hon. Friend the Member for Wokingham (Mr. Redwood) for their contributions. I want to correct one point that I made earlier. When I referred to the National Audit Office, I used an example from University college hospital London. However, that was to do with post-discharge surveillance. The example of screening patients for elective surgery was from the Princess Royal hospital in Brighton.

The Under-Secretary said that she had three objections to the new clause, but we heard only two. Neither were the ones that I expected and I believe that they are damaging suggestions. She said that standard setting would be divorced from resources. That is rather curious, because when we look at the consultation document on the setting of standards, we see that the detailed criteria will be set out by the new Healthcare Commission. The document states:

> "This relationship between the proposed standards and the independent Commission represents a significant step change between the approach to quality improvement in the future and the approach adopted to date".

The Government are proposing that the criteria for standards should be published by an independent body that is not itself responsible for the provision of resources, so argument No. 1 from the Minister simply falls to one side.

Argument No. 2 was that decisions on standards had to be linked to priorities. We know, however, that although the National Audit Office cannot be too specific, it has stated that the evidence is that effective infection control is a cost-effective measure that is likely to reduce the call on resources. No one is attempting to dispute that. However, the Minister appears to be arguing that the Health Protection Agency, the body that the Government are establishing to be responsible for the control of infectious diseases and for the prevention of the spread of those diseases, will not be able to set standards, even though it has that responsibility, because it will not be able to take account of affordability and competing priorities. The core standards that the chief medical officer published included, under the heading "Safety", the requirement that the

> "risk of infection to patients, staff and visitors is minimised".

There is nothing in the standards document to suggest that the achievement of a minimised infection environment for patients—which ought to be an absolute priority—should to be compromised by reference to affordability or competing priorities. It is clearly cost effective when the NHS achieves it, and the Health Protection Agency—as distinct from the Healthcare Commission—will have the expertise to specify the criteria involved, and it ought to be the responsibility of the agency to do so.

The Minister has offered no argument against the new clause and, on that basis, I invite my colleagues to support it.

Question put, That the clause be read a Second time:—

The House divided: Ayes 163, Noes 297.

Division No. 230] **[5:52 pm**

AYES

Ainsworth, Peter *(E Surrey)*
Allan, Richard
Amess, David
Ancram, rh Michael
Arbuthnot, rh James
Atkinson, David *(Bour'mth E)*
Atkinson, Peter *(Hexham)*
Bacon, Richard
Baker, Norman
Baldry, Tony
Barker, Gregory
Baron, John *(Billericay)*
Barrett, John
Bellingham, Henry
Bercow, John
Beresford, Sir Paul
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, rh Virginia *(SW Surrey)*
Brady, Graham
Brazier, Julian
Brooke, Mrs Annette L.
Browning, Mrs Angela
Bruce, Malcolm
Burns, Simon
Burnside, David
Burstow, Paul
Burt, Alistair
Butterfill, Sir John
Cable, Dr. Vincent
Calton, Mrs Patsy
Cameron, David
Campbell, rh Sir Menzies *(NE Fife)*
Carmichael, Alistair
Chapman, Sir Sydney *(Chipping Barnet)*
Chidgey, David
Clappison, James
Clarke, rh Kenneth *(Rushcliffe)*
Collins, Tim
Cormack, Sir Patrick
Cotter, Brian
Curry, rh David
Davey, Edward *(Kingston)*
Davies, Quentin *(Grantham & Stamford)*
Djanogly, Jonathan
Dodds, Nigel
Dorrell, rh Stephen
Doughty, Sue
Duncan, Alan *(Rutland)*
Evans, Nigel
Fallon, Michael
Field, Mark *(Cities of London & Westminster)*
Flight, Howard
Forth, rh Eric
Foster, Don *(Bath)*
Gale, Roger *(N Thanet)*
Garnier, Edward
Gillan, Mrs Cheryl
Goodman, Paul
Gray, James *(N Wilts)*
Grayling, Chris
Green, Damian *(Ashford)*
Green, Matthew *(Ludlow)*
Greenway, John
Grieve, Dominic
Gummer, rh John
Hague, rh William
Hammond, Philip
Hancock, Mike
Heald, Oliver
Heath, David
Heathcoat-Amory, rh David
Hoban, Mark *(Fareham)*
Hogg, rh Douglas
Holmes, Paul
Horam, John *(Orpington)*
Howard, rh Michael
Jack, rh Michael
Jenkin, Bernard
Kennedy, rh Charles *(Ross Skye & Inverness)*
Key, Robert *(Salisbury)*
Kirkbride, Miss Julie

Lait, Mrs Jacqui
Lamb, Norman
Lansley, Andrew
Letwin, rh Oliver
Lewis, Dr. Julian *(New Forest E)*
Liddell-Grainger, Ian
Lidington, David
Lilley, rh Peter
Loughton, Tim
Luff, Peter *(M-Worcs)*
McIntosh, Miss Anne
Mackay, rh Andrew
McLoughlin, Patrick
Malins, Humfrey
Maples, John
Mawhinney, rh Sir Brian
May, Mrs Theresa
Mercer, Patrick
Mitchell, Andrew *(Sutton Coldfield)*
Moss, Malcolm
Murrison, Dr. Andrew
O'Brien, Stephen *(Eddisbury)*
Öpik, Lembit
Osborne, George *(Tatton)*
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Portillo, rh Michael
Price, Adam *(E Carmarthen & Dinefwr)*
Prisk, Mark *(Hertford)*
Randall, John
Redwood, rh John
Rendel, David
Robathan, Andrew
Robertson, Laurence *(Tewk'b'ry)*
Roe, Dame Marion
Rosindell, Andrew
Ruffley, David
Russell, Bob *(Colchester)*
Sanders, Adrian
Sayeed, Jonathan
Selous, Andrew
Shephard, rh Mrs Gillian
Shepherd, Richard
Simmonds, Mark
Smith, Sir Robert *(W Ab'd'nx & Kincardine)*
Soames, Nicholas
Spelman, Mrs Caroline
Spink, Bob *(Castle Point)*
Spring, Richard
Stanley, rh Sir John
Steen, Anthony
Streeter, Gary
Stunell, Andrew
Swayne, Desmond
Swire, Hugo *(E Devon)*
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher)*
Taylor, John *(Solihull)*
Taylor, Matthew *(Truro)*
Taylor, Dr. Richard *(Wyre F)*
Taylor, Sir Teddy
Teather, Sarah
Thurso, John
Tyler, Paul *(N Cornwall)*
Tyrie, Andrew
Walter, Robert
Waterson, Nigel
Watkinson, Angela
Webb, Steve *(Northavon)*
Whittingdale, John
Willetts, David
Williams, Roger *(Brecon)*
Wills, Phil
Winterton, Ann *(Congleton)*
Winterton, Sir Nicholas *(Macclesfield)*
Yeo, Tim *(S Suffolk)*
Young, rh Sir George

Tellers for the Ayes:
Hugh Robertson and
Mr. Geoffrey Clifton-Brown

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, Bob *(Cov'try NE)*
Alexander, Douglas
Allen, Graham
Anderson, rh Donald *(Swansea E)*
Anderson, Janet *(Rossendale & Darwen)*
Armstrong, rh Ms Hilary
Atherton, Ms Candy
Austin, John
Bailey, Adrian
Baird, Vera
Barnes, Harry
Barron, rh Kevin
Bayley, Hugh
Begg, Miss Anne
Bennett, Andrew
Benton, Joe *(Bootle)*
Berry, Roger
Best, Harold
Betts, Clive
Blackman, Liz
Blears, Ms Hazel
Borrow, David
Bradley, Peter *(The Wrekin)*
Brennan, Kevin
Brown, rh Nicholas *(Newcastle E Wallsend)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, Andy
Byers, rh Stephen
Cairns, David
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell, Ronnie *(Blyth V)*
Caplin, Ivor
Caton, Martin
Cawsey, Ian *(Brigg)*
Challen, Colin
Clapham, Michael
Clark, Mrs Helen *(Peterborough)*
Clark, Dr. Lynda *(Edinburgh Pentlands)*
Clark, Paul *(Gillingham)*
Clarke, rh Tom *(Coatbridge & Chryston)*
Clelland, David
Clwyd, Ann *(Cynon V)*
Coaker, Vernon
Coffey, Ms Ann
Cohen, Harry
Cook, rh Robin *(Livingston)*
Corston, Jean
Cousins, Jim
Cox, Tom *(Tooting)*
Crausby, David
Cruddas, Jon
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Jim *(Coventry S)*
Cunningham, Tony *(Workington)*
Dalyell, Tam
Darling, rh Alistair
Davey, Valerie *(Bristol W)*
David, Wayne
Davidson, Ian
Davies, rh Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dean, Mrs Janet
Dhanda, Parmjit
Dismore, Andrew
Dobbin, Jim *(Heywood)*
Dobson, rh Frank
Dowd, Jim *(Lewisham W)*
Dunwoody, Mrs Gwyneth
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Efford, Clive
Ellman, Mrs Louise
Etherington, Bill
Field, rh Frank *(Birkenhead)*
Fisher, Mark
Fitzpatrick, Jim
Fitzsimons, Mrs Lorna
Flynn, Paul *(Newport W)*
Follett, Barbara
Foster, Michael *(Worcester)*
Foster, Michael Jabez *(Hastings & Rye)*
Gapes, Mike *(Ilford S)*
George, rh Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr. Ian
Gilroy, Linda
Goggins, Paul
Griffiths, Win *(Bridgend)*
Grogan, John
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, David *(Midlothian)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Havard, Dai *(Merthyr Tydfil & Rhymney)*
Healey, John
Henderson, Ivan *(Harwich)*
Hendrick, Mark
Hepburn, Stephen
Heslop, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, Keith *(Streatham)*
Hinchliffe, David
Hodge, Margaret
Hoey, Kate *(Vauxhall)*
Hoon, rh Geoffrey
Hope, Phil *(Corby)*
Hopkins, Kelvin
Howarth, rh Alan *(Newport E)*
Howarth, George *(Knowsley N & Sefton E)*
Howells, Dr. Kim
Hoyle, Lindsay
Hughes, Beverley *(Stretford & Urmston)*
Hughes, Kevin *(Doncaster N)*
Hutton, rh John
Iddon, Dr. Brian
Ilsley, Eric
Ingram, rh Adam
Insance-Davies, Huw
Jackson, Glenda *(Hampstead & Highgate)*
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Alan *(Hull W)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Helen *(Warrington N)*
Jones, Jon Owen *(Cardiff C)*
Jones, Kevan *(N Durham)*
Jones, Lynne *(Selly Oak)*
Jowell, rh Tessa
Joyce, Eric *(Falkirk W)*
Keeble, Ms Sally
Keen, Ann *(Brentford)*
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Khabra, Piara S.
Kidney, David
Kilfoyle, Peter
King, Andy *(Rugby)*
Knight, Jim *(S Dorset)*
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, David
Laxton, Bob *(Derby N)*
Lazarowicz, Mark
Lepper, David
Leslie, Christopher
Levitt, Tom *(High Peak)*
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Linton, Martin
Lloyd, Tony *(Manchester C)*
Love, Andrew
Lucas, Ian *(Wrexham)*
Luke, Iain *(Dundee E)*
Lyons, John *(Strathkelvin)*
McAvoy, Thomas
McCabe, Stephen
McCafferty, Chris
McDonagh, Siobhain
MacDonald, Calum
McDonnell, John
MacDougall, John
McFall, rh John
McGuire, Mrs Anne
McIsaac, Shona
McKechin, Ann
McNamara, Kevin
MacShane, Denis
Mactaggart, Fiona
McWalter, Tony
McWilliam, John
Mahmood, Khalid
Mahon, Mrs Alice
Mallaber, Judy
Mandelson, rh Peter
Mann, John *(Bassetlaw)*
Marris, Rob *(Wolverh'ton SW)*
Marsden, Gordon *(Blackpool S)*
Marshall-Andrews, Robert
Martlew, Eric
Meacher, rh Michael
Meale, Alan *(Mansfield)*
Merron, Gillian
Miliband, David
Miller, Andrew
Moffat, Laura
Mole, Chris
Morley, Elliot
Morris, rh Estelle
Mountford, Kali

Mudie, George
Mullin, Chris
Munn, Ms Meg
Murphy, Denis (*Wansbeck*)
Murphy, Jim (*Eastwood*)
Naysmith, Dr. Doug
O'Brien, Bill (*Normanton*)
O'Hara, Edward
Olner, Bill
O'Neill, Martin
Organ, Diana
Parham, Linda
Picking, Anne
Pickthall, Colin
Pike, Peter (*Burnley*)
Plaskitt, James
Pollard, Kerry
Pond, Chris (*Gravesham*)
Pope, Greg (*Hyndburn*)
Prentice, Ms Bridget (*Lewisham E*)
Prentice, Gordon (*Pendle*)
Prescott, rh John
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Ken
Purnell, James
Quin, rh Joyce
Quinn, Lawrie
Rammell, Bill
Rapson, Syd (*Portsmouth N*)
Raynsford, rh Nick
Reed, Andy (*Loughborough*)
Reid, rh Dr. John (*Hamilton N & Bellshill*)
Robertson, John (*Glasgow Anniesland*)
Robinson, Geoffrey (*Coventry NW*)
Roche, Mrs Barbara
Rooney, Terry
Ross, Ernie (*Dundee W*)
Roy, Frank (*Motherwell*)
Ruane, Chris
Ruddock, Joan
Russell, Ms Christine (*City of Chester*)
Ryan, Joan (*Enfield N*)
Salter, Martin
Sarwar, Mohammad
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Sheridan, Jim
Short, rh Clare
Simpson, Alan (*Nottingham S*)
Singh, Marsha
Skinner, Dennis
Smith, rh Andrew (*Oxford E*)
Smith, Angela (*Basildon*)
Smith, rh Chris (*Islington S & Finsbury*)
Smith, Geraldine (*Morecambe & Lunesdale*)
Smith, John (*Glamorgan*)
Soley, Clive
Spellar, rh John
Squire, Rachel
Stewart, David (*Inverness E & Lochaber*)
Stewart, Ian (*Eccles*)
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Gerry
Taylor, rh Ann (*Dewsbury*)
Taylor, Dari (*Stockton S*)
Taylor, David (*NW Leics*)
Thomas, Gareth (*Clwyd W*)
Tipping, Paddy
Todd, Mark (*S Derbyshire*)
Touhig, Don (*Islwyn*)
Trickett, Jon
Truswell, Paul
Turner, Dennis (*Wolverh'ton SE*)
Turner, Dr. Desmond (*Brighton Kemptown*)
Twigg, Derek (*Halton*)
Twigg, Stephen (*Enfield*)
Vaz, Keith (*Leicester E*)
Vis, Dr. Rudi
Ward, Claire
Wareing, Robert N.
Watson, Tom (*W Bromwich E*)
Watts, David
White, Brian
Whitehead, Dr. Alan
Williams, Betty (*Conwy*)
Winnick, David
Winterton, Ms Rosie (*Doncaster C*)
Woodward, Shaun
Worthington, Tony
Wright, Anthony D. (*Gt Yarmouth*)
Wright, Tony (*Cannock*)

Tellers for the Noes:
Charlotte Atkins and
Mr. John Heppell

Question accordingly negatived.

Clause 5

Co-operation

Mr. Paul Burstow (Sutton and Cheam) (LD): I beg to move amendment No. 1, in page 5, line 6, at end insert—

'(2A) To facilitate co-operation the Agency shall consult with other bodies and publish protocols for co-operation.'.

I want to speak briefly to this amendment, which concerns an issue that we explored in some detail in Committee. The amendment relates to clause 5, which deals with co-operation between organisations, including the Health Protection Agency, not only to enable that agency to deliver its functions but, in other circumstances, to enable other bodies to discharge some of theirs. There is a mutual duty to co-operate.

One of my concerns, which arose partly from a speech made on Second Reading by the hon. Member for North-West Leicestershire (David Taylor), and also from other hon. Members' speeches, is that the clause's drafting leaves open quite a few questions about how the duty to co-operate will be realised in practice. I tabled an amendment in Committee that was intended to include in the Bill permission for the HPA to draw up and consult on protocols on discharging the duty of co-operation with other agencies. In exchanges in Committee, the Minister resisted the amendment, because, in her words, it was both burdensome and prescriptive. It was far from my intention to create a burdensome and prescriptive measure. I sought assurance after the Committee consideration of the amendment about whether the wording could be construed as prescriptive or whether it could be more appropriately construed as permissive. I am advised—and have therefore re-tabled it for consideration today—that its character is more permissive than prescriptive.

The intention of the amendment is simply to introduce a mechanism into the Bill that provides for the Health Protection Agency, when it must work with other bodies in order to discharge its functions, to consult on and draw up protocols. It is permissive, because reference is made to the body having the power to do that. I commend the amendment to the scrutiny of hon. Members.

In Committee, we had a useful contribution from the hon. Member for Newark (Patrick Mercer), who raised a number of concerns about the need for such protocols, not least to deal with arrangements between the Health Protection Agency and other bodies, such as local authorities, in the event of radiological, biological or chemical attacks. On Second Reading, the hon. Member for North-West Leicestershire expressed concern about the lack of co-operation at times between the Environment Agency and other bodies, particularly the Health Protection Agency.

In Committee, I raised the issue of who took responsibility, and where the buck stopped, in the handling of outbreaks—particularly outbreaks that might involve zoonosis, or potential transfer from animals to humans. The Minister asserted several times that a protocol specifying who might, in certain circumstances, make the decision would be inappropriate and that it would be appropriate for that to be dealt with solely through co-operation. That, surely, is a recipe for chaos. Protocols can clarify such questions as whether a Minister or an agency will make the decision.

The amendment is intended to improve the Bill and to provide, on a permissive rather than a prescriptive basis, a mechanism enabling the HPA, with partner agencies, to draw up suitable fit-for-purpose protocols at the least possible cost to the taxpayer and with the greatest possible benefit in terms of effective service with co-operation being the key.

Dr. Andrew Murrison (Westbury) (Con): I support this sensible amendment. My hon. Friend the Member for Newark (Patrick Mercer) went to some trouble in Committee to outline his views on co-operation, especially in emergencies. The hon. Member for Sutton and Cheam (Mr. Burstow) talked about that as well.

[Dr. Andrew Murrison]

The amendment sets out, in a reasonably prescriptive way, the arrangements that might exist between the HPA and other bodies. As the Minister will recall, I pointed out in Committee that those bodies were not specified in the Bill. She gave me a reasonable explanation, but it is a burden for the bodies that are expected to co-operate with the agency not to know who they are. The Minister and I discussed that in some detail.

The amendment will probably help by describing the precise nature of the co-operation. That will be particularly beneficial when there is not enough time to make detailed decisions on any form of working arrangement. The work is being done before the emergency arises. I am sure that, if my hon. Friend the Member for Newark were present, he would strongly support a measure that would deal with some of the anxieties he expressed at length in Committee.

Miss Melanie Johnson: As I explained in Committee, our 2002 consultation paper noted that the agency would need to co-operate with other bodies, and the responses supported that proposal. That is why clause 4 provides for the agency and other bodies exercising related functions to have a mutual duty of co-operation.

Although the thinking behind the amendment is clear, it is not clear how it would work in practice. Let me explain a few things. First, the principle of imposing a duty of co-operation is not new. The HPA already has a duty to co-operate with other NHS bodies and local authorities. Section 26 of the Health Act 1999 imposes a duty on NHS bodies to co-operate with each other and section 22 of the National Health Service Act 1977 creates a duty of co-operation between NHS bodies and local authorities. Secondly, "co-operation" means just that: it implies not wholesale rewriting of each other's priorities, but sensible working together to ensure that the public are served to best effect. Thirdly, it is normal and sensible to leave the details of how co-operation will work in practice to the parties concerned rather than prescribing them in primary legislation. Different levels and forms of working together will be appropriate in different circumstances and with different bodies.

6.15 pm

I do not believe that anything will be gained by our writing into the Bill a requirement for the agency to publish protocols on co-operation with other bodies. Such a requirement has not been found necessary in other contexts. There is, for example, no requirement in legislation for NHS bodies and local authorities to produce protocols explaining how they will co-operate. In practice, the agency and some of the bodies with which it will co-operate might well want to produce protocols or other forms of agreement if they were regularly to involve each other in certain procedures, but there might be cases in which protocols would not be appropriate and would not be required. Judgments about operational matters are best left to the agency and its partners rather than being prescribed in legislation.

It is difficult to assess whether the amendment is meaningful. I realise that the hon. Member for Sutton and Cheam (Mr. Burstow) has tried to resist the temptation to prescribe in detail what co-operation should mean, but my first objection is that he is doing that. He has suggested a general requirement to produce and publish protocols on co-operation. He explained in Committee that the requirement

"is not intended to be prescriptive. It is intended to indicate a mechanism, a natural part of which I would expect the HPA to be undertaking."—[*Official Report, Standing Committee F*, 29 June 2004; c. 25.]

The hon. Gentleman cannot have it both ways. His amendment is prescriptive: it dictates to the agency and its partners that they should have protocols. If, as he has argued, that is a natural part of what we would expect the HPA to undertake, there is no need to dictate to it and its partners that they should have such protocols.

If the amendment is not too prescriptive—although it certainly could be—it can equally be interpreted as being meaningless. In some circumstances in which it is reasonable in the circumstances, the agency could discharge a proposed duty simply by producing a protocol saying that there shall be co-operation in appropriate circumstances and by appropriate means. Nothing would be gained by such a meaningless requirement. As I said in Committee, a legal requirement to publish protocols would also ignore the fact that there could be good reasons against publication in some circumstances. For example, there might well be a need for the agency to co-operate with the security services, but it would not necessarily be desirable for the details of that co-operation to be put in the public domain.

The amendment is generally far too prescriptive. It undermines the hon. Gentleman's recognition in Committee that we do not wish to prescribe such matters. The hon. Member for Westbury (Dr. Murrison) described it as "reasonably prescriptive". I am not sure what that means, but I think that it is far too prescriptive, because it writes into primary legislation a requirement to publish protocols in co-operation with other bodies, which we do not need to do. The arrangements are already in place. I have already specified the precedents that show that this is unnecessary. We should give the bodies a certain amount of flexibility, because in certain circumstances prescription would be inappropriate.

I hope that the House will reject the amendment, because I do not think it would necessarily have the effect that the hon. Gentleman wants. Good co-operation and good work on protocols will continue. That, not prescription in primary legislation, is what will deliver.

Mr. Burstow: I am grateful to the hon. Member for Westbury (Dr. Murrison) for his support and to the Minister for her response. The debate turns on what is read into the word "shall", and whether in this context it becomes "must". That, at least, is what the Minister seems to be trying to discuss with us.

I do not agree with the construction that the Minister places on those words. The amendment is about trying to find a fail-safe mechanism to be used when co-operation is not being secured in other ways—a mechanism that need not be used in all circumstances, but that shall be available. I am still not convinced that

clause 5 is sufficiently clear to ensure that all the bodies that could play a part in helping the HPA to discharge its functions are brought into its ambit. My amendment seeks to achieve that as simply as possible. I was not persuaded by the Minister's argument to withdraw it, and I shall press it to a vote.

Question put, That the amendment be made—

The House divided: Ayes 164, Noes 287.

Division No. 231] **[6:20 pm**

AYES

Ainsworth, Peter *(E Surrey)*
Allan, Richard
Amess, David
Ancram, rh Michael
Arbuthnot, rh James
Atkinson, David *(Bour'mth E)*
Atkinson, Peter *(Hexham)*
Bacon, Richard
Baker, Norman
Baldry, Tony
Barker, Gregory
Baron, John *(Billericay)*
Barrett, John
Beith, rh A. J.
Bellingham, Henry
Bercow, John
Beresford, Sir Paul
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, rh Virginia *(SW Surrey)*
Brady, Graham
Brazier, Julian
Browning, Mrs Angela
Bruce, Malcolm
Burns, Simon
Burnside, David
Burstow, Paul
Burt, Alistair
Butterfill, Sir John
Cable, Dr. Vincent
Calton, Mrs Patsy
Cameron, David
Campbell, rh Sir Menzies *(NE Fife)*
Carmichael, Alistair
Chapman, Sir Sydney *(Chipping Barnet)*
Chidgey, David
Clappison, James
Clarke, rh Kenneth *(Rushcliffe)*
Clifton-Brown, Geoffrey
Collins, Tim
Cormack, Sir Patrick
Cotter, Brian
Curry, rh David
Davey, Edward *(Kingston)*
Davies, Quentin *(Grantham & Stamford)*
Djanogly, Jonathan
Dodds, Nigel
Dorrell, rh Stephen
Doughty, Sue
Duncan, Alan *(Rutland)*
Ewing, Annabelle
Fallon, Michael
Field, Mark *(Cities of London & Westminster)*
Flight, Howard
Forth, rh Eric
Foster, Don *(Bath)*
Gale, Roger *(N Thanet)*
Garnier, Edward
Gidley, Sandra
Gillan, Mrs Cheryl
Goodman, Paul
Grey, James *(N Wilts)*
Grayling, Chris
Green, Damian *(Ashford)*
Green, Matthew *(Ludlow)*
Greenway, John
Grieve, Dominic
Gummer, rh John
Hague, rh William
Hammond, Philip
Hancock, Mike
Heald, Oliver
Heath, David
Heathcoat-Amory, rh David
Hogg, rh Douglas
Holmes, Paul
Horam, John *(Orpington)*
Jack, rh Michael
Jenkin, Bernard
Jones, Nigel *(Cheltenham)*
Kennedy, rh Charles *(Ross Skye & Inverness)*
Key, Robert *(Salisbury)*
Kirkbride, Miss Julie
Lait, Mrs Jacqui
Lansley, Andrew
Lewis, Dr. Julian *(New Forest E)*
Liddell-Grainger, Ian
Lidington, David
Lilley, rh Peter
Loughton, Tim
Luff, Peter *(M-Worcs)*
McIntosh, Miss Anne
Mackay, rh Andrew
Maclean, rh David
McLoughlin, Patrick
Malins, Humfrey
Maples, John
Marsden, Paul *(Shrewsbury & Atcham)*
Mawhinney, rh Sir Brian
Mercer, Patrick
Mitchell, Andrew *(Sutton Coldfield)*
Moss, Malcolm
Murrison, Dr. Andrew
Norman, Archie
O'Brien, Stephen *(Eddisbury)*
Öpik, Lembit
Osborne, George *(Tatton)*
Ottaway, Richard
Page, Richard
Paterson, Owen
Pickles, Eric
Portillo, rh Michael
Price, Adam *(E Carmarthen & Dinefwr)*
Prisk, Mark *(Hertford)*
Randall, John
Redwood, rh John
Rendel, David
Robathan, Andrew
Robertson, Hugh *(Faversham & M-Kent)*
Robertson, Laurence *(Tewk'b'ry)*
Roe, Dame Marion
Rosindell, Andrew
Ruffley, David
Sanders, Adrian
Sayeed, Jonathan
Selous, Andrew
Shephard, rh Mrs Gillian
Shepherd, Richard
Simmonds, Mark
Simpson, Keith *(M-Norfolk)*
Spelman, Mrs Caroline
Spicer, Sir Michael
Spink, Bob *(Castle Point)*
Spring, Richard
Stanley, rh Sir John
Steen, Anthony
Streeter, Gary
Stunell, Andrew
Swayne, Desmond
Swire, Hugo *(E Devon)*
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher)*
Taylor, John *(Solihull)*
Taylor, Matthew *(Truro)*
Taylor, Dr. Richard *(Wyre F)*
Taylor, Sir Teddy
Teather, Sarah
Tredinnick, David
Turner, Andrew *(Isle of Wight)*
Tyler, Paul *(N Cornwall)*
Tyrie, Andrew
Viggers, Peter
Walter, Robert
Waterson, Nigel
Webb, Steve *(Northavon)*
Whittingdale, John
Willetts, David
Williams, Roger *(Brecon)*
Winterton, Ann *(Congleton)*
Winterton, Sir Nicholas *(Macclesfield)*
Wishart, Pete
Yeo, Tim *(S Suffolk)*
Young, rh Sir George

Tellers for the Ayes:
Bob Russell and
Sir Robert Smith

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, Bob *(Cov'try NE)*
Alexander, Douglas
Allen, Graham
Anderson, rh Donald *(Swansea E)*
Anderson, Janet *(Rossendale & Darwen)*
Armstrong, rh Ms Hilary
Atherton, Ms Candy
Austin, John
Bailey, Adrian
Baird, Vera
Barnes, Harry
Barron, rh Kevin
Bayley, Hugh
Begg, Miss Anne
Bell, Sir Stuart
Bennett, Andrew
Benton, Joe *(Bootle)*
Berry, Roger
Best, Harold
Betts, Clive
Blackman, Liz
Blears, Ms Hazel
Borrow, David
Bradley, Peter *(The Wrekin)*
Brennan, Kevin
Brown, rh Nicholas *(Newcastle E Wallsend)*
Brown, Russell *(Dumfries)*
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Byers, rh Stephen
Cairns, David
Campbell, Alan *(Tynemouth)*
Campbell, Ronnie *(Blyth V)*
Caplin, Ivor
Caton, Martin
Cawsey, Ian *(Brigg)*
Challen, Colin
Clapham, Michael
Clark, Mrs Helen *(Peterborough)*
Clark, Dr. Lynda *(Edinburgh Pentlands)*
Clark, Paul *(Gillingham)*
Clarke, rh Tom *(Coatbridge & Chryston)*
Clelland, David
Clwyd, Ann *(Cynon V)*
Coaker, Vernon
Coffey, Ms Ann
Cohen, Harry
Cook, rh Robin *(Livingston)*
Corston, Jean
Cousins, Jim
Cox, Tom *(Tooting)*
Crausby, David
Cruddas, Jon
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Jim *(Coventry S)*
Cunningham, Tony *(Workington)*
Dalyell, Tam
Darling, rh Alistair
Davey, Valerie *(Bristol W)*
David, Wayne
Davidson, Ian
Davies, rh Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dean, Mrs Janet
Dhanda, Parmjit
Dobbin, Jim *(Heywood)*
Dobson, rh Frank
Dowd, Jim *(Lewisham W)*
Dunwoody, Mrs Gwyneth
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Efford, Clive
Ellman, Mrs Louise
Etherington, Bill
Field, rh Frank *(Birkenhead)*
Fisher, Mark
Fitzsimons, Mrs Lorna
Flynn, Paul *(Newport W)*
Follett, Barbara
Foster, Michael *(Worcester)*
Foster, Michael Jabez *(Hastings & Rye)*
Gapes, Mike *(Ilford S)*
George, rh Bruce *(Walsall S)*

Gerrard, Neil
Gibson, Dr. Ian
Gilroy, Linda
Goggins, Paul
Griffiths, Jane *(Reading E)*
Griffiths, Win *(Bridgend)*
Grogan, John
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, David *(Midlothian)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Havard, Dai *(Merthyr Tydfil & Rhymney)*
Healey, John
Hendrick, Mark
Hepburn, Stephen
Heppell, John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, Keith *(Streatham)*
Hinchliffe, David
Hoey, Kate *(Vauxhall)*
Hope, Phil *(Corby)*
Hopkins, Kelvin
Howarth, rh Alan *(Newport E)*
Howarth, George *(Knowsley N & Sefton E)*
Howells, Dr. Kim
Hoyle, Lindsay
Hughes, Beverley *(Stretford & Urmston)*
Hughes, Kevin *(Doncaster N)*
Hutton, rh John
Iddon, Dr. Brian
Illsley, Eric
Iranca-Davies, Huw
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Alan *(Hull W)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Helen *(Warrington N)*
Jones, Jon Owen *(Cardiff C)*
Jones, Kevan *(N Durham)*
Jones, Lynne *(Selly Oak)*
Jowell, rh Tessa
Joyce, Eric *(Falkirk W)*
Keeble, Ms Sally
Keen, Ann *(Brentford)*
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Khabra, Piara S.
Kidney, David
Kilfoyle, Peter
King, Andy *(Rugby)*
Knight, Jim *(S Dorset)*
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, David
Laxton, Bob *(Derby N)*
Lazarowicz, Mark
Lepper, David
Leslie, Christopher
Levitt, Tom *(High Peak)*
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Linton, Martin
Lloyd, Tony *(Manchester C)*
Love, Andrew
Lucas, Ian *(Wrexham)*
Luke, Iain *(Dundee E)*
Lyons, John *(Strathkelvin)*
McAvoy, Thomas
McCabe, Stephen
McCafferty, Chris
McCartney, rh Ian
McDonagh, Siobhain
MacDonald, Calum
McDonnell, John
MacDougall, John
McFall, rh John
McGuire, Mrs Anne
McIsaac, Shona
McKechin, Ann
McNamara, Kevin
McNulty, Tony
MacShane, Denis
McWalter, Tony
McWilliam, John
Mahmood, Khalid
Mahon, Mrs Alice
Mandelson, rh Peter
Mann, John *(Bassetlaw)*
Marris, Rob *(Wolverh'ton SW)*
Marsden, Gordon *(Blackpool S)*
Marshall-Andrews, Robert
Martlew, Eric
Meacher, rh Michael
Meale, Alan *(Mansfield)*
Merron, Gillian
Michael, rh Alun
Miliband, David
Miller, Andrew
Moffatt, Laura
Mole, Chris
Morris, rh Estelle
Mudie, George
Mullin, Chris
Munn, Ms Meg
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Navarnith, Dr. Doug
O'Brien, Bill *(Normanton)*
O'Hara, Edward
Olner, Bill
O'Neill, Martin
Organ, Diana
Perham, Linda
Picking, Anne
Pickthall, Colin
Pike, Peter *(Burnley)*
Plaskitt, James
Pollard, Kerry
Pond, Chris *(Gravesham)*
Pope, Greg *(Hyndburn)*
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Prescott, rh John
Prosser, Gwyn
Purchase, Ken
Purnell, James
Quin, rh Joyce
Quinn, Lawrie
Rammell, Bill
Rapson, Syd *(Portsmouth N)*
Raynsford, rh Nick
Reed, Andy *(Loughborough)*
Reid, rh Dr. John *(Hamilton N & Bellshill)*
Robertson, John *(Glasgow Anniesland)*
Robinson, Geoffrey *(Coventry NW)*
Roche, Mrs Barbara
Rooney, Terry
Ross, Ernie *(Dundee W)*
Roy, Frank *(Motherwell)*
Ruane, Chris
Ruddock, Joan
Russell, Ms Christine *(City of Chester)*
Ryan, Joan *(Enfield N)*
Salter, Martin
Sarwar, Mohammad
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Sheerman, Barry
Sheridan, Jim
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, rh Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, rh Chris *(Islington S & Finsbury)*
Smith, Geraldine *(Morecambe & Lunesdale)*
Smith, Llew *(Blaenau Gwent)*
Soley, Clive
Spellar, rh John
Squire, Rachel
Stewart, David *(Inverness E & Lochaber)*
Stewart, Ian *(Eccles)*
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Gerry
Taylor, rh Ann *(Dewsbury)*
Taylor, Dan *(Stockton S)*
Taylor, David *(NW Leics)*
Thomas, Gareth *(Harrow W)*
Tipping, Paddy
Todd, Mark *(S Derbyshire)*
Touhig, Don *(Islwyn)*
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr. Desmond *(Brighton Kemptown)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Vaz, Keith *(Leicester E)*
Vis, Dr. Rudi
Ward, Claire
Warsing, Robert N.
Watson, Tom *(W Bromwich E)*
Watts, David
White, Brian
Whitehead, Dr. Alan
Williams, Betty *(Conwy)*
Winterton, Ms Rosie *(Doncaster C)*
Woodward, Shaun
Worthington, Tony
Wright, Anthony D. *(Gt Yarmouth)*
Wright, Tony *(Cannock)*

Tellers for the Noes:
Charlotte Atkins and
Jim Fitzpatrick

Question accordingly negatived.

Order for Third Reading read.

6.33 pm

Miss Melanie Johnson: I beg to move, That the Bill be read a Third time.

I thank hon. Members for their contribution to the scrutiny of this Bill. The debate has been wide-ranging and has given Opposition Members the opportunity, for which I am sure that they are profoundly grateful, to debate a whole range of different aspects of the Government's public health policy. That the Health Protection Agency is relevant to so many public health issues is testament to how important its work already is and will continue to be.

We have given the Bill a thorough examination during its legislative passage. Before today, the House had already spent some nine hours considering it: more than three and a half hours on Second Reading, and nearly five and a half in Committee. I appreciate that that might not seem like a long time compared with many other Bills, including most of the Bills that I have been involved with in my parliamentary career. None the less, generous time has been allowed for its consideration, given the degree of support from all parts of the House—I am happy to say—for its general principles and overall aims. Of course, it had already been considered for nine and a half hours in another place.

The Government have been responsive to the points raised in the House and in the other place and have amended the Bill accordingly. A total of 16 Government amendments, made in response to points raised in the Lords, were accepted. Some 33 other amendments were accepted in the other place, but the Bill was well

prepared and those amendments did not raise new issues or set out new policies that were unforeseen at the time of its introduction.

Dr. Murrison: One issue, the review of arm's-length bodies, was severely glossed over. As I recall, the Minister repeatedly assured the Committee that the Bill would not be affected by that review. The Minister was either incorrect or she pre-judged the review's outcome; which was it?

Miss Johnson: I do not understand why the hon. Gentleman draws that conclusion. I was neither of the things that he says, and I stick exactly to what I have said on the record previously about the relationship between the Bill, the HPA and the arm's-length body review.

Six of the amendments accepted in another place affected the schedules, but they are concerned merely with tidying up.

As a result of this work, we have got right the statutory basis for the HPA. It is doing an important job and it will need to continue to do so, in conjunction with the National Radiological Protection Board; indeed, I have set out the advantages of bringing those bodies together. I am sure that Members will wish the HPA well in its future work. I therefore commend the Bill to the House.

Dr. Murrison: Generally speaking, we welcome the Bill. Our proceedings in Committee were conciliatory throughout and I hope that the Minister appreciated the constructive comments made by all members of the Committee.

I am a concerned about the review of arm's-length bodies. Clearly, that must affect the HPA; it would be extraordinary if it did not. Members raised education with the Minister on several occasions in Committee, encouraging her to include a reference to it in the Bill. Of course, education is a salient part of the terms of reference of several of the bodies that are likely to be abolished as a result of this review, so it is surely desirable that the Bill reflect that fact, at least in part. I appreciate that its terms of reference are broad; indeed, I strongly suspect that they were drawn up that way to allow for incorporation of the functions of other bodies, if and when they are abolished.

My hon. Friends the Members for Newark (Patrick Mercer) and for Rayleigh (Mr. Francois) made some important points on civil contingencies on Second Reading. I discerned in Committee that the Minister has perhaps not thought through that issue as well as she has other aspects of the Bill. She will of course have observed Operation Horizon, a very important exercise that took place in Birmingham over the weekend. I wonder what part the HPA played in it, and how that role might have differed if the HPA had been a non-departmental public body. It would be useful if the Minister commented on that issue or wrote to me about it, because it cuts to the heart of the transferring of this strategic health authority to the status of a non-departmental public body.

We face a whole raft of public health challenges, and I have to say that I am more concerned about public health outcomes than structures. That said, I of course wish the new body well—

It being two hours after the commencement of proceedings, MR. DEPUTY SPEAKER *put the Questions necessary to bring proceedings on the Bill to a conclusion, pursuant to Order [this day].*

Question put and agreed to.

Bill accordingly read the Third time, and passed.

Council Tax

6.39 pm

The Minister for Local and Regional Government (Mr. Nick Raynsford): I beg to move,

That the draft Council Tax Limitation (England) (Maximum Amounts) Order 2004, which was laid before this House on 8th July, be approved.

Mr. Deputy Speaker (Sir Michael Lord): I remind the House that this debate lasts for only one and a half hours, so it would be very helpful if Back Benchers and Front Benchers were mindful of the need to share the time with others.

Mr. Raynsford: I will try to confine my remarks to the minimum necessary to set out our decision in order to allow—as you suggested, Mr. Deputy Speaker—a good opportunity for other hon. Members to contribute to the debate.

The order that I am presenting for the approval of the House today will be made under section 52F(4) of the Local Government Finance Act 1992, which was inserted by the Local Government Act 1999. It sets out the amounts that the 2004–05 budget requirements of the authorities named in the order must not exceed—namely, caps on their budget requirements. In my view, the provisions of the order are compatible with the convention rights.

Six authorities are named in the order: Torbay borough council, Nottingham city council, Herefordshire district council, the Fenland and Shepway district councils and the Hereford and Worcester fire authority.

Mr. Anthony Steen (Totnes) (Con): Bearing in mind the facts that the Lib Dems have spent 11 out of the past 14 years running Torbay and that it has been rated as a poor performance council, why are the Government making it worse by capping the council from £139.4 million to £138.8 million—only £0.6 million? Why are the Government also causing £100,000 to be spent on sending out letters to all council tax payers, telling them that there is a reduction of about £11 a year? Would it not have been far wiser to give credit of that £11 to council tax payers next year, bearing in mind the Government's—

Mr. Deputy Speaker: Order. The hon. Member is launching on a speech.

Mr. Raynsford: I recall the hon. Gentleman's intervention in the debate on 29 April—I announced then our intention to designate specific authorities, including Torbay council—in which he welcomed our decision. We are simply proceeding with the decision that was announced on that occasion. I will explain the full circumstances in the course of my statement.

Subject to the approval of the House, I shall make the order and issue notices to those authorities advising them of the maximum amounts. They will then be required to recalculate their budget requirements and issue new council tax bills—or, in the case of the Hereford and Worcester fire authority, to issue new precepts. The effect is that the authorities will have had their budgets and council tax capped.

I made a statement in the House on 29 April about authorities that had set excessive budgets for the current year. I welcomed the fact that the average increase in council tax in England this year was 5.9 per cent., which was less than half the previous year's increase and lower than many people had predicted. A large number of authorities set lower council tax increases in 2004–05 than they had originally proposed. That was in no small measure due to the Government's strong message that high council tax increases were both unacceptable and unnecessary.

Some authorities' budgets and council tax increases were still too high, however, and imposed unreasonable burdens on council tax payers. I said then that the Government were designating seven authorities for in-year capping and nominating a further seven authorities with a view to taking action to limit their budget requirement increases in 2005–06. The designated authorities then had 21 days in which to challenge the maximum budget requirements that we said we were proposing to set. Those were the levels at which they would need to calculate their budgets in order for them not to be defined as excessive according to principles determined by the Secretary of State.

As I said in the written statement that I made to the House on 8 July when the order was laid, all the designated authorities challenged the proposed maximum budgets. Ministerial colleagues and I met all seven of them as well as the seven nominated authorities. Having carefully considered the representations that they made, both orally and in writing, and having taken into account all relevant information, we have decided as follows.

We shall set maximum budgets at the levels originally proposed for five authorities—Herefordshire, Nottingham, Torbay, Fenland and Shepway—and set a maximum budget for the Hereford and Worcester fire authority that is £1.044 million higher than we had originally proposed to reflect the savings that we judged the authority can reasonably be required to make. We shall cancel the designation of Telford and Wrekin and nominate it instead. I have proposed a notional budget for the authority this year at the same level as we originally proposed for the maximum budget, had we capped it.

Mr. Eric Pickles (Brentwood and Ongar) (Con): On Telford and Wrekin, the Minister has made a sensible move from designation to nomination on the grounds that the savings—only 68p—would be insignificant. In respect of Nottingham, given that the cost of re-billing will be more than the amount saved, why not adopt the same procedure there?

Mr. Raynsford: In the case of Telford and Wrekin, the rebate was only 66p for band D property for the full year; in the case of Nottingham, it is £2.48—a significantly higher figure. *[Interruption.]* Let me tell the hon. Gentleman that when the authorities set excessive budgets, they took the risk of being required to re-bill. We made it absolutely clear that we would use our capping powers and that if authorities were designated they would be required to re-bill for a lesser amount. No authority can say that it acted in ignorance of the position. As the hon. Gentleman will understand, when

one sets principles—as we have; we announced them on 29 April—it is right that those principles should be applied, and they have been applied.

Mr. Graham Allen (Nottingham, North) (Lab): Would it not be sensible to set the bar at the amount at which it would not cost taxpayers more to re-bill than they would gain by having the rebate, so to speak? In that case, both Telford and Nottingham would easily fall beneath the bar.

Mr. Raynsford: I hear what my hon. Friend says, but one of the difficulties is that the estimates of the cost of re-billing vary quite significantly from authority to authority. In the case of Nottingham, it is quite a significant amount—more than £2 per individual council tax bill. In a Committee debate earlier this year, the Opposition spokesman said that he thought that the cost of re-billing would, on the whole, average between 80p and £1 per household. If that estimate were correct and Nottingham were able to re-bill at that level, the cost of the re-billing would be less than the impact of the cap. One can only try to take account of such information, but as I said earlier, the important point is that the principles be applied in a rigorous and fair way.

Telford and Wrekin was given 21 days in which to challenge its proposed notional budget, because it had been nominated for the first time and was in the same position as the other nominated authorities. Once we finally set the notional budgets, we will use those budgets rather than the authority's actual budgets to measure future budget increases for capping purposes.

Alan Simpson (Nottingham, South) (Lab): I want to follow up the Minister's comment about principle. Will he confirm that Nottingham does not object at all to the principle that it should adhere to the Government's spending limits? Is not the absurdity of it all putting the council into a position in which it is required not only to adjust this year's spend, but to incur greater costs in re-billing than it would cost to adjust the spend and the bills in subsequent years? Is that not the principle to which we should adhere?

Mr. Raynsford: No. As I pointed out in response to the earlier question of my hon. Friend the Member for Nottingham, North (Mr. Allen), the actual cost of re-billing varies. We have seen significant variations in the estimates that we have had from different authorities and I have to say that Nottingham's is one of the highest. Another factor to which I must draw the attention of my hon. Friend the Member for Nottingham, South (Alan Simpson) is that Nottingham has the sixth worst collection rate of council tax of any authority in the country. It collects less than 90 per cent. of the total council tax due. In those circumstances, I have to say that it is incumbent on the authority to think about how to improve its own efficiency to collect rather more of the council tax owed to it. If it were successful in doing so, there would be less need for large council tax increases, which impose unreasonable pressures on council tax payers.

Final amounts for the notional budgets will be determined once we have carefully considered any representations made by the eight nominated authorities. There is no parliamentary procedure involved in setting notional budgets for nominated authorities. Therefore the draft order before the House today deals only with the maximum budget set for the six designated authorities. In laying the order, we are keeping our promise to act against high council tax increases. The Government have provided all authorities with above-inflation increases in general grant for two years running, and have increased funding to local government by 30 per cent. since 1997. In exchange, we made it clear to authorities that we expected them to budget prudently. There is no justification for excessive tax increases. I hope that the House will support the order.

6.50 pm

Mr. Eric Pickles (Brentwood and Ongar) (Con): There was a time when capping was necessary; when it was the last line of defence for local residents against extremist councils determined to take on the Government; when Labour councils ordered taxicabs to hand out redundancy notices to staff; and when factory roofs were removed to avoid paying excessive local taxation. But those days have long gone. Such clashes changed local government for ever. There are no real rogue authorities trying to bring down the Government in the bunch arbitrarily selected for capping. They may rank from the excellent to the gorblimey, but they are no threat to the Government's medium-term financial settlement.

Mr. Steen: The Liberal Democrat council in Torbay is certainly a gorblimey council. It has been a disaster and performed poorly. However, is my hon. Friend aware that sending out the council tax revision will cost £100,000? The Liberal Democrats have closed many of the public loos in the Riviera area, but they could open them all again with that money.

Mr. Pickles: That would certainly be a more convenient solution. My hon. Friend is right about the management of Torbay.

Capping these authorities—even Torbay, Shepway and Nottingham—is like breaking butterflies on the wheel. Surely the Minister was right when he talked some years ago of

"the unfairness and unsatisfactory nature of the process."

He was certainly right when he said:

"We see a sad and sorry picture of the imposition of centralised diktats by Ministers who cannot possibly understand the intricacies and the detailed implications for local communities".—[*Official Report*, 24 June 1992; Vol. 210, c. 344–46.]

How haunted the Minister must feel by his almost youthful words! However, he is not alone in having bitterly to eat his past words.

As recently as 12 months ago, councils that were deemed to be excellent or good by the Audit Commission were promised freedom from capping restraints—a promise that has now been broken. Herefordshire unitary district council was graded "good" in its comprehensive performance assessment of December last year. Telford and the Wrekin UDC was

[Mr. Pickles]

graded "excellent" and Fenland was only two half points away from being graded "good". The Government's White Paper, entitled "Quality Public Services", stated:

"Decisions on local taxes are a vital part of local democracy and accountability. They should be taken by the local authority, based on the costs it faces and of the local people's willingness to pay."

An earlier Labour party document—"New Politics, New Britain: Restoring trust in the way we are governed"—said that reserved powers for capping should be used only "for extreme cases". So what has brought on the Government's blind panic?

The principal architects of this state of affairs are not the councillors, officers or residents of Nottingham, Torbay, Herefordshire, Fenland, Hereford and Worcester and Shepway: they are the Government. For years they have used the council tax for a purpose for which it was never intended—to transfer expenditure from central to local government without sending the necessary income to cover the burdens. The council tax is the Government's favourite stealth tax.

We need only look at the Audit Commission's report, "Council tax increases 2003–04: Why were they so high?" It said:

"Slightly more than half the total increase is due to national pay and price inflation . . . The causes of increased spending by councils included . . . national priorities, such as the requirement to increase funding for schools by an amount determined by government or to meet national waste recycling targets."

Above all, the Audit Commission cited grant redistribution:

"We found a clear association between the size of grant increase a council received and their increase in council tax."

With the exception of Shepway and possibly Torbay, those councils have been caught by the change in grant and the increased Government burden.

There is more than a whiff of arbitrariness about the use of the capping criteria and threshold. Six uncapped unitary authorities have higher percentage budget increases than Telford and Wrekin, while five have higher percentage band B and D precept increases. But Telford and Wrekin has been nominated, while other authorities have not. In addition, some of the tiers of council that have been capped have higher increases but not high levels of council tax, while other tiers of council have the dual threshold applied.

Let us take one example. Fenland has a precept increase in cash terms of just £27. In terms of their final bill, Fenland residents pay the lowest average council tax in Cambridgeshire—£904, compared with £973 in Liberal Democrat-run Cambridge. In Fenland, the precept, including the parish precept of £222 in 2004–05, is far less than that in many Labour councils. For example, the Prime Minister's district of Sedgefield levies a precept of £326 a year—the largest district precept in England and £104 more than Fenland. Why has the Prime Minister's district not been capped? I hope that the Minister's judgment in these matters has not been affected because the order coincides with the coming reshuffle, although, of course, we wish the Minister well.

The amount of money that will be returned is not even significant. It is £2.9 million, and the rebilling cost is estimated at between £1.1 million and £1.5 million.

Mr. Raynsford: Perhaps I can set the hon. Gentleman's mind at rest. The reason why Sedgefield council has not been proposed for capping is that the increase in its budget requirement this year was 0 per cent. Is the hon. Gentleman seriously suggesting that an authority that does not increase its budget requirement at all should be capped?

Mr. Pickles: The Minister makes my point for me. Look at the size of the grant that Sedgefield received. I cannot help but feel that the good people of Fenland and Sedgefield will wonder why the Government regard it as acceptable for one authority to make people cough up an extra £104, but unacceptable for another authority to charge considerably less.

Mr. Peter Luff (Mid-Worcestershire) (Con): I have no idea about the background to the Sedgefield grant, but is it not the case that authorities that whacked up their council tax in previous years, when there was no capping, and have imposed small increases this year, have got away scot-free, while authorities that did not whack up their council tax in previous years and which have imposed reasonable increases this year are capped? Where is the logic in that?

Mr. Pickles: There is no logic; my hon. Friend is right. As he suggests, the Government are in an absolute panic. As soon as we have a pensioners' revolt, they get into a blind panic, and they look to the Minister to get them out of the mess. He has cobbled the provisions together to the best of his ability, which will, I hope, be rewarded towards the middle of this week.

Mr. Raynsford: Let me put the minds of the hon. Gentleman and his colleagues at rest. Fenland district council received a 4.8 per cent. increase in grant this year. Sedgefield council received an increase of 3 per cent. So it has nothing to do with the grant increase.

Mr. Pickles: The Minister must understand that he changed the criteria under which grant was distributed. It is pointless looking at the figures on a one-year basis, because he fools no one—not this side of the House, his side of the House or, more importantly, local government.

Most of what the Government want to achieve could have been achieved simply by nominating the authorities for next year. Anyone with a passing experience of local government will tell the Minister that cuts of this size in council budgets so late in the financial year will have a wholly disproportionate effect on council services. By the end of July, much council spending is committed and fixed. Such parts of the budget as can be released will bear a heavy burden indeed. Little wonder that the Local Government Association, on an all-party basis, has described the order as "inconsistent, unnecessary, unworkable" and lacking "a long term solution". For those reasons, we will oppose the motion.

The Government have constantly broken their promises on capping. First, they said that they would not cap good and excellent councils, yet they have done so. Secondly, they said that they would cap only in exceptional circumstances, yet these councils are not exceptional. Thirdly, they promised fairness in the system, yet sadly their capping is both inconsistent and partisan.

The Government may have broken their promises but their actions are consistent. The change in grant distribution was vindictive and fiddled. This year's settlement was vindictive and fiddled. The capping decisions following that grant distribution were vindictive, fiddled, partisan and pointless. The order must be opposed.

7 pm

Mr. Graham Allen (Nottingham, North) (Lab): I shall vote against the Deputy Prime Minister's order and in favour of my hard-pressed constituents and a new vision of where local government should go in future.

As Josef K, the victim in Kafka's "The Trial" might have said, someone must have slandered Nottingham council, because one morning, without having done anything wrong, it was rate-capped. I must correct myself slightly. Nottingham council did something wrong: it went over what the Government later revealed to be its budget target by £180,000. On a total budget of £330 million, that represents an error of 0.054 per cent. recurring. There used to be a principle in law: de minimis non curat lex—the law is not concerned with trifles—but a recurring decimal is clearly not to be trifled with.

The council immediately sought to amend its budget. Nottingham's MPs—my hon. Friends the Members for Nottingham, East (Mr. Heppell) and for Nottingham, South (Alan Simpson) and I—urged the Government to allow the council to come back into compliance, which it wanted, but we did not succeed. Instead, the council must now send new bills to all council tax payers—at a cost of £250,000—to save £180,000. At the same time my constituents, who are some of the poorest in the UK, cannot obtain £50,000 to save our drug abuse resistance education—DARE—project. I cannot get £30,000 from the ODPM to fund a study into why Nottingham, North is continually the constituency with the lowest educational attainment in the UK. There are many other small projects where I could find a home for that £250,000, but instead of allowing Nottingham to return to compliance, the Government, at the stroke of a pen, can blow £250,000 of local council tax payers' money—their money—on pointless re-billing.

I fear that Nottingham city council was selected for this financial farce because it is a Labour council, and the Government wanted to add a Labour council to their list of the rate-capped. If so, that is the final touch of Kafka—a Labour Government penalising my constituents because they voted Labour; a Labour Government damaging the reputation of a council because it is Labour.

The episode does not reflect well on any of those involved. The Government did not specify the budget they required from Nottingham until it was too late. They sent no warning letter to Nottingham, whereas they did to the other 65 councils. The Government office for the east midlands was kept informed at every stage, yet flagged up no problems for Nottingham's budget.

None of those involved, including me, could believe that once the errors had been discovered the Government would behave so irrationally. It shows how far the British disease of over-centralisation has gone, and how much our Labour Government have, I am sorry to say, been consumed by it. As Neil Kinnock might have said: "You start with concepts that local electors cannot be trusted, they are then pickled into a rigid dogma—a code; and you go through the years sticking to that, outdated, misplaced, irrelevant to the real needs, and you end up in the grotesque chaos of a Labour Government—a Labour Government—using post office vans to scuttle round a city handing out re-billing notices to its own electors. I am telling you no matter how entertaining, how fulfilling to short-term egos, you can't play national politics with councils' reputations and with local people's services".

The case for a radical reform of the relationship between central and local government has been eloquently made once again by this sad episode; not the tinkering with the council tax that has been trailed this week but allowing the British people what is commonplace in most western democracies—constitutionally independent local government. That local government will be free from begging for the 38 different income streams that come to Nottingham for priorities decided at the centre; free to raise whatever additional amounts it can justify to its electorate; free to respond to local needs with care and sensitivity, instead of the centre's one-size-fits-all mentality; free from the hypocritical rhetoric of "new localism" from those who, never having understood or even served in local government, none the less delight in pulling the levers from the centre; and, above all, free to make local decisions on behalf of local people.

Mr. David Tredinnick (Bosworth) (Con): It might help the Minister to know that the hon. Gentleman sought guidance from the Joint Committee on Statutory Instruments, which I have the honour to chair. Indeed, he attempted to appear before the Committee, as he felt that the Government's approach to the order, which we considered last week, went completely beyond their powers. The Committee wanted to deliberate on that very point, but sadly we were unable to act, as it was not a case of law but one of policy. However, the fact that a Member representing Nottingham should have appeared before the Committee gives some indication of the concern in the midlands—I, too, represent a midlands constituency—at the appallingly cavalier way in which the Government have handled the matter.

Mr. Allen: Indeed, I attempted to ensure that the order was not considered until the city of Nottingham had made the fullest possible representations through a memorandum to the hon. Gentleman's Committee.

I am afraid that in this case central Government have again shown themselves to be inflexible, clumsy and bureaucratic. Although, like all on the Labour Benches, I hope for a third term, I hope also for a realisation in Downing street that local decisions are best taken by local government—a free, independent and strong partner to the centre—rather than the hollow sham that we have seen demonstrated again in the order.

[Mr. Allen]

I will oppose the order. If the Opposition parties do not oppose it, my hon. Friend the Member for Nottingham, South and I will call a Division, but I hope that all who want to build local democracy will oppose the culture that has permitted this order.

7.8 pm

Mr. Edward Davey (Kingston and Surbiton) (LD): The hon. Member for Nottingham, North (Mr. Allen) made an important and powerful speech. He made the case for local democracy extremely well and argued that the Government, in this measure as in others, are attacking local democracy, which is much to be regretted. Nottingham is my home town and I know that the people of Nottingham will be flabbergasted at the idea that the savings that the ODPM, in Whitehall, is demanding are less than the cost of re-billing.

In responding to interventions on that point, the Minister argued that Nottingham is inefficient, that the billing costs are too high and that the council should improve its collection of council tax. Those points may be valid, but capping Nottingham is not the way to sort out inefficiency or a poor record for council tax collection; it is the wrong way, as the Minister should know.

Unfortunately, the order is yet another attack on local democracy, and there have been quite a few recently. We have seen attacks on local police authorities and local education authorities, and unless there are some big surprises, tomorrow's statement will probably be the final nail in the coffin of new localism.

The Minister has won many friends in local government by what he has said. He goes around councils and visits the LGA, and people feel reassured; but, unfortunately, he has come to the House to defend policy decisions taken by the Government—possibly in No. 10 or the Treasury, perhaps not in the ODPM, but he has collective responsibility for them—that amount to an attack on local government.

The Minister, along with many of his colleagues, used to vote against capping when the Conservatives were doing it year in, year out. As the hon. Member for Brentwood and Ongar (Mr. Pickles) said, the Minister used to argue against capping. I hope that he realises the extent of the hypocrisy tonight. He knows that a lot of the trends that are happening under the Government are bad for local democracy. On the LEA point, he spoke strongly against that in May, so he realises that the Government are going backwards in their attempt to strengthen local democracy.

I gave the example of Nottingham, but the Minister will not be surprised that I want to talk about two other examples. Shepway district council—a small council—is being capped tonight, and rebilling will cost it £93,000. Nottingham's budget is more than £300 million, but Shepway's budget is £15.5 million. Its rebilling costs will be almost £100,000, which is quite astonishing.

The Minister claimed that, in deciding which councils to cap, he would take account of history and look at councils' records. Shepway's council tax is below average for a district council in Kent. In the past 10 years, the average rise in its council tax has been a mere 3 per cent. It is hardly a council with a high council tax. Unfortunately, when the new administration took over and looked at the books, it discovered that not only did Shepway have a low council tax, but that it had no financial reserves. Indeed, there was a black hole: the council was spending more than it was raising or receiving from central Government. It had to take serious action to put the finances in order. That shows the local issue in Shepway, and centralised capping cannot take that into account.

Shepway council must now cut severely. Council staff will be laid off. What effect will that have on the performance indicators and the requirements from Whitehall to improve performance in Shepway? It will undermine them. Shepway will have to remove backing for funding programmes in the local community that were receiving match funding from central Government to hit other performance indicators laid down by Whitehall. Many of the council's economic regeneration ideas, which involve long-term investment to gain benefits, will be hit. In an area of relative poverty, such as Shepway, tourism is very important, yet the cuts that Shepway must make will hit that industry badly.

Torbay's increase was under 10 per cent. We know that that figure is relevant, and we have seen it in the press. Some of the referendums run by the local paper showed that people accepted the 9.9 per cent. increase in council tax because it would still leave Torbay with one of the lowest council taxes in the south-west—but the Minister in Whitehall knew better than the local council, the local paper and the local people: he decided that the council must be capped.

Mr. Adrian Sanders (Torbay) (LD): Is my hon. Friend aware that, taken over two years, the increase is lower than any of the other councils in the area and that, taken over three years, it is still lower than any of the others? Where is the justice in the proposal?

Mr. Davey: My hon. Friend is absolutely right. Again, the proposal goes against the Minister's assurance that he would take account of recent history. He has clearly failed to do so. We thought that the Government had moved from crude capping, but it is still there. As my hon. Friend has told me in private conversations, Torbay council receives less in grant per capita than the average unitary authority. Indeed, it receives £26 per resident less than the average unitary authority. Not only does it have a recent record of low council tax, but it receives less support from the Government. One can understand why the people of Torbay support the council.

Mr. Steen *rose—*

Mr. Davey: I shall give way to the hon. Gentleman, but I wonder whether he will be consistent.

Mr. Steen: I have urged the Government to cap Torbay, and I support that—it was the right decision—but I question something else. The Government have capped Torbay, but they will charge £100,000 for the postal distribution to achieve a saving of about £10 per person. I ask the Government to review that position. I have supported the Government's view, but I now think that they should not charge the £100,000, but give a credit next year. That is why I oppose the order.

Although I support the capping, I do not support the way that the Government are doing it. That is a different point.

Mr. Davey: I very much regret giving way to the hon. Gentleman. I should have thought that he would say his constituents pay higher council tax than the people of Torbay and that they would therefore love Torbay's council tax. I wondered whether he would be consistent, but we heard from his own lips that he supports capping and worries about the consequences of capping. I know that he likes to have it two ways most of the time, but I am afraid that he cannot do so when we are debating on the Floor of the House.

The hon. Gentleman is right that rebilling will cost a staggering £100,000—10 per cent. of the required savings. There will be cuts in things for which the people of Torbay voted—for example, the flowerbeds. That may not seem important to some hon. Members, but it is very important to tourism in Torbay, in attracting visitors to the area and in ensuring that Torbay is a beautiful town that people want to visit. There will be cuts in the toilets that people want. There will be a lot of cuts that will hit the people of Torbay very seriously. What is the benefit? It is some 25p a week. I do not think that many people from Torbay will write to the Minister to thank him for that extra 25p, when they know that Labour Ministers are responsible for the cuts in the area.

The order is particularly regrettable given that the LGA—a cross-party body of Labour, Conservative, Liberal Democrat and independent councillors—has argued long and hard against capping. It is extremely angry and disappointed about the Government's decision. Anyone who has read the LGA's brief, to which the hon. Member for Brentwood and Ongar referred, will see the extent of that concern. As the hon. Gentleman said, the LGA says that capping is totally inconsistent with what Ministers have said in White Papers, in relation to the CPA process and in their speeches. Capping is inconsistent with stated Government policy.

As the LGA says, one would have thought that capping was unnecessary this year. The Government cajoled, encouraged and bullied councils to reduce their council tax rates. The Minister was right to do so. The Government used the threat of capping for that purpose, and they were successful to an extent. So why do they need to go ahead with capping? Given that the average rise this year is one of the lowest since the council tax was, unfortunately, introduced by the Conservatives, one would have thought that the capping powers were not necessary.

As the LGA also says, the proposal is unworkable. We have talked about the billing costs, but there is a much more fundamental point to make about prudent financial management. Councils must start to think long term. They must plan their council tax rates and budgets for the long term, and the Minister has recognised that. Last week, in the comprehensive spending review, we heard that, at long last, the Minister and the Chancellor will allow local authorities to have three-year settlements because they recognise the importance of long-term planning, but capping goes exactly in the opposite direction. Some of the services that the councils listed for capping will cut represent investment that they wanted to make to provide returns to the public in better services and better value for money in a few years' time. The proposal constitutes exceedingly bad financial practice.

Capping has never been and is not the solution. The solution is local democracy. Let the people vote. Let them vote out councils of whatever party when they do not like the services that they are given at the cost that they are charged. That is the solution.

Tomorrow, we will be promised a solution—we will be given the bait of a solution. However, many of us doubt whether it will be forthcoming and whether the rhetoric that will come tomorrow will match the hyperbole that we heard at the start of the balance of funding review. Tinkering with the council tax will not deal with the underlying unfairnesses and the balance of funding problem. For some people and some councils, what may be on offer tomorrow might make the problem worse. Therefore, the Liberal Democrats will vote against the order to uphold local democracy and to support local people—whether they are in Nottingham, Shepway or Torbay.

7.20 pm

Alan Simpson (Nottingham, South) (Lab): There are times in any Parliament when Members of the House have to come into the Chamber to make genuine and difficult decisions about issues of principle—issues of war and peace and the testing of their conscience. I do not pretend that we can expect to be here without having to address such issues. However, this is not an issue of enormous political principle. I shall vote against the order, along with my hon. Friend the Member for Nottingham, North (Mr. Allen), but more out of embarrassment than anything else.

This issue should be consigned to the cock-up theory of history. My hon. Friend came up with a quotation that was used by Neil Kinnock at the time that the local authority in Liverpool challenged the Government of the day over its democratic right to make decisions in defiance of the Government. It was perfectly possible then, and it is possible now, to argue that, in principle, once a Government have determined what they will fund in local government services, what then constrains local democracy should be located between the polling station and the police station. It is for the police to be able to charge councillors when they misspend public money and for the voters to be able to sack councils when they feel that their priorities are wrong.

In the current situation, we do not have a local authority that set out to defy central Government. We do not have a Nottingham authority that sought to provoke a head-on collision with Government policy. In fact, we have exactly the opposite. Nottingham has the 29th lowest average council tax in the country, and it set out to try to second-guess what the Government would do in setting a spending limit. It looked with considerable caution and interest at the early warning signs that were given. It was not one of the initial 65 authorities that received warning letters in respect of the budgets that they issued. It was not one of the 40 authorities that was then invited to come down to London to meet the Minister and his officials to have their budget adjusted.

[Alan Simpson]

In addition to that, the local authority approached all the local MPs and asked us, "Are we likely to be on the list? We do not want to be on anyone's hit list. Are we within the framework and unlikely to be capped?" Every one of us took soundings from Ministers and not one of us received an indication that Nottingham was anywhere near being on the capping list. It therefore came as an enormous surprise and disappointment to the authority to find that, somehow, it mysteriously appeared as a rogue authority.

Following that, we then attempted to comply with the requirements that the Minister set out. On 13 May, Nottingham MPs set up a meeting with the Minister and his officials to try to say, "Okay; if we have to find a way of removing the £180,000 overspend on a £331 million budget, let us talk about the practical ways in which we can do that." Not a shred of the conversation at that meeting was about defiance. Everything in it was about compliance. The authority said to the Minister and his officials, "Just tell us which of the following ways we can adjust the spend this year and accommodate that formally within the budget for the year that follows." It was a practical and constructive response to a line that the Government had drawn.

I do not want to go into too much detail about where the initial confusion lay. It is fair to say that a whole series of percentage increase figures were bandied about. I am prepared to accept that Nottingham, as a local authority, should accept some of the responsibility for the confusion. I also think that the Office of the Deputy Prime Minister should take a degree of the responsibility, because it would have been helpful if the submission sent to the office had been opened on the file. It was not; such is life.

The response to the problem is to find a practical way out that does not breach the principle that the Government set out, which was a line of spending. We should look to construct relationships between central and local government that are constructive rather than punitive. The decision that is embodied in this order is nothing other than punitive.

I cannot explain rationally why Nottingham should have been reincluded on the list when all the indications that we received in respect of every single representation made were that the city would not be on it. My only explanation is that the city was nobbled. I do think that it was necessarily nobbled by the Minister, but by Downing street. I think it was nobbled because, pragmatically, there was a feeling that a Labour authority was needed on the list to give a spurious sense of fairness and balance. So, in pursuit of the spurious, we now have the absurd position in which, for council tax payers in Nottingham to receive a rebate of what the city calculates to be an average of £1.83 per household per year, we will have to spend £250,000 to rebate £180,000, giving a grand total of £430,000 of spending for nothing. This is the politics of the absurd.

I ask the Minister to consider the three options that face him and the House tonight. The first is to remove Nottingham from the order altogether. The second is simply to remove the requirement for rebilling. If there is a principle at stake and Nottingham's name should remain on the list, at least allow us to act in a way that incurs least cost and leaves most resources to be deployed in the interests of the council tax payers of Nottingham. Those are two constructive ways out and the city council would happily comply with them. That is the way to embody both principle and pragmatism to address a solution to the line that the Government have defined.

There is, however, a third way out, and it is one that I have never raised in the House before. I have never questioned the tenure of office of anyone. However, I know that if such a decision had been taken by a local authority and had been raised in the House, Members of both sides would say, "We have to question the competence of this local authority and we ought to call on its members to resign or be sacked. We have to ask them to defend their right to occupy their positions in the face of decisions that are monumentally absurd." If we cannot go for either of the two initial options, the same questions have to be asked of the Minister.

7.28 pm

Mr. Malcolm Moss (North-East Cambridgeshire) (Con): It is always a pleasure to follow the hon. Member for Nottingham, South (Alan Simpson). He made an excellent speech in which he exposed the illogicality of the Government's position and their complete lack of principle in what they seek to achieve through the order. I speak on behalf of the district of Fenland in my constituency, and I have to say that, initially, I thought that we had been badly done by until I heard the stories this evening, particularly the story from Nottingham, which defies all logic and description.

The Minister said only in April:

"The Government therefore intend to take action against those authorities whose budget requirements they consider to be excessive."—[*Official Report*, 29 April 2004; Vol. 420, c. 1019.]

The key word is "excessive" but nobody, not least the Minister or the Government, have actually defined what they mean by it. It can mean one thing in Nottingham and another in Fenland, Shepway or Torbay. No one to whom I have talked in the Local Government Association or who has any experience of local government finance can find a common thread of logic in what the Government are trying to do. Like the hon. Member for Nottingham, South, I have concluded that they decided that they had to make an example of some councils and that they needed a spread of councils. When the Wrekin dropped out, they had to find a scapegoat Labour council, so Nottingham entered the frame. I think that Fenland is the scapegoat Conservative council.

Let us consider what "excessive" might mean, to try to understand why the councils have suddenly been caught in the net. Perhaps the percentage increase was thought to be excessive—I thought that the Minister indicated earlier that that was his main criterion. However, Huntingdonshire district council, which is also in Cambridgeshire, increased its council tax by a larger percentage than Fenland this year, so that cannot be the criterion. Perhaps the Government considered whether there was an excessive increase in band D council tax levels, but the evidence shows that Fenland does not meet that criterion either. Perhaps it was thought that the spending per head in Fenland was out of control or too high, but it has the lowest such spending in Cambridgeshire and one of the lowest of

any shire district in the country. A further factor considered might have been the finite size of the budget, but as we can see from the order, Fenland's budget of £12.22 million is the lowest of any council in the list. Fenland does not meet any of those criteria, so we must find another explanation.

As my hon. Friend the Member for Brentwood and Ongar (Mr. Pickles) said, it has been obvious for some time that the Government have used council tax over the past five, six or seven years as a stealth tax to draw more money out of tax payers to fund other things. They have kept grants low, and although they boast of a year-on-year increase, they do not explain that some 15 per cent. of the total grant money is kept on one side and ring-fenced for specific grants. The Government and the Minister decide where to spend that money and—surprise, surprise—it is targeted not at my constituency, that of the hon. Member for Torbay (Mr. Sanders) or even those of Nottingham Members, but elsewhere. However, the top-slicing of 15 per cent. of the money for those specific grants means that there is less available to fund the basic services that we all want in our constituencies.

Statistics show that the average total council tax bill in Fenland is the lowest in Cambridgeshire. The total bill is on average £83 a year per dwelling lower than the county average. The bill in Fenland is £60 lower than the average English bill and more than £130 lower than the shire district average. Fenland has a low tax base, with 85 per cent. of properties in bands A, B and C. That will come as a major surprise to many hon. Members in the Chamber because although those statistics smack of inner-city property values, my seat has been held by the Conservatives for the past 17 years—it was Liberal for a brief period before that. That means that every pound that Fenland adds to its council tax raises only £28,000, whereas every pound that neighbouring Huntingdonshire puts on its council tax bill raises double that amount—£56,000. An equalising measure should be built into any sensible formula calculation to compensate the parts of the country—mine is not the only one—with low tax bases because of their low property values. Fenland is penalised principally by its low tax base. It must increase its council tax at double the rate of its neighbouring council to provide the services that the Government demand of it, but that cannot be right.

Mr. Bill Wiggin (Leominster) (Con): I agree with my hon. Friend and I am fascinated by his speech because, as he will know, Herefordshire suffers a similar social distribution and has received equally unfair treatment from the Government. Perhaps I am being cynical, but does he agree that the measure has been exclusively designed to score political points and that it has nothing to do with any impact on local people?

Mr. Moss: I agree entirely with my hon. Friend. I tried to make that point earlier in my speech and concurred with the hon. Member for Nottingham, South that that was what the Government were attempting to do. They needed scapegoats and decided that they had to give the impression of being tough by bearing down on councils in which council tax was increasing above a certain level. However, they are being dishonest because council taxes throughout the country have been going up by double the rate of inflation or more over the past six or seven years. Everyone's council tax has gone up because the Government have depressed the level of grant as a proportion of what they expect councils to do.

Mr. Raynsford *indicated dissent.*

Mr. Moss: The Minister shakes his head, but my point is true. The fact that 15 per cent. of the total money is taken out for specific grants means that there is less money to go around for the provision of basic services.

The situation gets worse for Fenland. For as long as I can remember—certainly this was true when I was a councillor 17 years ago—we have been asking for the same area cost adjustment for Cambridgeshire as that enjoyed by Essex, Hertfordshire and the south-east planning region as a whole. We had the incongruous situation of a school in Royston, Hertfordshire, getting almost double the per capita spend for education as a commensurate school just over the border in Cambridgeshire. That made no sense, so we tried for some 20 years to get fairness and equalisation in the system. To give the Government credit, they finally examined the formula about two years ago and decided to revamp the system by giving a form of area cost adjustment, albeit probably with a different name, to councils throughout the country. The county of Cambridgeshire and its shire districts were included in the revaluation of the amount of grant needed to deliver the right level of services.

Instead of getting the money, however, we now find that the crazy policy of floors and ceilings has come into play. Last year, Fenland was short-changed by more than £500,000, while £420,000 was not given in grant this year, despite the fact that it was calculated under the new formula. Fenland is supposed to find £300,000 under the capping arrangement, but that is less money than we should be getting under the new formula. Where is the logic in that? I wish that the Minister would intervene to put me right because I cannot understand the situation at all.

Mr. Ronnie Campbell (Blyth Valley) (Lab): Nor can anyone else.

Mr. Moss: I thank the hon. Member for Blyth Valley (Mr. Campbell) for his interjection.

Some £420,000 has been withheld from Fenland this year to provide the level of services that it wants, but the Government have also come in with a pincer movement. They have set up the comprehensive performance assessment, but it probably costs our councils a large amount to pay for that because people come in and take up officer time for weeks on end, and councils have to jump through hoops set by the Government to get a comprehensive performance assessment grading. There are four grades: failing, poor, good and excellent.

What does my poor Conservative council do? Foolishly, in my opinion, it decides to strive for excellence. I do not know why, but it decided to do that. It was a poor council two years ago; so the incoming Conservative group, under fairly able and aggressive leadership, cleaned out the old guard and brought in new ideas. Within two years it is two half-points away from being assessed as "good". On a different day it

[Mr. Moss]

would have scored those half-points, got 41 instead of 40 and been categorised as a good council. Why are the Government setting up these systems for councils to measure themselves and then kicking them where it hurts most for other sorts of reasons? Here is a council striving to measure up to the Government's standards, almost getting into the "good" category, and being carved up by an illogical decision by the Government.

I do not think the Minister is responsible for that. I have clashed with him on many occasions and I have always had him down as an extremely sensible, practical, pragmatic Minister, but not for one minute can he justify what he is proposing tonight.

Mr. Pickles: I did not want to let my hon. Friend's speech to go by without confirming what he said about floors and ceilings. Fenland, according to the Government, should be spending more. It has moved to a position where the Government say it should pay and it is being penalised for following Government guidelines.

Mr. Moss: That is right. If one adds the £300,000 that the council now has to save to the £420,000 that it did not get, that is £720,000 out of a budget of £12 million. It is an enormous amount of money.

The council has attempted to jump through the Government's hoops. It has even started on the Government's pet projects, such as recycling. That is not yet mandatory but it will be eventually, and we all agree that it is probably a good thing. So what is Fenland doing? It is spending £204,000 setting up a recycling scheme. The Government are also keen on e-government. The council is spending £100,000 on that. That is £300,000 on those two features alone, in which the Government are encouraging councils to become involved. That sum matches the saving that the council must produce.

I am not usually spiteful, but I have said to my council, "Ditch at a stroke all these Government requirements. Just ditch them. Why should we play the Government's game and then find that we get knee-capped for doing it? It is ridiculous."

The hon. Member for Nottingham, South made three proposals to the Minister. I am not sure I could endorse the third option. It comes more powerful from the Government Benches than from ours. We ask for it all the time and get nowhere. However, the two other options are important. What is proposed is illogical. It makes no sense to anybody. It is a spiteful action. The case has not been made tonight or on a previous occasion, and no one to whom I speak who has any understanding of these matters understands why the Government are doing it.

If the Government want to set a few councils apart and appear to be disciplining them, fine, but we will be two thirds of the way through the year when the new bills go out. There is only a 10-month direct debit system and the bills cannot be prepared and sent out until October, which will be about the sixth month of the 10. People will already have paid, so what is the point? Figures have been mentioned tonight—in the case of Nottingham, £250,000—for the re-billing. We think that in Fenland the figure will be about £80,000. That is an extra cost that the council tax payer will have to bear.

Why penalise people in low-value properties? We should be looking to support them, rather than adding further burdens to their council tax payments. If the Minister wants to make his point and rap a few knuckles, that is fine, but instead of going through the irresponsible and stupid procedure of re-billing, why do we not say to the councils, "Next year you will rebate the amount we calculate that you should save, or just have a zero rate increase in your council tax." That is not a problem. While he is at it, why does the Minister not pay Fenland the money that his Government, by their own formula, deem that it needs to deliver a standard service?

7.45 pm

Mr. Peter Luff (Mid-Worcestershire) (Con): I always find it easier to attack a Government policy, or anything for that matter, if I understand the logic that lies behind it. I cannot begin to comprehend the logic that lies behind the order that we are considering tonight. I genuinely do not understand it. The Library has produced a helpful summary of the capping order and points out that the savings are tiny in relation to the budgets of the authorities being capped. Without doubt, Nottingham is the most bizarre case, with a projected saving of £180,000 out of a budget of £131 million. It literally defies description. I cannot understand why that is even being considered.

I shall speak particularly of the Hereford and Worcester fire authority, which has one of the larger percentage savings, but even then, it is less than 4 per cent. of the budget. That is hardly the stuff of the heady days of capping under the last Conservative Administration, when real sums of money were being discussed. Whatever the merits of capping, real sums were then being discussed. One can make the case, and I made it at the time in private, that capping is a bad thing, because the folly of local authorities should be exposed. But there is no justification for such extraordinarily small percentage savings.

On top of that, as the debate has so clearly highlighted, there is the folly of the costs of re-billing. Again, Nottingham is the most bizarre case, with the cost of re-billing being about one and a half times the money saved. My authority, the Hereford and Worcester fire authority, is the second most bizarre. The cost of re-billing will be half the sum saved, and that cost falls back on the authority and has to be found from its resources, magnifying the effect of the cap. I heard nothing from the Minister tonight that helped me understand the logic underpinning the order.

The Minister alluded briefly to future issues that will arise, should maximum budgets for next year be imposed. Both my fire authority and my police authority are extremely well run. The police authority has led the way in civilianisation. It has been an outstanding authority, but we now hear of the possibility that it will be capped in future years. The Minister will shortly receive a letter from the police authority that tells him that, were that to happen, it could not deliver the Government's declared aims for law and order. That is the consequence of the other, unspoken part of tonight's debate.

It is true that we have seen massive increases in the portion of the council tax bill for West Mercia constabulary to meet the Government's objectives. I heard the Home Secretary today boasting from the Dispatch Box about the increased number of police officers. The only reason that we have increased numbers of police officers in Herefordshire, Worcestershire and Shropshire—the West Mercia authority—is that the council tax payer has to pay for them. The Government would not. No credit attaches to the Government for any of those officers.

Mr. Raynsford *indicated dissent.*

Mr. Luff: There is no point in the Minister shaking his head. It is true. Both the police and the fire authorities are monstrously funded. What world is the Minister living in? *[Interruption.]* The real world, he says. I invite him to come and see the Hereford and Worcester fire authority for himself, and not to rely on the representations that he receives. He has reduced the amount of money that we have to save, so it is clear that he realised he had made a mistake. He went halfway to meet it but he could not go all the way. Again, saving face is the order of the day for the Government. Had he listened properly to those representations from the fire authority, he would have abandoned that ridiculous idea.

The fire authority is required to cut about £1 million from its budget of £25 million. This is its first year as a precepting authority. It is worth recalling that the problem of the underfunding of the fire service in Herefordshire and Worcestershire has gone on for years—and I say this to be bipartisan—under Governments of both political persuasions. The response of Hereford and Worcester, which once formed a combined council but are now separate councils, has consistently been to spend above the standard spending assessment, year in, year out. When I was a young boy in this place in 1992 and 1993, representations were made to the then Conservative Government urging them to provide better funding for the fire authority, but it has not happened.

Mr. Wiggin: My hon. Friend will be aware not only that my constituents will be rebilled for their council tax and police and fire authorities, but that a specific problem arises with regard to the Worcester fire authority. Although it is in an urban area, it is responsible for huge areas of countryside, so its cost base is very different. It is an extremely cost-effective authority and it did not need the order.

Mr. Luff: My hon. Friend is absolutely right. He might have added that there is a Labour chairman. If people are looking for a scapegoat, why pick on Nottingham? Why not just settle for Hereford and Worcester fire brigade and kill two birds with one stone?

Let me refer to the detail of the cuts necessary in the Hereford and Worcester combined fire authority. Support budgets are down £372,000, the vehicle budget is down £164,000, there is a delay in an important new headquarters project, saving £81,000 and other minor capital projects are down £10,000. With regard to the integrated risk management plan, to which I understand the Government attach great importance, there will be a saving of £475,000. The modernisation project, a declared objective of the Office of the Deputy Prime Minister that it regularly boasts about, has been abandoned with a saving of £151,000, and the various service delivery reductions amount to £245,000.

To meet the cost of rebilling, £1.498 million must be saved. There will be no action on modernisation, deferral of the 2004–05 capital budget and no action on dealing with the comprehensive performance assessment recommendations. The authority now predicts a high probability of failure to meet performance standards. There will be no action on best-value programmes—another pet enthusiasm of the Government—and an increased failure to meet statutory requirements. There will also be a weaker support mechanism across the whole patch, including finance, member support, procurement and personnel and no replacement vehicles or equipment at all this year. There will be no action on equalities work—another Government issue—including necessary improvements to buildings, which I assume means that the Disability Discrimination Act 1995 will be ignored, or on building replacement and improvement programmes. There will also be a withdrawal from various local partnerships, a significant reduction in safety education programmes and no action on fire safety initiatives,. The list goes on and on.

All those things will save the average band D council tax payer 7p a week, or £3.73 for the year. That is what all this turmoil will save. It is literally—this is a word that we often abuse—incredible. Like Victor Meldrew, I really do not believe it. It is not as if the fire authority's spending or council tax levels are out of line with shire county averages. The authority is in line with or just above or below all of them. There is nothing outrageous about the council tax requirements imposed by the Hereford and Worcester combined fire authority. A very important point is that its level of grant per citizen is the second lowest in the country; it is beaten only by Wiltshire. It is incredible that so many good and important things should be put at risk.

The Minister may well say, if he gets the chance to do so in this very short debate, that I welcomed the announcement when he originally made it. I did so for the following reason, which he knows is on the record: I thought that the detailed representations that he would receive from a small number of authorities would force him to recognise that the root problem was the monstrous underfunding that the police and fire authorities receive. I hoped that they would force a realisation of that fact.

Bob Russell (Colchester) (LD): That is naive.

Mr. Luff: I hear what the hon. Gentleman says, although I prefer the words "trusting" and "rational". Indeed, I prefer all kinds of other words, but perhaps I was naive after all. There has been a partial and grudging acceptance of part of the fire authority's case, but there is still the lunacy of £500,000 in re-billing costs. It is literally incredible.

I urge the Minister, even at this late hour, not to proceed. He does not have to proceed to a vote on this foolish order. He can say that he has listened to the

[Mr. Luff]

arguments, including the excellent speeches of his hon. Friends the Members for Nottingham, North (Mr. Allen) and for Nottingham, South (Alan Simpson), and that he will not proceed with the order. That option still exists.

I rushed out of the Chamber a few minutes ago because a thought came to my mind about a word that is defined thus in the "The Concise Oxford Dictionary":

"amusingly eccentric . . . crazy or reckless. *n.* an eccentric person."

The word is, of course, "madcap", and it is a word that we apply to the Minister for Local and Regional Government.

7.55 pm

Mr. Adrian Sanders (Torbay) (LD): I have the good fortune to represent one of the main holiday and hospitality destinations in the United Kingdom. As tourism is the area's main industry, its local authority, whether as a district council or as a unitary authority, as it is now, has always been presented with big problems.

The problem with local government in this country is that local councils are over-dependent on central Government for their income. The ratio in my area is 70:30, while the national average is 75:25. If an authority is that dependent on a paymaster, it is limited in how much it can do in its area. The calculation by the Local Government Association is that, to meet a 1 per cent. increase in costs locally, council tax has to be increased by 4 per cent.

That gearing lies at the heart of the difficulties that all local authorities have in setting their budgets, but the authorities that we are discussing tonight have had particular difficulties this year. That is the basic unfairness about the order. It is this year on which the authorities are being judged, and not their performance over a number of years or over a given set of time in relation to the actual council taxes that they have set or to the increases. Of course, no account is necessarily taken of the amount of Government funding that they receive in any year, which itself can be different year on year, depending on the changes that central Government make to the formula.

The problem of representing a fabulous constituency that so many people wish to visit and to live and work in, if they can find a job, is that we have to spend money to maintain that which attracts people. What we spend money on—illuminations, parks, gardens and toilets—is not statutory. For a unitary authority that depends on central Government for 70 per cent. of its expenditure, all the rules, regulations and targets that come down from above mean that very little is left for the non-statutory services, so they are the first things to be cut.

Another problem with which many authorities have to cope, especially seaside resort authorities, is a transient population. Such populations tend to bring with them a number of social problems. We have a high level of educational statements—the authority of Torbay has more statemented children under the age of 10 than the entire city of Bristol. That is a cost that the local authority has to meet. We have rising numbers of kids in care. For a small unitary authority, the bill for one child, which can be almost £100,000 a year for 24-hour care, can completely skew the social services budget. Torbay has a large number of people who have moved in from inner-city areas and an abnormal number of children in full-time care. We also have an ageing population. When those people present themselves to the social services, councillors cannot say, "We cannot offer you anything as we are making cuts." They have to pay that bill.

Therein lies Torbay's problem. Some £1 million has been overspent in social services. There are also the costs of all the Government programmes that have been imposed, including audit costs and comprehensive performance assessment costs of some £2.5 million. In Torbay's case, the actual grant formula is £26 per head less than in the average unitary authority, which accounts for another £1.1 million. Torbay starts £4.6 million down, and the Government say, "You must spend another £100,000 on rebilling."

There is no justice in the order for any of the authorities. Tonight, hon. Members on both sides of the House have made good cases for every area, but the Government have made the case for neither the justice nor the logic of the order.

8 pm

Mr. Raynsford: The debate has been interesting and I shall try to respond to the hon. Members who have spoken.

The hon. Member for Brentwood and Ongar (Mr. Pickles) began by saying that capping is not necessary at this time, although he accepts that it is necessary on other occasions. Against the background of last year's 12.9 per cent. average increase in council tax, it is difficult not to see the need for capping. A number of other hon. Members recognised that the significant reduction in this year's council tax increases is because the Government made it clear that we would use our capping powers.

The hon. Gentleman said that we have reneged on a pledge not to cap excellent and good authorities, but that pledge stood in the year in which it was made—we did not cap excellent authorities last year, despite the large increases. The hon. Member for Brentwood and Ongar should be ashamed of Wandsworth council, which had the largest increase—55 per cent.—in the country, but we did not cap it because we had made a pledge. In the autumn, the Government put all authorities on notice that we would use our capping powers.

Mr. Pickles: Will the Minister give way?

Mr. Raynsford: No, I do not have time. The hon. Gentleman should pass the message back to Wandsworth. I have less than 10 minutes and a number of hon. Members made points to which I want to respond.

The hon. Gentleman also said that capping should be used only in extreme cases. When he was in government, it was not a question of using capping occasionally, because it was used crudely and universally year after year. We have taken reserve powers, but we did not cap

in any of the previous five years and we capped for the first time because high council tax increases made it absolutely necessary.

Mr. Moss: Will the Minister give way?

Mr. Raynsford: No, I will not give way. I made it clear that I will respond to the hon. Gentleman's point. If he intervenes, I shall have no chance to respond to points made earlier.

My hon. Friends the Members for Nottingham, North (Mr. Allen) and for Nottingham, South (Alan Simpson) made sensible and fair representations on behalf of their authority. I am not endorsing the comments made by my hon. Friend the Member for Nottingham, South, but my hon. Friends made perfectly proper representations on behalf of their authority.

My hon. Friend the Member for Nottingham, North argued that the increase in council tax above the excess level was only marginal in the case of Nottingham. However, a 9.8 per cent. increase, one of the largest in the country for unitary authorities, is not in my view marginal. *[Interruption.]* Perhaps it was 9.6 per cent., but it was certainly more than 9 per cent. *[Interruption.]* We have dealt with the issue of re-billing costs and the saving in earlier exchanges.

My hon. Friend the Member for Nottingham, North made the point that Nottingham had not been given advanced warning of being capped. When we sent out letters to individual authorities, the figures quoted by Nottingham city council did not put it in the danger zone. As soon as it became clear that Nottingham city council was considering an increase of the order of 7 to 8 per cent., a spokesman for my Department was quoted in the local newspaper as saying, "If the increase is of that order, it is in the danger zone." Nottingham received a clear warning.

Mr. Allen: Will the Minister give way?

Mr. Raynsford: No, because I must respond to other hon. Members. *[Interruption.]*

Madam Deputy Speaker (Sylvia Heal): Order. The Minister is responding to the debate; let us have order.

Mr. Raynsford: The hon. Member for Kingston and Surbiton (Mr. Davey) considered our proposals an attack on democracy, but democracy depends on responsibility. He is only too happy to defend a Liberal Democrat council that had the largest single council tax increase of any authority in the country this year. He did not say that 28.4 per cent. is an unreasonable increase, and he will not say that. It is an indication of the Liberal Democrats' departure from reality that they cannot bring themselves to condemn increases of that order, which are clearly excessive. Shepway council's 28.4 per cent. increase was the highest in the country, and, contrary to what he said, it was 50 per cent. above the average increase for district councils. He should know that that authority cannot be treated as a marginal case, because the increase was substantial.

The hon. Gentleman asked why we should cap when, in his words, Government threats were successful in reducing council tax to the lowest level for several years. Those threats were successful, and it is a pity that he did not welcome them, but some authorities did not reduce their council tax. Had we not used our capping powers, people would not have believed that we were serious.

The hon. Member for North-East Cambridgeshire (Mr. Moss) asked about our definition of "excessive" and claimed that we had not issued one. I issued that definition on 29 April when I made a statement about capping, and I shall repeat it to him now. The definition in the case of a district council is a budget increase of more than 2 per cent., a council tax increase of more than 8.5 per cent. and a band D council tax above the average for district councils. Fenland district council is being capped because its budget increase, council tax increase and band D council tax are above those thresholds—its band D council tax is about 50 per cent. more than the average for district councils.

The hon. Gentleman mentioned Huntingdonshire, but he has obviously not been doing his homework. Huntingdonshire's average band D council tax is £95 and Fenland's is £206, which is why Fenland district council is in that particular position.

The hon. Gentleman discussed Fenland having its grant withheld. He had the good grace to acknowledge that we reviewed the area cost adjustment and that Fenland, like Cambridgeshire, benefited from significant grant increases as a result. He knows that the operation of the floors and ceilings system is designed to protect authorities against unreasonable short-term fluctuations in their entitlement, but one cannot have floors without supporting the ceilings.

The hon. Member for Mid-Worcestershire (Mr. Luff) had the good grace to recognise that his remarks were inconsistent with his comments on 29 April, when he said:

> "On balance, I welcome the Minister's comments about Hereford and Worcester fire authority and West Mercia constabulary".—[*Official Report*, 29 April 2004; Vol. 420, c. 1029.]

He does not understand the logic of capping. A budget increase of 19 per cent. and a council tax precept increase of 29 per cent. are massively above the figures for any other fire authority in the country, which is why Hereford and Worcester fire authority is in that position. He acknowledged that we have listened to the representations and made changes.

The hon. Member for Torbay (Mr. Sanders) discussed his authority's dependence on Government grant. His authority received a good grant increase of 6.9 per cent. and we expect all authorities with good grant increases to budget accordingly.

I recognise that hon. Members have considerable concerns about the issues, and we listened carefully to the representations from the authorities concerned and made changes to the original proposals. The action proposed in the draft order and the separate action that we are taking on nominated authorities is a measured and proportionate response to excessive increases. Our approach makes use of the new, more flexible capping powers, which we introduced in 1997. Although I understand the concerns expressed by hon. Members, the truth of the matter is that the arguments advanced

[Mr. Raynsford]

on behalf of individual authorities are, by and large, not unique—other authorities in similar positions did not set budgets that led to excessive increases.

Question put:—

The House divided: Ayes 278, Noes 175.

Division No. 232] **[8:09 pm**

AYES

Ainger, Nick
Ainsworth, Bob *(Cov'try NE)*
Anderson, rh Donald *(Swansea E)*
Anderson, Janet *(Rossendale & Darwen)*
Atherton, Ms Candy
Atkins, Charlotte
Austin, John
Bailey, Adrian
Baird, Vera
Barnes, Harry
Barron, rh Kevin
Bayley, Hugh
Begg, Miss Anne
Benn, rh Hilary
Bennett, Andrew
Benton, Joe *(Bootle)*
Berry, Roger
Best, Harold
Blackman, Liz
Blears, Ms Hazel
Borrow, David
Bradley, Peter *(The Wrekin)*
Brennan, Kevin
Brown, rh Nicholas *(Newcastle E Wallsend)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Byers, rh Stephen
Cairns, David
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell, Ronnie *(Blyth V)*
Caplin, Ivor
Caton, Martin
Cawsey, Ian *(Brigg)*
Challen, Colin
Clapham, Michael
Clark, Mrs Helen *(Peterborough)*
Clark, Dr. Lynda *(Edinburgh Pentlands)*
Clark, Paul *(Gillingham)*
Clarke, rh Charles *(Norwich S)*
Clarke, rh Tom *(Coatbridge & Chryston)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann *(Cynon V)*
Cohen, Harry
Cook, rh Robin *(Livingston)*
Corston, Jean
Cousins, Jim
Cox, Tom *(Tooting)*
Crausby, David
Cruddas, Jon
Cummings, John
Cunningham, Jim *(Coventry S)*
Cunningham, Tony *(Workington)*
Dalyell, Tam
Davey, Valerie *(Bristol W)*
David, Wayne
Davidson, Ian
Davies, rh Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Denham, rh John
Dhanda, Parmjit
Dobbin, Jim *(Heywood)*
Dodds, Nigel
Dowd, Jim *(Lewisham W)*
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Efford, Clive
Ellman, Mrs Louise
Etherington, Bill
Familly, Paul
Field, rh Frank *(Birkenhead)*
Fitzpatrick, Jim
Fitzsimons, Mrs Lorna
Flint, Caroline
Flynn, Paul *(Newport W)*
Follett, Barbara
Foster, Michael *(Worcester)*
Foster, Michael Jabez *(Hastings & Rye)*
Foulkes, rh George
Gapes, Mike *(Ilford S)*
George, rh Bruce *(Walsall S)*
Gerrard, Neil
Gilroy, Linda
Goggins, Paul
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grogan, John
Hain, rh Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, David *(Midlothian)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Healey, John
Henderson, Ivan *(Harwich)*
Hendrick, Mark
Hepburn, Stephen
Hesford, Stephen
Heyes, David
Hill, Keith *(Streatham)*
Hinchliffe, David
Hodge, Margaret
Hope, Phil *(Corby)*
Hopkins, Kelvin
Howarth, rh Alan *(Newport E)*
Howarth, George *(Knowsley N & Sefton E)*
Howells, Dr. Kim
Hoyle, Lindsay
Hughes, Beverley *(Stretford & Urmston)*
Hughes, Kevin *(Doncaster N)*
Iddon, Dr. Brian
Illsley, Eric
Iranca-Davies, Huw
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Alan *(Hull W)*
Jones, Helen *(Warrington N)*
Jones, Jon Owen *(Cardiff C)*
Jones, Kevan *(N Durham)*
Jones, Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Joyce, Eric *(Falkirk W)*
Keeble, Ms Sally
Keen, Ann *(Brentford)*
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Kidney, David
Killoyle, Peter
King, Andy *(Rugby)*
Knight, Jim *(S Dorset)*
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, David
Laxton, Bob *(Derby N)*
Lazarowicz, Mark
Lepper, David
Leslie, Christopher
Levitt, Tom *(High Peak)*
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Linton, Martin
Lloyd, Tony *(Manchester C)*
Lucas, Ian *(Wrexham)*
Luke, Iain *(Dundee E)*
Lyons, John *(Strathkelvin)*
McAvoy, Thomas
McCabe, Stephen
McCafferty, Chris
McDonagh, Siobhain
MacDonald, Calum
MacDougall, John
McFall, rh John
McGuire, Mrs Anne
Mcleasc, Shona
McKechin, Ann
McNamara, Kevin
Mactaggart, Fiona
McWalter, Tony
Mahon, Mrs Alice
Mallaber, Judy
Mandelson, rh Peter
Mann, John *(Bassetlaw)*
Marris, Rob *(Wolverh'ton SW)*
Marsden, Gordon *(Blackpool S)*
Martlew, Eric
Meacher, rh Michael
Meale, Alan *(Mansfield)*
Merron, Gillian
Michael, rh Alun
Miliband, David
Miller, Andrew
Moffatt, Laura
Mole, Chris
Moran, Margaret
Morley, Elliot
Mountford, Kali
Mullin, Chris
Munn, Ms Meg
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Naysmith, Dr. Doug
O'Brien, Bill *(Normanton)*
O'Hara, Edward
Oliner, Bill
Organ, Diana
Owen, Albert
Perham, Linda
Picking, Anne
Pickthall, Colin
Pike, Peter *(Burnley)*
Plaskitt, James
Pollard, Kerry
Pond, Chris *(Gravesham)*
Pope, Greg *(Hyndburn)*
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Prescott, rh John
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Ken
Purnell, James
Quin, rh Joyce
Quinn, Lawrie
Rammell, Bill
Rapson, Syd *(Portsmouth N)*
Raynsford, rh Nick
Reed, Andy *(Loughborough)*
Robertson, John *(Glasgow Anniesland)*
Robinson, Geoffrey *(Coventry NW)*
Roche, Mrs Barbara
Rooney, Terry
Ross, Ernie *(Dundee W)*
Roy, Frank *(Motherwell)*
Ruane, Chris
Ruddock, Joan
Russell, Ms Christine *(City of Chester)*
Ryan, Joan *(Enfield N)*
Salter, Martin
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Sheerman, Barry
Sheridan, Jim
Short, rh Clare
Singh, Marsha
Smith, rh Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, rh Chris *(Islington S & Finsbury)*
Smith, Geraldine *(Morecambe & Lunesdale)*
Smith, Llew *(Blaenau Gwent)*
Soley, Clive
Southworth, Helen
Squire, Rachel
Stewart, David *(Inverness E & Lochaber)*
Stewart, Ian *(Eccles)*
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Stuart, Ms Gisela
Sutcliffe, Gerry
Tami, Mark *(Alyn)*
Taylor, Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Thomas, Gareth *(Harrow W)*
Tipping, Paddy
Todd, Mark *(S Derbyshire)*
Touhig, Don *(Islwyn)*
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr. Desmond *(Brighton Kemptown)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Tynan, Bill *(Hamilton S)*
Vaz, Keith *(Leicester E)*
Vis, Dr. Rudi

Ward, Claire
Wareing, Robert N.
Watson, Tom *(W Bromwich E)*
Watts, David
White, Brian
Whitehead, Dr. Alan
Williams, Betty *(Conwy)*
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Woodward, Shaun
Woolas, Phil
Worthington, Tony
Wray, James *(Glasgow Baillieston)*
Wright, Anthony D. *(Gt Yarmouth)*
Wright, Tony *(Cannock)*

Tellers for the Ayes:
Mr. John Heppell and Vernon Coaker

NOES

Ainsworth, Peter *(E Surrey)*
Allan, Richard
Allen, Graham
Amess, David
Ancram, rh Michael
Arbuthnot, rh James
Atkinson, David *(Bour'mth E)*
Bacon, Richard
Baker, Norman
Barker, Gregory
Baron, John *(Billericay)*
Barrett, John
Beith, rh A. J.
Bellingham, Henry
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, rh Virginia *(SW Surrey)*
Brady, Graham
Brazier, Julian
Breed, Colin
Brooke, Mrs Annette L.
Browning, Mrs Angela
Bruce, Malcolm
Burns, Simon
Burnside, David
Burstow, Paul
Burt, Alistair
Cable, Dr. Vincent
Calton, Mrs Patsy
Cameron, David
Campbell, rh Sir Menzies *(NE Fife)*
Carmichael, Alistair
Cash, William
Chapman, Sir Sydney *(Chipping Barnet)*
Chidgey, David
Chope, Christopher
Clappison, James
Clarke, rh Kenneth *(Rushcliffe)*
Clifton-Brown, Geoffrey
Collins, Tim
Corbyn, Jeremy
Cotter, Brian
Cran, James *(Beverley)*
Cryer, John *(Hornchurch)*
Curry, rh David
Davey, Edward *(Kingston)*
Davies, Quentin *(Grantham & Stamford)*
Djanogly, Jonathan
Doughty, Sue
Duncan, Alan *(Rutland)*
Duncan Smith, rh Iain
Evans, Nigel
Fallon, Michael
Field, Mark *(Cities of London & Westminster)*
Flight, Howard
Forth, rh Eric
Foster, Don *(Bath)*
Gale, Roger *(N Thanet)*
Garnier, Edward
Gibb, Nick *(Bognor Regis)*
Gidley, Sandra
Goodman, Paul
Gray, James *(N Wilts)*
Grayling, Chris
Green, Damian *(Ashford)*
Green, Matthew *(Ludlow)*
Grieve, Dominic
Gummer, rh John
Hague, rh William
Hammond, Philip
Hancock, Mike
Heald, Oliver
Heath, David
Heathcoat-Amory, rh David
Hoban, Mark *(Fareham)*
Hogg, rh Douglas
Horam, John *(Orpington)*
Jack, rh Michael
Jackson, Robert *(Wantage)*
Jones, Nigel *(Cheltenham)*
Kennedy, rh Charles *(Ross Skye & Inverness)*
Key, Robert *(Salisbury)*
Kirkbride, Miss Julie
Knight, rh Greg *(E Yorkshire)*
Lait, Mrs Jacqui
Lamb, Norman
Lansley, Andrew
Laws, David *(Yeovil)*
Letwin, rh Oliver
Lewis, Dr. Julian *(New Forest E)*
Liddell-Grainger, Ian
Lidington, David
Loughton, Tim
Luff, Peter *(M-Worcs)*
McDonnell, John
McIntosh, Miss Anne
Mackay, rh Andrew
Maclean, rh David
McLoughlin, Patrick
Malins, Humfrey
Maples, John
Marsden, Paul *(Shrewsbury & Atcham)*
Mawhinney, rh Sir Brian
May, Mrs Theresa
Mercer, Patrick
Mitchell, Andrew *(Sutton Coldfield)*
Moss, Malcolm
Murrison, Dr. Andrew
Norman, Archie
O'Brien, Stephen *(Eddisbury)*
Öpik, Lembit
Osborne, George *(Tatton)*
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Price, Adam *(E Carmarthen & Dinefwr)*
Prisk, Mark *(Hertford)*
Randall, John
Redwood, rh John
Rendel, David
Robathan, Andrew
Robertson, Laurence *(Tewk'b'ry)*
Ross, Dame Marion
Rosindell, Andrew
Ruffley, David
Russell, Bob *(Colchester)*
Sanders, Adrian
Sayeed, Jonathan
Selous, Andrew
Shephard, rh Mrs Gillian
Shepherd, Richard
Simmonds, Mark
Simpson, Alan *(Nottingham S)*
Simpson, Keith *(M-Norfolk)*
Smith, Sir Robert *(W Ab'd'ns & Kincardine)*
Soames, Nicholas
Spelman, Mrs Caroline
Spicer, Sir Michael
Spink, Bob *(Castle Point)*
Spring, Richard
Stanley, rh Sir John
Streeter, Gary
Stunell, Andrew
Swayne, Desmond
Swire, Hugo *(E Devon)*
Syms, Robert
Taylor, Ian *(Esher)*
Taylor, John *(Solihull)*
Taylor, Dr. Richard *(Wyre F)*
Taylor, Sir Teddy
Teather, Sarah
Tonge, Dr. Jenny
Tredinnick, David
Turner, Andrew *(Isle of Wight)*
Tyler, Paul *(N Cornwall)*
Tyrie, Andrew
Viggers, Peter
Walter, Robert
Watkinson, Angela
Webb, Steve *(Northavon)*
Whittingdale, John
Wiggin, Bill
Willetts, David
Williams, Roger *(Brecon)*
Willis, Phil
Winterton, Ann *(Congleton)*
Winterton, Sir Nicholas *(Macclesfield)*
Yeo, Tim *(S Suffolk)*
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Noes:
Hugh Robertson and Mr. Peter Atkinson

Question accordingly agreed to.

Resolved,

That the draft Council Tax Limitation (England) (Maximum Amounts) Order 2004, which was laid before this House on 8th July, be approved.

Public Audit (Wales) Bill *[Lords]* (Programme) (No. 2)

8.21 pm

The Parliamentary Under-Secretary of State for Wales (Mr. Don Touhig): I beg to move,

That the programme order of 17th June 2004 in relation to the Public Audit (Wales) Bill [*Lords*] be varied as follows:

Consideration and Third Reading

1. Paragraphs 4 and 5 of the order shall be omitted.

2. Proceedings on consideration and Third Reading shall (so far as not previously concluded) be brought to a conclusion;

(a) at the moment of interruption at this day's sitting, or

(b) one hour after the commencement of proceedings on the motion for this order, whichever is the later.

The Bill has received cross-party support, which was reflected in its smooth passage on Second Reading and in Committee. I hope that the motion will command widespread support, and I commend it to the House.

8.22 pm

Mr. Bill Wiggin (Leominster) (Con): We would normally object to a programme motion, because it is not the way in which to get the proper debate that measures need. However, under the circumstances and because we have found so much that is positive in the Bill, it is difficult to press for a Division. I shall therefore not object at this stage.

8.23 pm

Mr. John Redwood (Wokingham) (Con): Hon. Members who are in the Chamber for this important debate would like to hear a little more from the Under-Secretary about the reasons for rushing the measure through. It is not good for parliamentary debate when we have plenty of time—the evening is yet young—and the big business has already been tackled if the Under-Secretary simply comes to the Dispatch Box and says nothing by way of introduction to what, I am sure, he regards as an important Bill for Wales. *[Interruption.]*

Madam Deputy Speaker (Sylvia Heal): Order. Would hon. Members who do not wish to be present for the debate please leave the Chamber quietly?

Mr. Redwood: To satisfy me that we can complete our proceedings in the specified time, it would be useful if, to avoid delay or a possible Division, the Under-Secretary would explain why he believes that the remaining issues can be tackled in the stated time.

8.24 pm

Mr. Touhig: I shall happily respond to the right hon. Member for Wokingham (Mr. Redwood), who had responsibility for Welsh matters in a previous incarnation. The Bill received detailed consideration in the other place. In Committee, I said to the right hon., I mean, the hon. Member for Leominster (Mr. Wiggin)—he is not yet right hon., but you never know—that the Bill was assisted by the comments and contributions of the Opposition parties. We completed the Committee stage in less than one day.

Mr. Eric Forth (Bromley and Chislehurst) (Con): What?

Mr. Touhig: The right hon. Gentleman suggests that that is outrageous. If he paid attention to the pre-legislative scrutiny, which is now custom and practice when we deal with Welsh legislation, he might not think that it is outrageous. The Bill was considered in Committee, with 40-odd amendments tabled by the hon. Member for Leominster. They all received extensive consideration.

Pre-legislative scrutiny also took place. The Welsh Affairs Committee produced a report, the relevant Assembly Committee produced a report and the Welsh Grand Committee debated the Bill a year ago. The measure has received much consideration and enjoys widespread support from all parties. I therefore hope that we can proceed to debating the amendment.

Question put and agreed to.

Public Audit (Wales) Bill *[Lords]*

As amended in the Standing Committee, considered.

Clause 3

STUDIES FOR IMPROVING ECONOMY ETC IN SERVICES

8.25 pm

The Parliamentary Under-Secretary of State for Wales (Mr. Don Touhig): I beg to move amendment No. 1, in page 4, line 30 at end insert—

'(3A) In determining how to exercise his functions under this section, the Auditor General for Wales shall take into account the views of the Audit Committee as to the studies which he should undertake or promote under this section.'.

The amendment would require the Auditor General for Wales to take account of the views of the National Assembly's Audit Committee in determining which studies to undertake or promote in the exercise of his functions under clause 3. That provision will enable the Auditor General to undertake comparative cross-cutting and forward-looking studies on value for money.

The Auditor General's powers to undertake value-for-money examinations are currently retrospective, in that they relate to the way in which the Assembly and its sponsored bodies have used resources in discharging functions. Sections 100 and 145 of the Government of Wales Act 1998, which relate to value-for-money examinations in respect of the National Assembly, Assembly-sponsored public bodies and national health service bodies in Wales, require the Auditor General to take account of the Committee's views. The amendment brings clause 3 into line with those provisions.

In practice, the Auditor General would consult the Audit Committee on his proposals under clause 3. The hon. Member for Caernarfon (Hywel Williams), who has apologised being unable to be present, remarked on the difference in approach during our debate in Standing Committee. I believe that the hon. Member for Leominster (Mr. Wiggin) also did that. I undertook to reflect on the remarks that were made. I have done that.

Mr. John Redwood (Wokingham) (Con): Will the Under-Secretary assure us that, if the Auditor General believes that an important item needs investigating but could prove embarrassing to the Assembly, he would none the less proceed in the public interest?

Mr. Touhig: The right hon. Gentleman knows from his ministerial experience that the Auditor General has always exercised such independence. In our debate in Committee and in another place, the Auditor General's independence was never questioned.

In Committee, I undertook to reflect on the comments of the hon. Member for Caernarfon, which were supported by the hon. Member for Leominster. That is the reason for the amendment.

Mr. Bill Wiggin (Leominster) (Con): I thank the Minister for introducing the Government amendment to subsection (3) of clause 3, which adds to the Auditor General's understanding of his abilities to comment on a body's objectives in considering their economy, efficiency and effectiveness. I am also grateful to the hon. Member for Caernarfon (Hywel Williams), and I am pleased that the Government have undertaken, following the suggestion that we made in Committee, to modify the wording of this subsection to allow the Auditor General to make the most constructive input possible without impinging on his independence.

We do not want the Auditor General to be constrained in doing his work and we were concerned that, as the Bill stands, the provision would have discouraged him from commenting on policies that he might discover to be causing ineffectiveness or inefficiency. However, this arrangement is the same as the one that applies to the Audit Commission, which has caused no problems in the current audit arrangements. The amendment will allow the Auditor General to learn and seek advice from the Audit Commission, and that will further guarantee that he will not be constrained by the wording of the subsection. We therefore intend to support the Government amendment.

Amendment agreed to.

Order for Third Reading read.

8.29 pm

Mr. Touhig: I beg to move, That the Bill be now read the Third time.

The Bill was brought from another place on 12 May. It received its Second Reading on 17 June, was considered in Standing Committee on 29 June and has been considered on Report this evening. It is an excellent example of how the Government and the National Assembly are working together in partnership in the interests of the people of Wales. It will deliver a unified public audit body with responsibility for public audit standards in Wales vested in a single, readily identifiable head—the Auditor General for Wales.

The Bill's objective has been widely welcomed by all who have been involved in its early scrutiny. That includes the stakeholders, most notably the Auditor General for Wales himself, the National Assembly, the National Audit Office, the Audit Commission and the Welsh Local Government Association. I also welcome the fact that the Bill's objectives have generally received all-party support during its passage through Parliament, both here and in another place.

The Bill was first published in draft in April 2003. More than 200 organisations were consulted, and the Bill has been scrutinised by both the Welsh Affairs Committee and the Committee of the National Assembly. Of the 41 recommendations for change or clarification made as a result of the pre-legislative scrutiny and public consultation, 19 were accepted. This process has given further proof, if any were needed, of the immense value of pre-legislative scrutiny in refining and improving draft legislation before its introduction to Parliament. The draft Transport (Wales) Bill represents a further significant advance in the development of pre-legislative scrutiny, in that it was considered last month by a joint Committee of the House of Commons and the Assembly.

In addition, further improvements have been made to the Public Audit (Wales) Bill as a result of amendments made during its passage through another place and in this House. A total of 32 amendments have been made. Apart from reflecting great credit on the Members of

[Mr. Touhig]

both Houses who participated in the Bill's passage—they have made an important contribution—this process has also demonstrated the Government's determination to achieve a very high quality Bill in an open-minded, non-partisan way. It has demonstrated the House operating at its very best. A total of 23 amendments were made during the Bill's passage through the other place. Eight Government amendments were moved and accepted during its debate in Standing Committee, and I earlier moved a further amendment that resulted from that debate.

In Committee, I also undertook to reflect on comments made by the hon. Members for Leominster (Mr. Wiggin) and for Caernarfon (Hywel Williams) on the principle that the Auditor General for Wales cannot question the policy objectives of a body for which he has audit responsibilities. The hon. Member for Leominster suggested that the wording of clause 3 might be modified to enable the Auditor General to make a

"constructive input without impinging on his independence."—[*Official Report, Standing Committee D*, 29 June 2004; c. 12.]

I promised to look at the wording of the clause and consider whether it was possible or appropriate to make any changes. I have done so, and I can tell the hon. Gentleman that the wording of clause 3 preventing the Auditor General from questioning the merits of policy objectives is consistent with the provisions already enacted in the Government of Wales Act 1998. It is clear and unambiguous and it reflects a well-established, acceptable principle. As I said in Committee, it does not prevent the Auditor General from expressing a view on the way in which organisations are working towards achieving their objectives. For this reason, the Government are of the view that the wording should remain unchanged. I hope that I have been able to satisfy the hon. Gentleman's concerns on that issue and that he is content with the explanation that I have given him this evening.

The hon. Gentleman also expressed the view in Committee that the treatment of criminal sanctions in the Bill was inconsistent, and he urged the Government to reconsider those provisions. However, the Government remain of the view that their position in trying to preserve consistency in sanctions in the context of primary legislation is entirely consistent. If criminal sanctions in primary legislation are to be reviewed, it is right that that should be done on an England and Wales basis, and not on a piecemeal basis.

In Committee, I announced that the Government intend to amend section 49 of the Audit Commission Act 1998 to drop the imprisonment sanction that currently applies to the unlawful disclosure of information under its provisions. It will also be deleted from clause 54 once the Bill is enacted and receives Royal Assent. I mentioned in Committee that the detail of repeal is still under consideration, but it will be done at the earliest opportunity. That is an excellent example of how the Government are prepared to consider and act on the issue of criminal sanctions in a structured and consistent way.

In addition to announcing the criminal sanction repeal, I also reaffirm the Government's determination to proceed with orders that will bring both section 49 of the Audit Commission Act 1998 and clause 54 of this Bill, once enacted, wholly within the spirit of the Freedom of Information Act 2000. The amendments will be made before the end of the year—I first made that pledge to amend clause 54 on Second Reading, I repeated it in Committee, and I reaffirm it now.

I wish to pay tribute to my hon. Friend the Member for Clwyd, South (Mr. Jones), who chairs the Welsh Affairs Committee, to parliamentary colleagues, and to the National Assembly for the scrutiny that they conducted when this Bill was presented in draft. The Bill, and the public audit process that it heralds, have benefited considerably from their endeavours. I also wish to pay tribute to my hon. Friend the Member for Bridgend (Mr. Griffiths) for his chairmanship of the Standing Committee. He chaired proceedings in a good-humoured and thoroughly professional way, which is his hallmark. I know of his plans to retire at the next election—he will be sadly missed on both sides of the House.

This Bill offers a single framework for public audit in Wales, with expertise brought together in a single body that will serve the whole spectrum of public sector bodies in Wales. That will complement the inclusive and cross-cutting way in which government works in Wales. A single audit body will also facilitate the development of and spread best audit practice. The Bill will ensure the maintenance and continuing development of the high standards of financial accountability and probity that already exist in Wales. Taxpayers have a right to expect continual improvement in the standards that underpin the spending of their money.

The Bill will give the Auditor General the tools that he or she needs to meet the challenges that lie ahead: for instance, from the increasing complexity of financial management systems. It will enable him or her to be both an effective watchdog and a valuable adviser to the public sector in Wales. It will also enable the Auditor General and his or her staff to participate fully in the development of audit and corporate governance both within the United Kingdom and internationally.

With those few remarks, I commend the Bill to the House.

8.37 pm

Mr. Wiggin: I have had an enjoyable day in Wales, at the Royal Welsh show. It is a shame that we are considering the Bill today, when Welsh Labour Members could have been at the show, along with the Prince of Wales. The Government seem to be keen to get Welsh business done this week, however, which is why the Welsh Grand Committee is sitting tomorrow, despite the fact that the report on which we will comment was released only at lunchtime today.

We broadly welcome the Bill in principle, and believe that the consolidation of a single audit regime in Wales will benefit the people of Wales; the new Wales Audit Office has great potential to improve the best value use of resources in public services and government in Wales. The Conservatives have worked hard to improve the Bill as much as possible in both Houses of Parliament, and we owe our thanks to the noble Baroness Noakes and the noble Lord Roberts of Conwy, who contributed enormously to that improvement.

In Committee, we proposed 44 amendments to improve the Bill, while Plaid Cymru proposed only two. The Liberal Democrats put down not a single, solitary amendment. I therefore hope that they will not try to claim the credit, although I suspect that they probably will.

Lembit Öpik (Montgomeryshire) (LD): I noticed that, in Committee, the hon. Gentleman criticised me for not being present for its proceedings. Was he aware of the fact that I was not on the Committee? In the context of this Bill, would he like a private audit of his parliamentary knowledge, so that he does not commit the same gaffe in future?

Mr. Wiggin: The hon. Gentleman should have read *Hansard* more carefully. We were critical of his press release, to the Delyn *Chronicle*, I think, in which he claimed full credit for all the amendments to the Bill, despite the fact, as he has just told the House, that he was not on the Committee. I am therefore grateful to him for intervening at this moment, and he is welcome to dive in whenever he feels like doing so.

The independence of the Auditor General is paramount, as are transparency and consistency. Unfortunately, I did not agree with what the Minister said—I feel that the Bill falls down on at least one of those, with inconsistencies remaining throughout the Bill. Most of its contents are lifted from the current audit arrangements for England and Wales under the Audit Commission Act 1998. It should have been based on the principles of effective audit of public money in Wales. The Government have worked hard with us to improve it significantly, but the opportunity to give Wales the best possible audit regime has to an extent been missed.

The Bill is an amalgamation of existing and new provisions, so there is an underlying theme of inconsistency. One of the inconsistencies that concern us most appears in clauses 5 and 11. We have brought it to the Government's attention on several occasions. It concerns the Auditor General's right of access. Clause 5 deals with registered social landlords and local government, and applies criminal sanctions for non-compliance, whereas clause 11 deals with rights of access to general information, but no criminal sanctions apply.

The Government have created inconsistencies in Wales because of their insistence on keeping criminal law consistent with England, but even that argument is faulty, because the Assembly is given the ability to create criminal offences in clause 39. Any consistency in criminal law between England and Wales will be broken as soon as the Assembly uses that power. There was the potential for Wales to have a far more logical audit regime if internal consistency had been the focus. In simply regurgitating what already exists in England, the Bill represents something of a missed opportunity for Wales.

We think it important for the Bill itself to be consistent, so that the people of Wales are not faced with the potential confusion caused by different rules for different people. Either there should be criminal sanctions for all, or there should be none. We have made it clear throughout that we do not consider criminal sanctions necessary.

Let me say something about schedule 2. As we said in Committee in connection with our new clause 1 and amendment No. 44, it is a shame that the Auditor General does not have power to extend his value-for-money studies to English local government. Under schedule 2 to the Audit Commission Act, the Audit Commission in England will be able to study Welsh bodies, but no such power is given to the Auditor General.

I am sure we can trust the good will of the Audit Commission to co-operate if necessary, but the Bill should include a duty for the commission to co-operate in respect of the Auditor General's functions under sections 41 and 42 of the Act. I am sure that none of us would want Wales to be at a disadvantage, or would want the Auditor General's work to be hindered because he has no power to conduct comparative studies in England. It seems most unfair that the Audit Commission should have the equivalent power in Wales.

In Committee we tabled some useful amendments on, for instance, electronic publishing, which I feel the Government did not take as seriously as I would have liked. We have the chance to create a new audit regime for Wales that is light years ahead, or at least a few steps ahead, of any other regime. I should have thought that that was in line with the Government's claim that they would make Wales a world-class place. The opportunity for Wales to lead the world in audit regimes has not been fully taken, and I think we should all regret that.

I thank the Minister for what he has said today about clause 54, which is controversial. We welcome the removal of imprisonment from the list of criminal sanctions. It is a victory for whistleblowers throughout Wales, who no longer face the possibility of being put in prison for disclosing information about local government. Conservative Members have worked hard with the Government to improve the clause enough for us to be able to support it. Although the Liberal Democrats have tried to claim the credit, I think even they will have to admit that the further amendments are a result of pressure from the Conservatives and the Minister's hard work—although I doubt that that will appear in their press release. They are likely to skate over that important fact.

The Government's proposals and assurances, however, have not gone quite as far as we might have liked to safeguard whistleblowers in Wales who disclose information other than the exceptions in clause 54(2). We still have no access to the wording of the promised amendment to the Freedom of Information Act. In Committee and again today, the Minister said that the Bill should not be enacted until 2005, and that by then we shall have been able to see the wording of the amendment. I hope that our trust in that promise will not prove to have been misplaced.

Overall, the Bill is a welcome measure for the people of Wales, so it has our support. While amendments have been made to the controversial clause 54, which deals with restrictions on disclosure of information, we must all ensure that whistleblowers are not deterred from reporting corruption in local government audit. We have tried our best to improve the Bill, and the 23 amendments made in the other place were the result, as I said, of the hard work of Baroness Noakes and Lord Roberts of Conwy.

[Mr. Wiggin]

The creation of a single audit body for Wales will benefit the people of Wales. The Government have worked hard on consideration of our amendments, and the Bill is a better measure as a result. I was a member of the Welsh Affairs Committee when it began its consultation, so I know that the hon. Member for Clwyd, South (Mr. Jones) has done a great deal of work, as have all members of the Committee. Their contribution was valuable because the Government listened to them, and that was the most constructive aspect of pre-legislative scrutiny. It is, however, a shame that the Government have chosen the short-sighted approach of simply importing current audit arrangements instead of grasping the chance to make Wales the beacon of good audit practice.

8.45 pm

Mr. Roger Williams (Brecon and Radnorshire) (LD): I, too, support the Bill. The Liberal Democrats have backed an improvement in audit arrangements in Wales for some time, and the Minister will know that a number of local authorities are concerned about the nature of audit reports and their public availability. The Bill will strengthen the position of the Auditor General for Wales, ensuring that his work is more widely available and is used to better effect. Local government was once afraid of his advent, but nowadays he is seen as a "friend" who can assist local authorities' work by improving the effectiveness and efficiency of public service delivery.

Combing two audit bodies into one organisation will bring genuine benefits to Wales. One of my constituents, for example, complained about the disposal of surplus NHS property and planning arrangements for the site. Unfortunately, one audit body looked at details of the disposal while the other was brought in to look at the remaining problems. As a result, my constituent felt that the overall issue did not receive the attention that it would have received from a single body. Arguments about who was responsible for amendments, including Government amendments, are not edifying, but we should put on record our thanks to my noble Friends in the other place for their contribution. Lord Evans made a commitment to deal with the problems caused by clause 54, but it was left to the Under-Secretary to deliver the details of the solution in Committee and on the Floor of the House. We accept his commitment to amend the clause by altering section 49 of the Audit Commission Act 1998. On Second Reading, my hon. Friend the Member for Montgomeryshire (Lembit Öpik) said that he did so because the Minister has an honest face but, in fact, the Minister is on the record as giving that assurance on at least three occasions.

One of the Welsh Affairs Committee's concerns in taking evidence was that combining two bodies into a single body should result in lower overheads and costs. Work is going ahead to set up the audit body under the control of the Auditor General for Wales. He will surely ensure that his own business is run as effectively and efficiently as possible, and take the opportunity to reduce the associated overheads.

Tribute has been paid to the work that the hon. Member for Clwyd, South (Mr. Jones) has done as Chairman of the Welsh Affairs Committee. Although the process can never be important as the outcome, that process has pointed the way towards greater co-operation between this place and the Assembly. I pay tribute to the hon. Gentleman's efforts to ensure that such co-operation has proceeded smoothly and productively.

The work of the Welsh Affairs Committee is greatly appreciated, as was the Minister's willingness to table amendments to ensure that section 49 of the 1998 Act meets our requirements. As such, we will support the Bill.

8.51 pm

Mr. Redwood: I welcome the principle of a more streamlined audit in Wales, and welcome the idea behind the Bill that the Auditor General for Wales should be concerned about efficiency, effectiveness and economy—about value for money—as well as about regularity and ensuring high standards of accountancy throughout the Principality. I do not wish to be the party pooper tonight, given that there is much consensus between the major parties, but on Third Reading we should ask ourselves a basic question. Is it likely that the Auditor General, charged with the powers in the Bill—on the likely assumption that it goes through in its current form—will succeed in rooting out the waste and inefficiency that we know exists throughout government in Wales at all levels?

We have been told by no less an authority than the Chancellor of the Exchequer of the United Kingdom—on this occasion, he has probably underestimated the situation, but he is giving us a general truth—that there is more than £21 billion of waste throughout UK government as a whole. Tonight, we are interested in only the Welsh portion of that figure. According to a rough calculation, one would assume about £1 billion-plus of waste in government in Wales. If we allow for the fact that some of that waste will be accounted for by the UK Government's doing "Union things" in Wales, we probably arrive at a rough figure of about £500 million of waste and unnecessary expenditure—the Chancellor must have that figure in mind—in the devolved areas and local authorities, which the Auditor General should root out as his main task. The Minister is welcome to intervene if he has a more precise figure. I see that he is with me so far, because he is not seeking to intervene or to deny what I am saying.

In his review, the Chancellor has greatly underestimated the extent of wasteful and unnecessary expenditure and flattered the public sector's efficiency and effectiveness; but better the sinner who repenteth a bit than the sinner who does not recognise that he is sinning at all. I am happy to start off by rooting out some £1 billion of wasteful expenditure in Wales, and I want an Auditor General who is capable of getting to grips immediately with the £500 million, which must be the devolved Welsh portion of the Chancellor's own figures.

So how is the Bill going to help? We are told that the Auditor General will carry out studies to assess the economy, efficiency and effectiveness of various policies and institutions. The Minister has told us—I am sure that he is right—that the Auditor General will be fearless and independent. He will know that it is his job to root out all such problems in turn as he decides to

study them, and then to lay measures before the Assembly so that it can see for itself just how bad things might be.

That, Madam Deputy Speaker, is where I wonder whether the Bill is strong enough to deal with the extent of the waste already identified by the Chancellor. My worry is that worthy work will be done in the first year or two—all sorts of studies will be commissioned and much money spent on investigating and assembling figures, listening to what witnesses have to say and so forth—but the end result will not challenge the underlying problem, which is a top-heavy bureaucratic structure. I fear that we will not hear that there could be much cheaper and easier ways of achieving things if policies were changed. It is difficult for an auditor, who is used to checking, reviewing and ensuring that numbers are accurate in his professional career, to move into the much more dynamic task of asking the big questions: is the money wisely spent; is the policy achieving its objectives; are there other ways in which an administration could achieve its objective? Much of what is assessed will be deeply political territory.

What if the efficiency review reveals that a wholesale transfer of functions from the public to the private sector is the best way of lowering costs and improving the quality of the service? That would be very difficult in the Welsh context, given the political composition of those to whom the Auditor General would be reporting. What if the efficiency and effectiveness review revealed that a large number of public servants—over and above the 104,000 UK-wide losses so far identified by the Chancellor—would have to go? To the best of my knowledge, we have not yet had a breakdown of what the overall figures mean for Wales. That, too, could be extremely sensitive territory, but it is impossible for the Auditor General to do the job as described in the Bill's remit unless he or she gets into that sensitive territory and starts considering whether all the public sector workers in Wales have a worthwhile job that is being carried out in a way that delivers value for the Welsh taxpayer.

I am suspicious of the function to review best value. I think that "best value" is one of those gross misnomers. A best-value regime has, in many cases, become a way of avoiding giving real value for the taxpayer and has generated a huge bureaucracy on top of what would otherwise be relatively sensible services. I do not believe that this particular philosophy in this Bill will cut through or dismiss best value because the Auditor General is invited by the Bill's language to go along with the best-value regime—a trumped-up method introduced by the Labour Government to avoid proper competitive tendering and contracting out. That is a fundamental flaw in the Bill, reflecting the flaw in the underlying policy that it is trying to review.

I am also very concerned about a point raised by my hon. Friend the Member for Leominster (Mr. Wiggin). He was, perhaps characteristically, a little too generous to the Government in making his criticism and passing over it. The question is—have the Government got the balance right in the Bill for protecting the whistleblower? My hon. Friend has done some good hard work with colleagues in Committee to get across the need to protect the whistleblower. I am sure that the Government have moved some way and I am grateful that they have seen the point.

Although it is important to protect the whistleblower against some of the more extreme penalties and results that could occur, it is very difficult—it is not dealt with properly in the Bill—to protect a whistleblower from loss of promotion prospects or from a difficult working environment if they wish to carry on working in the same public body. The Auditor General can make progress only if there are honest whistleblowers in the different public institutions and levels of public administration in Wales who are prepared to come forward and say how scandalous it was that so much money was spent on this and that, or that money has not been spent with great economy or good purpose.

I am sure that some people in Welsh public services have a high-minded belief in providing value for taxpayers and would love to tell their stories tonight, especially if they resulted in improved performance. However, they will not do so because they know that their working arrangements would become very difficult and that some of their colleagues who found the ineffective and uneconomic practices convenient would obviously dislike it very much if they had the whistle blown on them.

Mr. Wiggin: I am most grateful to my right hon. Friend for mentioning whistleblowers. I completely agree with his point about protecting them not only from imprisonment, but further if possible. As I am sure he is aware, the Minister once introduced a Bill to protect whistleblowers, which is why we have been able to deal constructively with this Bill. However, my right hon. Friend is probably thinking—perhaps he would like to comment—about James Cameron, a whistleblower who was treated very cruelly by the Government when he revealed the scandal of Romanian people coming to this country when they should not—

Madam Deputy Speaker (Sylvia Heal): Order. We really ought to be discussing the Third Reading of the Bill.

Mr. Redwood: I am grateful for your sage advice, Madame Deputy Speaker. It is better not to get involved in individual cases outside Wales, although the general point affects Wales materially. I am glad that the Minister has some sympathy for the drift of my remarks, which is that I want more protection—I hope that the Minister will think about this when he legislates again—to be offered to those whistleblowers who are good public servants, who feel strongly about the public sector ethos and the need to provide a good service and who need to criticise one, two or three of their senior colleagues to make their point, but who are still deterred from doing that by the likelihood of the retaliatory action that can be taken in the public service.

If the Auditor General is to succeed, he or she must create an ethos that enables people in the public services in Wales to understand the essential need to spend public money wisely and to run things efficiently. It must enable them to see attempts to explain to those in positions of responsibility how money could be better spent and how things could be better managed as part of good management and good husbandry, rather than as whistleblowing.

That is one of the differences between parts of the public service and the private sector in Britain that is not entirely helpful to the public sector. In a good private

[Mr. Redwood]

sector company, a chairman or chief executive would introduce a suggestion scheme inviting employees, however lowly, to put forward ideas that would save an extra ½ or 2 per cent. on cost. People would co-operate in the right spirit, and middle managers would not feel resentful because they would know that they were all engaged in a dreadful struggle to keep the business competitive.

There is not the same sense in the public sector. There is much more resentment if someone junior tells people above them that things could be so much more efficient or effective if only they were done differently. That can lead to recriminations, retaliation, unreasonable discrimination, failure to promote, sidelining and all the other things that some good public servants experience. It can be more difficult to get to the bottom of such matters, given public sector secrecy and confidentiality. So my second main point is that we really need better protection for whistleblowers if the provisions are to work.

In conclusion, I am not against good or streamlined audit. I agree with one thing the Liberal Democrats said: we must audit the auditor to ensure that the new arrangements are not only better, but cheaper. However, in the context of such streamlining, we might need to return to the provisions to strengthen the Auditor General's position so that he can protect whistleblowers better—a lot of his work will depend on that—and so that effectiveness, efficiency and economy studies can have some real bite. My fear is that, for all the good intentions, cross-party working and agreement that we have witnessed this evening—and, I understand, during the Bill's earlier stages—whoever is in government in two or three years' time will discover that the £500 million-plus a year of waste in Welsh public spending that the Auditor General should root out, and which has been identified in general terms by the Chancellor, is still going on. If so, our legislation will have failed.

9.3 pm

Mr. Touhig: With the leave of the House, I wish to reply to the debate.

We have had another good but brief debate on the Bill. The outcome has confirmed the constructive and co-operative approach that the House has taken to the Bill since its publication in draft form in April 2003. I pay tribute to Government spokesmen and Opposition Members—in the other place, too—for the positive way in which they have responded to the Bill. I also welcome the support that hon. Members have given the Bill in Committee and this evening.

The hon. Member for Leominster (Mr. Wiggin) welcomed the Bill, and I am delighted that he did so—as he will know. He asked whether the Bill could be made more effective, as he was concerned that it replicated a number of existing practices. However, what is in place has been tested; it is proven. When things work, we should not change them merely to be new and different.

The hon. Gentleman rehearsed some of the arguments about criminal sanctions that he made in Committee. I regret that we shall have to differ on those points. He was also concerned about co-operation between the Auditor General for Wales and the National Audit Office. During the passage of previous Bills, we have stressed the importance of cross-border co-operation and we shall certainly see that under this measure.

The hon. Gentleman had a little spat about press releases with the Liberal Democrat representative, the hon. Member for Brecon and Radnorshire (Mr. Williams). The hon. Member for Leominster showed the Committee a Liberal Democrat press release in which the party claimed great success in securing changes to the Bill, but he topped that with a press release of his own that was worthy of a prize for fiction, in which he laid claim to what I described as the "Wiggin clauses". We take that in good humour, but we recognise the importance of co-operation and collaboration on the Bill.

The Government acknowledge that there are differences in the matter of criminal sanctions. Where functions have been devolved to the Assembly, there is scope for secondary legislation in respect of criminal offences to diverge, but the Government take the view that, where possible, sanctions should be common to England and Wales, because we have common legal and criminal justice systems.

The hon. Gentleman thinks that the Bill is unimaginative and a lost opportunity. Again, we have to differ. The main purpose of the Bill is to allow for a unitary audit structure, and it goes a long way to deliver that for Wales.

The hon. Member for Brecon and Radnorshire talked about transparency. It is vital that any audit is as transparent as possible and that everyone can see that auditors' work on our behalf, scrutinising both public spending and the services provided for us, is open and transparent. I am pleased that the hon. Gentleman welcomes the changes we proposed to clause 54. I have given my pledge that the Government will continue along the lines that I indicated in Committee and this evening, although I am not sure whether I shall be able personally to see them through—that will depend on something that may take place shortly.

The right hon. Member for Wokingham (Mr. Redwood) spoke at some length about waste and inefficiency in Wales. Obviously, in all aspects of public service we have to examine whether we are getting value for money and ensure that we are not wasting the valuable resources at our disposal, whether in the Westminster Government, the Assembly or local government.

Of course, the right hon. Gentleman knows a lot about waste. In his time as Secretary of State for Wales, we saw the waste of mass unemployment in Wales. There was waste when our industries were being run down while his party was in power, but there was a thin red line of Labour local authorities protecting services from the ravages that he and his party were perpetrating on the people of Wales.

Mr. Redwood: That nonsense is not worthy of the Minister, so I shall not reply to it. Will he tell the House what is the waste per person in Wales under the

Chancellor's waste watch? For every adult countrywide, £450 a year is being tipped down the drain. How much is it for every Welsh person?

Mr. Touhig: The right hon. Gentleman has the advantage of me. I am not able to give him or the House that figure. However, I agree with him that waste and inefficiency should be tackled. I certainly tried to do that in a previous incarnation when I was chair of the finance committee of my county council, again in opposition to the policies that he was pursuing in the Wales Office and which led to a great deal of waste and inefficiency in Wales.

Audit practice has moved on. As I said when I was introducing the amendment, under clause 3 the Auditor General will have the opportunity to look forward, to look at policy development and public expenditure proposals. That is a benefit. We should not merely be looking backwards.

I note the comments about whistleblowers made by the right hon. Member for Wokingham. Of course, if I am not mistaken he had already left the Government in 1996, when I introduced a Bill to protect whistleblowers. Nevertheless, the Conservative party—I assume that he supported his party line—totally opposed that Bill and, in fact, left whistleblowers unprotected until a Labour Government were elected and did something about it, with the support and generosity of an Opposition Member.

This Bill will rationalise public audit arrangements in Wales. In doing so, it will greatly help the public's understanding of the audit system. We all talk about audit and say, "Oh, audit is boring. Audit is uninteresting", but when things go wrong, the first people to whom we turn are auditors and we ask, "Why has this happened? Why has something gone wrong?" So it is important that we recognise the Bill's value.

The Bill will vest overall responsibility for ensuring audit standards across the Welsh public sector in the hands of the Auditor General for Wales. It will bring a wealth of accounting and audit expertise within a single organisation and enable the Auditor General for Wales and his staff to build on the already generally high standards of public financial accountability that we enjoy in Wales. I am grateful to hon. Members on both sides of the House and those in the other place for the support that they have given to the Bill. We have worked together. That shows Parliament at its best, as I have said twice before. The Bill is hugely beneficial, in the public interest and has widespread support on both sides of the House. I am happy therefore to commend it to the House.

Question put and agreed to.

Bill accordingly read the Third time, and passed, with amendments.

DELEGATED LEGISLATION

Mr. Deputy Speaker (Sir Michael Lord): I propose to put together motions 6 to 11.

Hon. Members: Object.

Mr. Deputy Speaker: I propose to put together motions 6 and 7.

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Standing Committees on Delegated Legislation),

EXTRADITION

That the draft Extradition Act 2003 (Amendment to Designations) Order 2004, which was laid before this House on 17th June, be approved.

That the draft Extradition Act 2003 (Repeals) Order 2004, which was laid before this House on 17th June, be approved.—*[Mr. Jim Murphy.]*

Question agreed to.

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Standing Committees on Delegated Legislation),

TERMS AND CONDITIONS OF EMPLOYMENT

That the draft National Minimum Wage Regulations 1999 (Amendment) (No. 2) Regulations 2004, which were laid before this House on 17th June, be approved.—*[Mr. Jim Murphy.]*

Question agreed to.

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Standing Committees on Delegated Legislation),

EDUCATION

That the draft Student Fees (Amounts) (England) Regulations 2004, which were laid before this House on 1st July, be approved.—*[Mr. Jim Murphy.]*

The House divided: Ayes 250, Noes 153.

Division No. 233] **[9.12 pm**

AYES

Ainsworth, Bob *(Cov'try NE)*
Allen, Graham
Anderson, rh Donald *(Swansea E)*
Anderson, Janet *(Rossendale & Darwen)*
Atherton, Ms Candy
Atkins, Charlotte
Austin, John
Bailey, Adrian
Baird, Vera
Barnes, Harry
Barron, rh Kevin
Bayley, Hugh
Benn, rh Hilary
Benton, Joe *(Bootle)*
Berry, Roger
Best, Harold
Betts, Clive
Blackman, Liz
Blears, Ms Hazel
Borrow, David
Bradley, Peter *(The Wrekin)*
Brennan, Kevin
Brown, Russell *(Dumfries)*
Browne, Desmond
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, Andy
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Caplin, Ivor
Caton, Martin
Cawsey, Ian *(Brigg)*
Challen, Colin
Clapham, Michael
Clark, Mrs Helen *(Peterborough)*
Clark, Paul *(Gillingham)*
Clarke, rh Tom *(Coatbridge & Chryston)*
Clelland, David
Clwyd, Ann *(Cynon V)*
Coaker, Vernon
Cohen, Harry
Cook, rh Robin *(Livingston)*
Corston, Jean
Cousins, Jim
Cox, Tom *(Tooting)*
Crausby, David
Cruddas, Jon
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Jim *(Coventry S)*
Cunningham, Tony *(Workington)*
Dalyell, Tam
Davey, Valerie *(Bristol W)*
David, Wayne
Davidson, Ian
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Denham, rh John
Dhanda, Parmjit
Dobbin, Jim *(Heywood)*
Dobson, rh Frank
Dowd, Jim *(Lewisham W)*
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Efford, Clive
Ellman, Mrs Louise
Etherington, Bill
Farrelly, Paul
Fitzpatrick, Jim
Flint, Caroline

Flynn, Paul *(Newport W)*
Follett, Barbara
Foster, Michael *(Worcester)*
Foster, Michael Jabez *(Hastings & Rye)*
Foulkes, rh George
Gapes, Mike *(Ilford S)*
George, rh Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr. Ian
Gilroy, Linda
Goggins, Paul
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grogan, John
Hain, rh Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Havard, Dai *(Merthyr Tydfil & Rhymney)*
Healey, John
Hendrick, Mark
Heppell, John
Heyes, David
Hinchliffe, David
Hodge, Margaret
Hope, Phil *(Corby)*
Hopkins, Kelvin
Howarth, rh Alan *(Newport E)*
Howarth, George *(Knowsley N & Sefton E)*
Hoyle, Lindsay
Hughes, Beverley *(Stretford & Urmston)*
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Illsley, Eric
Irranca-Davies, Huw
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Alan *(Hull W)*
Jones, Helen *(Warrington N)*
Jones, Jon Owen *(Cardiff C)*
Jones, Kevan *(N Durham)*
Jones, Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Joyce, Eric *(Falkirk W)*
Keeble, Ms Sally
Kennedy, Jane *(Wavertree)*
Kidney, David
King, Andy *(Rugby)*
Knight, Jim *(S Dorset)*
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lawton, Bob *(Derby N)*
Lazarowicz, Mark
Lepper, David
Leslie, Christopher
Levitt, Tom *(High Peak)*
Lewis, Ivan *(Bury S)*
Linton, Martin
Lloyd, Tony *(Manchester C)*
Lucas, Ian *(Wrexham)*
Luke, Iain *(Dundee E)*
McAvoy, Thomas
McCabe, Stephen
McCafferty, Chris
MacDonald, Calum
McDonnell, John
MacDougall, John
McFall, rh John
McGuire, Mrs Anne
Mclsaac, Shona
McKechin, Ann
McNamara, Kevin
Mactaggart, Fiona
McWalter, Tony
McWilliam, John
Mahon, Mrs Alice
Mallaber, Judy
Mandelson, rh Peter
Mann, John *(Bassetlaw)*
Marris, Rob *(Wolverh'ton SW)*
Marsden, Gordon *(Blackpool S)*
Martlew, Eric
Meacher, rh Michael
Merron, Gillian
Michael, rh Alun
Miliband, David
Miller, Andrew
Moffatt, Laura
Mole, Chris
Moran, Margaret
Morley, Elliot
Mountford, Kali
Mullin, Chris
Munn, Ms Meg
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Naysmith, Dr. Doug
O'Brien, Bill *(Normanton)*
O'Hara, Edward
Olner, Bill
Owen, Albert
Parham, Linda
Pickthall, Colin
Pike, Peter *(Burnley)*
Plaskitt, James
Pollard, Kerry
Pond, Chris *(Gravesham)*
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Prescott, rh John
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Ken
Purnell, James
Quin, rh Joyce
Quinn, Lawrie
Rammell, Bill
Rapson, Syd *(Portsmouth N)*
Raynsford, rh Nick
Reed, Andy *(Loughborough)*
Robertson, John *(Glasgow Anniesland)*
Roche, Mrs Barbara
Rooney, Terry
Roy, Frank *(Motherwell)*
Ruane, Chris
Ruddock, Joan
Russell, Ms Christine *(City of Chester)*
Sarler, Martin
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Sheerman, Barry
Short, rh Clare
Singh, Marsha
Skinner, Dennis
Smith, rh Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, rh Chris *(Islington S & Finsbury)*
Soley, Clive
Southworth, Helen
Spellar, rh John
Squire, Rachel
Stewart, David *(Inverness E & Lochaber)*
Stewart, Ian *(Eccles)*
Strang, rh Dr. Gavin
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Gerry
Tami, Mark *(Alyn)*
Taylor, Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Thomas, Gareth *(Harrow W)*
Tipping, Paddy
Todd, Mark *(S Derbyshire)*
Touhig, Don *(Islwyn)*
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr. Desmond *(Brighton Kemptown)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Tynan, Bill *(Hamilton S)*
Vaz, Keith *(Leicester E)*
Ward, Claire
Watson, Tom *(W Bromwich E)*
Watts, David
White, Brian
Whitehead, Dr. Alan
Williams, Betty *(Conwy)*
Winnick, David
Winnerton, Ms Rosie *(Doncaster C)*
Woodward, Shaun
Woolas, Phil
Worthington, Tony
Wright, Tony *(Cannock)*

Tellers for the Ayes:
Mr. Fraser Kemp and Mr. Nick Ainger

NOES

Amess, David
Ancram, rh Michael
Arbuthnot, rh James
Atkinson, David *(Bour'mth E)*
Atkinson, Peter *(Hexham)*
Bacon, Richard
Barker, Gregory
Baron, John *(Billericay)*
Barrett, John
Bellingham, Henry
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Brady, Graham
Brazier, Julian
Brooke, Mrs Annette L.
Browning, Mrs Angela
Burns, Simon
Burnside, David
Burstow, Paul
Burt, Alistair
Calton, Mrs Patsy
Cameron, David
Campbell, rh Sir Menzies *(NE Fife)*
Carmichael, Alistair
Cash, William
Chapman, Sir Sydney *(Chipping Barnet)*
Chidgey, David
Chope, Christopher
Clappison, James
Collins, Tim
Curry, rh David
Davey, Edward *(Kingston)*
Davies, Quentin *(Grantham & Stamford)*
Djanogly, Jonathan
Dodds, Nigel
Doughty, Sue
Duncan, Alan *(Rutland)*
Fallon, Michael
Field, Mark *(Cities of London & Westminster)*
Flight, Howard
Forth, rh Eric
Foster, Don *(Bath)*
Gale, Roger *(N Thanet)*
Garnier, Edward
Goodman, Paul
Gray, James *(N Wilts)*
Grayling, Chris
Green, Damian *(Ashford)*
Green, Matthew *(Ludlow)*
Grieve, Dominic
Gummer, rh John
Hague, rh William
Hammond, Philip
Hancock, Mike
Heald, Oliver
Heathcoat-Amory, rh David
Hendry, Charles
Hoban, Mark *(Fareham)*
Hogg, rh Douglas
Horam, John *(Orpington)*
Howard, rh Michael
Jack, rh Michael
Jackson, Robert *(Wantage)*
Jones, Nigel *(Cheltenham)*
Key, Robert *(Salisbury)*
Kirkbride, Miss Julie
Knight, rh Greg *(E Yorkshire)*
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Lamb, Norman
Lansley, Andrew
Lawa, David *(Yeovil)*
Leigh, Edward
Lewis, Dr. Julian *(New Forest E)*
Liddell-Grainger, Ian
Lidington, David
Loughton, Tim
Luff, Peter *(M-Worcs)*
McIntosh, Miss Anne
Mackay, rh Andrew
Maclean, rh David
McLoughlin, Patrick
Malins, Humfrey
Marsden, Paul *(Shrewsbury & Atcham)*
Mawhinney, rh Sir Brian
May, Mrs Theresa
Mercer, Patrick
Mitchell, Andrew *(Sutton Coldfield)*
Moore, Michael
Moss, Malcolm
Murrison, Dr. Andrew
Norman, Archie
O'Brien, Stephen *(Eddisbury)*
Öpik, Lembit
Osborne, George *(Tatton)*
Ottaway, Richard
Page, Richard

Paice, James
Paterson, Owen
Pickles, Eric
Price, Adam *(E Carmarthen & Dinefwr)*
Prisk, Mark *(Hertford)*
Pugh, Dr. John
Randall, John
Redwood, rh John
Rendel, David
Robathan, Andrew
Robertson, Laurence *(Tewk'b'ry)*
Roe, Dame Marion
Rosindell, Andrew
Ruffley, David
Russell, Bob *(Colchester)*
Sayeed, Jonathan
Selous, Andrew
Shephard, rh Mrs Gillian
Shepherd, Richard
Simmonds, Mark
Simpson, Keith *(M-Norfolk)*
Smith, Sir Robert *(W Ab'd'ns & Kincardine)*
Soames, Nicholas
Spelman, Mrs Caroline
Spink, Bob *(Castle Point)*
Spring, Richard
Stunell, Andrew
Swayne, Desmond
Swire, Hugo *(E Devon)*
Syms, Robert
Taylor, Ian *(Esher)*
Taylor, John *(Solihull)*
Taylor, Matthew *(Truro)*
Taylor, Dr. Richard *(Wyre F)*
Taylor, Sir Teddy
Teather, Sarah
Thurso, John
Tonge, Dr. Jenny
Turner, Andrew *(Isle of Wight)*
Tyler, Paul *(N Cornwall)*
Tyrie, Andrew
Viggers, Peter
Watkinson, Angela
Webb, Steve *(Northavon)*
Whittingdale, John
Wiggin, Bill
Willetts, David
Williams, Roger *(Brecon)*
Willis, Phil
Winterton, Ann *(Congleton)*
Winterton, Sir Nicholas *(Macclesfield)*
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Noes:
Hugh Robertson and
Mr. Geoffrey Clifton-Brown

Question accordingly agreed to.

Mr. Deputy Speaker: We shall take motions 10 and 11 together.

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Standing Committees on Delegated Legislation),

NORTHERN IRELAND

That the draft Age-Related Payments (Northern Ireland) Order 2004, which was laid before this House on 24th June, be approved.

That the draft Vehicle Testing (Temporary Exemptions) (Northern Ireland) Order 2004, which was laid before this House on 29th June, be approved.—*[Mr. Jim Murphy.]*

Question agreed to.

WELSH GRAND COMMITTEE

Motion made, and Question put forthwith, pursuant to Standing Order No. 108(1) (Welsh Grand Committee (sittings)),

That the Order of the House of 22nd June relating to sittings of the Welsh Grand Committee on Tuesday 20th July be amended, in paragraph (2), by leaving out 'Two o'clock and half-past Four o'clock' and inserting 'Three o'clock and half-past Five o'clock'.—*[Mr. Jim Murphy.]*

Question agreed to.

ENVIRONMENTAL AUDIT

Ordered,

That Mr. Jon Owen Jones be discharged from the Environmental Audit Committee and Mr. John McWilliam be added.—*[Mr. Bob Ainsworth, on behalf of the Committee of Selection.]*

9.27 pm

Mr. Paul Tyler (North Cornwall) (LD): On a point of order, Mr. Deputy Speaker. The motion on sittings of the House was not moved. Are we to be given any explanation by the Leader of the House or the Deputy Leader of the House of the arrangements for Thursday? Has the Chair been given any indication yet—

Mr. Deputy Speaker: Order. As the motion was not moved, we will not have any debate about it at all.

Peter Bottomley (Worthing, West) (Con): On a point of order, Mr. Deputy Speaker. If the motion comes back tomorrow, is it possible that the Chair might say to the Government, "We would like to know on which Bills messages might be presented to the House", or is that to be a secret? Is the reason for not moving the motion to try to keep that information from the public and Parliament?

Mr. Deputy Speaker: The hon. Gentleman's point of order is hypothetical and not one that the Chair can deal with at this time.

Mr. Eric Forth (Bromley and Chislehurst) (Con): Further to that point of order—

Mr. Deputy Speaker: No, I have dealt with that matter.

PETITION

Gidea Park Post Office

9.28 pm

Mr. Andrew Rosindell (Romford) (Con): I present a petition on behalf of no less than 1,071 of my constituents in the Gidea Park area of Romford. The people of Gidea Park are outraged at the strong possibility that the local Gidea Park post office will be closed. They have asked me to present the petition to the House on their behalf this evening.

The Gidea Park community contains large numbers of elderly people who depend heavily on their local community shops, of which the post office is a focal point. The loss of the Gidea Park post office would not only be a great inconvenience to all local people in that area of Romford, but would have a damaging effect on other local community shops.

I wish to present the petition on behalf of all residents of Gidea Park and the surrounding communities of Heath Park, Marshall's Park and central Romford, all of which are very close to Gidea Park. The petition has been given strong support by members of the congregation of St. Michael's church, Gidea Park, parents from the Gidea Park primary school and the Gidea Park college, and particularly the shopkeepers in Main road, Gidea Park, and Balgores lane. It also has the full support of the local councillors for the Squirrels Heath ward, Councillors Eric Munday, Michael White and Eddie Cahill, and for the Romford Town ward, Councillors Wendy Brice-Thompson, Frederic Thompson and Andrew Curtin.

[Mr. Andrew Rosindell]

The petition reads as follows:

To the House of Commons,

The Petition of the People of the Gidea Park area of Romford

Declares that the Gidea Park Post Office is threatened with Closure. The petitioners therefore request that the House of Commons do all in its power to keep the Gidea Park Post Office open.

And the petitioners remain, etc.

To lie upon the Table.

Child Trafficking

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Jim Murphy.]*

9.30 pm

Ms Sally Keeble (Northampton, North): I am very grateful for the opportunity to have this debate on child trafficking, an issue that has been of great concern to me for a considerable number of years. It has also been highlighted by a large number of organisations, in particular UNICEF, World Vision and Save the Children, which have all campaigned strongly over the appalling exploitation of children and young people through trafficking. My local women's institutes have also been very concerned about the issue and have lobbied me on it. My hon. Friend the Member for Lancaster and Wyre (Mr. Dawson) is also going to make some points, as he, too, has been active on this matter for a long time.

I recognise that the present Government have taken substantial steps to deal with child trafficking, including measures in the Sexual Offences Act 2003 and the Asylum and Immigration (Treatment of Claimants, etc.) Bill, and the funding of the Eves project, as well as the Paladin Child project. I congratulate the Home Office and Metropolitan police staff who are working in Heathrow on that project and who do amazing work checking on the status and care arrangements for children coming into the UK. I was able to spend time with them and also with the immigration and nationality directorate staff at Croydon. I was impressed with the expertise, thought and care that they put into their very difficult work. I was very moved by some of the children whom I encountered and heard interviewed.

The reason why I asked for this debate was that, despite the legislation and the very good work that has taken place at Heathrow, the reality appears to be that children and young people are still being trafficked into the country. When they emerge in the system, in schools, health services or in my advice surgeries in particular, there are real difficulties in getting their position resolved. Although I have a big interest in this matter as a policy issue, my main reason for raising it this evening is that it is a pressing constituency concern as well.

I believe that there is a strong need to ensure that there is some real connection between the national and strategic work and the local work dealing with the individual child. We often get transfixed by some of the criminal issues that surround child trafficking, particularly with regard to sexual exploitation, whereas an awful lot of it is not so spectacular and is much more humdrum, relating to benefit fraud, private fostering arrangements and other such issues.

I am concerned mainly with child protection rather than criminal issues. I have repeatedly dealt with cases in which children have been trafficked into the UK, but in which it has been exceptionally difficult or, as in most cases, completely impossible, to sort out their immigration status and get them essential support. There is a lot behind the children whom I have encountered that is not clear. In most cases, I do not know why they leave their country of origin, although I would assume that their parents want to get them out of countries that are being destroyed by conflict and poverty.

It is sometimes unclear how such children are being exploited. On one occasion, the exploitation involved domestic servitude, in some cases the sexual exploitation of older girls and women was involved and other cases included benefit claims and private fostering. Exploitation might even begin with the best of intentions and occur because of changed circumstances.

It is clear that people are paid to bring children, who often change hands more than once before they get to Northampton, into the country. The relationship between such children and their carers is not always clear, and they are often moved about. I am not prepared to see those children continue to be moved about and treated in that way without the implementation of more robust arrangements to protect them.

I first came across child trafficking back in the early 1990s, when I was a councillor in south London. I had to deal with a young Somali girl who had been brought into the country to marry a much older man and run a home for a series of children smuggled in on false papers. Her story was similar to those that I have heard repeatedly in recent years. Agents bring in children whom they usually pass off as relatives. The children are given papers, which are then taken back by the agent or destroyed—normally, the agent takes the papers back—and are sometimes taken to a community centre or similar in London before being moved on. It is hard to get more precise information and doubts always exist about the extent to which children are coached and the possibility that some of the children might be UK children who are being circulated around the system.

I have met a reasonable number of such children and have got to know some of them well over the years. They have clearly been smuggled through immigration by being passed off as agents' children, and they end up in Northampton with no papers and no status. Trying to get their status sorted out is extremely difficult, especially for younger children, who are the most vulnerable and who often do not know where they have been and where they have come from.

I shall give some examples. A young woman who was brought into the UK to start a better life ended up in domestic servitude—a church community helped her to leave her home. Two little boys, who are still waiting for DNA tests to establish their relationship with their father so that their status here can be resolved, were apparently brought in by an agent in November 2000, and they are still in a bureaucratic limbo—they are at school, but they cannot register with doctors because they do not have birth certificates. I have been in contact with the Home Office about them since early last year.

Agents brought two young girls into the UK via Heathrow on 15 May 2002 and 7 September 2001, and the girls' status has not been resolved—a dispute seems to be occurring between two women over which of them is the girls' mother. A number of teenage girls who were brought in and moved around repeatedly are still without papers. Other cases have occurred, some of which were referred to people involved in the care of children in Northampton.

Those children are not unaccompanied minors who claim asylum on arrival. Some 2,800 unaccompanied minors arrived last year and they are relatively well off compared with the children I am talking about. I am discussing children who appear in the system without proof of identity, residential status and clear safeguards or protections. They are children such as Victoria Climbié, who was brought into the UK by being passed off as her aunt's daughter. I always have a great sense of unease when I deal with such cases and talk to the children.

Those children need more protection, and I ask my hon. Friend the Minister for five things. First, I know that the Home Office is already training more staff to do the work undertaken by the team at Heathrow that stops and checks children being brought into the country when it has doubts about the arrangements. I hope that the training will progress quickly and that such teams will be installed at ports across the country. The work is remarkable and involves simple things such as discovering whether the relationship between the two people is what it is claimed to be by picking up the body language between an adult and a child and determining proper arrangements for the care of the child. When I was at Heathrow, the team picked up a mother and son, who were not in fact mother and son—the so-called son had a load of drugs in his little rucksack.

Secondly, I ask that applications for asylum or immigration status from children are fast-tracked. Taking three years to process a claim for asylum or indefinite leave may not be a disaster for an adult, but it is an eternity for a boy of five or six. If a parent or adult with care agreed to a DNA test in 2003, it should not take 18 months to get it done in order that the relationship between the adult and the child can be established and the immigration claim properly assessed—it should happen much more quickly than that. In the meantime, the child cannot gain access to a range of services, including health services.

Thirdly, some good joint working between national and local authorities and between the different local authorities is required to ensure that problems such as data sharing are properly resolved. If there have to be delays in inquiries into the exact status of a child, some thought must be given to liaising with the local social services and housing authorities to prevent repeated moves and to ensure that the child's school is properly involved and that other safeguards are in place.

Fourthly, the Home Office needs to give some thought, in conjunction with the airlines, to how children's identity documents should be handled. That critical matter has been discussed at official level, in the industry and among concerned groups. Perhaps the documentation for certain children who travel on airlines should be kept by stewards or similar people on the plane, then handed over to the immigration staff when the children disembark.

It is hard to describe how horrible it is having to ask a child about their identity when they do not know. I once talked to a child who, as was clear from having tracked back through the record of what had happened to her, must have originally left her home in Somalia when she was about four years old. When I asked her where she had come from and what it was like there, she did not know, not because she was trying to deceive me, but because she could not remember as she was too little. Once children forget, there is nothing on earth that one can do about it. As for the children themselves, they lose

[Ms Sally Keeble]

their sense of themselves, who they are and where they have come from. I very much feel for the children who become lost in bureaucratic red tape.

Tim Loughton (East Worthing and Shoreham) (Con): I am listening intently to the hon. Lady. Is it not sensible that, when a child arrives in the country with an adult, there should be some way of ascertaining that the adult has parental responsibility, either as a parent or a relative in place of parents, and that if that is not the case, there should, as in the ordinary way, be an involvement by social services or the authorities at the airport before the child is free to enter the country? Moreover, should not there be much greater involvement with international social services that deal particularly with those countries in west Africa from which most of these trafficked children still come? That still has not happened, even in the light of the Victoria Climbié case.

Ms Keeble: Yes, I agree. Some thought must be given to how one identifies the children who are covered by the documentation that is provided. The children should be with parents or adults who have an established relationship with them, and the nature of the relationship should be absolutely clear. I would not expect genuine parents to be too worried about handing over their children's passports for safe keeping for the duration of the flight. However, the points that the hon. Gentleman made are critical because the impersonation of a relationship rather than the forged documents is the real problem, as, for example, in the case of Victoria Climbié. It is probably the bigger problem in all the cases with which I have dealt. I therefore agree with the hon. Gentleman, who had one of the homes in his constituency.

Fifthly, I ask that children who are found to have no residential status be regarded as being at risk. They should be on the at-risk register and social services should treat them as being at risk until it is proven otherwise. One of the current problems is that, when children turn up without status or papers and efforts are made to get them on to somebody's asylum application or to get their residential status linked with an adult with whom there is no proven link, one has to prove to the local authorities that they are at risk. One has to try to get intervention on that basis. I believe that the boot should be on the other foot and that the children should be protected until it is clearly established that they are with people with whom they have a relationship and that they will be safe.

My hon. Friend the Minister for Citizenship and Immigration has on file many of the details of the individual cases that I have encountered over the years. I hope that he has considered carefully the lessons to be learned from them. I have not gone into them in detail tonight because they refer to individual children. However, I hope that my hon. Friend considers them carefully and puts in hand some of the steps, perhaps with colleagues in other Departments, that will bring those children out of the twilight world in which they live and give them the status and protection that they need. I seriously hope that he will examine that as a matter of urgency because repeated cases come through my advice surgeries. All the national agencies are clear that the problem is substantial. We must protect those children and ensure that we have no more disasters.

9.47 pm

Mr. Hilton Dawson (Lancaster and Wyre) (Lab): I congratulate my hon. Friend the Member for Northampton, North (Ms Keeble) on her tremendous work on such a serious issue and on her good fortune in securing the debate, especially when we have a little more opportunity than normal to discuss the matter. I also congratulate her on everything that she said, with which I heartily concur.

I have nothing like my hon. Friend's direct experience of children who have been trafficked and the situations in which they appear in this country. However, I have spoken to several people and organisations that are involved in the issue and I am extremely concerned about what I have heard of the circumstances that they have come across.

I am grateful to my hon. Friend the Minister for Citizenship and Immigration, who will reply to the debate. I am not sure of the collective noun for social workers—I am sure that it is not pejorative—but I took a gaggle of them to see him late last week with a proposal for a pioneering international approach to the subject and other associated problems. I was pleased with his positive response and interest.

I have heard that trafficking in children affects children in a wide variety of situations, including those who have been trafficked for the purposes of sexual exploitation, domestic servitude and benefit fraud. Some of the examples that I have heard of children being trafficked for sexual exploitation sound like the very worst forms of child abuse and exploitation that there could possibly be. Reference has already been made to the work that has been done in the safe house in West Sussex to deal with children who came to this country not only frightened out of their wits by the real threats made to them and to their families back in the countries from which they came, but scared by tales of witch doctors, voodoo, juju and black magic that have been perpetrated on them. There is evidence of children being trafficked into this country for sexual exploitation, and being trafficked beyond this country to Italy, to work there as prostitutes to pay back the traffickers many times over the money that they expended on bringing the children here.

There are many organisations working in this field. As well as the ones that my hon. Friend the Member for Northampton, North mentioned, there is ECPAT, which stands for End Child Prostitution And Trafficking, and AFRUCA—Africans United against Child Abuse—an organisation rooted in the African community in this country that is doing sterling work and has access to information of profound importance. That organisation knows of children in domestic servitude and of children coming into this country to be brought into private fostering and involved in benefit fraud; we need to tap into that.

This problem requires a multi-agency response. I believe that the Home Office is doing an excellent job in this regard, with legislation already being put in place to deal with the criminals who profit from this appalling trade. However, we also need very good relationships

between the immigration and nationality directorate, the police, and social services, all of whom must work coherently together. Operation Paladin has been a step in the right direction, but we do not know the extent of the problem. We suspect that it is a large one, involving appalling exploitation, but we do not know, and we do not have effective models or effective ways of working with children who have been trafficked. We need the organisations to work together and we need a range of resources to deal with those children. We also need to learn the most effective ways of dealing with them and we need international work to link with agencies back in the countries whence they came. We need a child-centred, international social work approach to this serious problem, and I hope that this debate will help us to move forward on a variety of fronts.

9.53 pm

The Minister for Citizenship and Immigration (Mr. Desmond Browne): I congratulate my hon. Friend the Member for Northampton, North (Ms Keeble) on securing this debate. I know that she has come across cases of trafficked children, or of children who are suspected of having been trafficked, in her constituency, and I commend her for the assiduous way in which she has brought the concerns of her constituents to the House. I hope that I shall be able to reassure her, in my response to this short debate, that the Government are taking the issue of child trafficking seriously.

All too often, many important issues are discussed in front of a comparatively sparsely populated House of Commons because they are raised in the context of an Adjournment debate. What this short debate has lost in quantity, however, it has made up for in quality. I am pleased that my hon. Friend the Member for Lancaster and Wyre (Mr. Dawson), whose reputation in relation to such issues, particularly child protection issues, stands the test against any other Member—and furth of this House—has been able to make a contribution. I shall come shortly to the meeting that we had last week, and what further contribution the delegation that he brought to see me can make with the Government in advancing public policy on this issue.

I also want to mention the hon. Member for East Worthing and Shoreham (Tim Loughton). Although his contribution was only through an intervention, clearly, he has a degree of knowledge on this issue, which is based, I understand, on some constituency experience. Even in that short intervention, he brought additional information to the debate, attention to which should serve us well in the future.

Child trafficking is a pernicious crime. It violates basic human rights, and treats its victims as a commodity to be bought or sold, or to be bought, sold and abused in some circumstances. In a globalised society, it is also a crime that transcends national borders, and in some circumstances, organisational boundaries. The Government need to work together across agencies, and across Governments, if we are to tackle it effectively. I am grateful to my hon. Friend the Member for Northampton, North for her opening remarks acknowledging the work done in this area of public policy by the Government, but I accept her advocacy of the fact that there is more to do.

My hon. Friend referred to suspected cases involving trafficked children in her constituency, and I know that she had concerns that certain cases had not been responded to either appropriately or speedily enough. I know that because in the comparatively short time that I have been the Minister with this responsibility, we have discussed those issues on a number of occasions. Indeed, we made arrangements to have a meeting later this week—I do not know whether this debate will serve to satisfy her request for a meeting, or whether the meeting should still go ahead. If she wishes it still to go ahead, I will be happy to meet her.

Ms Keeble: I did not go into all the detail of the cases, because I knew that we would be talking about them later this week.

Mr. Browne: I am grateful to my hon. Friend, and I am glad that I will not have to take that meeting out of my diary. I was keen to have the meeting, to discuss her concerns and to give her the reassurance in private that I am not able to give in this debate for obvious reasons. I hope that I can reassure her that the necessary steps were taken to investigate the issues that she brought to the Government's attention, and I am sure that when we meet later this week—on Thursday, I believe—I will be able to satisfy her.

I accept, however, that there were failings, especially in relation to the length of time taken to deal with her correspondence on those cases. I could have admitted that in private, but it is appropriate that I admit in public that there was such an error because, as a result of those failings, I ordered a review of the way in which correspondence relating to child protection issues was dealt with on receipt in the Home Office. I am pleased to inform her that processes have now been put in place that enable priority action to be given to letters such as those that she has written previously on such issues.

I want to outline briefly the various stages in child trafficking, and how the Government are approaching those. As we go through those stages, I shall seek appropriately to interweave my responses to the specific requests made by my hon. Friend. I shall refer to the interesting international proposal, which was brought to my attention earlier this month, on which I had a meeting with my hon. Friend the Member for Lancaster and Wyre and his gaggle of social workers, as he described them, recently.

First, we need to do preventive work in source countries to stop trafficking happening in the first place. We need an effective enforcement response to clamp down on trafficking when it does happen, and we need tough sentences in place to ensure that traffickers are suitably punished. We need to do all that we can to support the victims of child trafficking, and to help them to overcome their trauma and to restart their lives where appropriate.

First, I want to mention the ground-breaking work done by Operation Paladin Child

It being Ten o'clock, the motion for the Adjournment of the House lapsed, without Question put.

Motion made, and Question proposed, That this House do now adjourn.—[*Mr. Jim Murphy.*]

Mr. Browne: Operation Paladin Child was led by the Metropolitan police in conjunction with the immigration service, social services and the National Society for the Prevention of Cruelty to Children. It took place between August and November last year at Heathrow and was funded by Reflex, the multi-agency task force that tackles organised immigration crime.

Although the operation did not find conclusive evidence that children were being trafficked into Heathrow—which was reassuring, to some extent—it threw up child protection issues that might not otherwise have come to light. Its report made a number of recommendations on how the police, the immigration service and social services could work together more effectively. I know that my hon. Friend has taken a keen interest in the recommendations, and I think her call for closer co-operation mirrors them to a significant degree. As she told us, she visited Heathrow to see what was happening for herself. I am grateful to her for her appreciation of the work that was being done there, and will ensure that her remarks are passed to those who were responsible for the operation.

I can reassure my hon. Friend that I am working closely with my right hon. Friend the Minister for Children. We are considering the recommendations, and will be responding to them. I hope to be able to do that by the autumn. I recently met my right hon. Friend informally, and we have agreed to do the preliminary work during the summer recess, with a view to a meeting in the autumn to deal with this and other issues in which we share an interest.

Mr. Dawson: Can my hon. Friend assure me that he and our right hon. Friend the Minister for Children will want to apply the lessons of Operation Paladin Child to all ports throughout the country?

Mr. Browne: That was a timely intervention. I was about to say that a child protection officer is already based at Heathrow, and that the immigration service is developing a proposal for social work teams to be based at major ports of entry. I cannot guarantee that that will include ports of entry throughout the United Kingdom, but it will follow a risk-based assessment, and will involve all ports where there is evidence that such behaviour might take place.

Let me say something about the Government's work with source countries, which is very important. This will, I think, partly answer my hon. Friend's point about travel documents and children. Our work is vital if we are to tackle trafficking at its root. We have a number of initiatives overseas. Some, for example a new Home Office project in the Czech Republic, are intended to build the capacity of our overseas partners to tackle trafficking. The twinning project, funded by the European Commission, is being run in conjunction with the Netherlands Centre for International Police Co-operation and the Czech Ministry of Interior. The aim is to strengthen the republic's capacity to combat trafficking into, within, and out of the country. I travelled to Prague last month to attend the launch, and was able to see at first hand that it is a genuine partnership between three European Union countries committed to working together on this important issue.

We are also committed to working with overseas partners to raise awareness of trafficking. Bilaterally and through international organisations, we are supporting projects in a number of countries, including those thought to be key source countries for child trafficking. We have given support to Anti-Slavery International for its work with child rights organisations across west Africa to increase awareness of the dangers in trafficking for domestic work. Through the International Labour Organisation, we are supporting a project to reduce the trafficking of women and children in the Mekong region of south-east Asia.

From the information gleaned from those projects, Operation Paladin Child, and my own research following visits to ports of entry and discussions on unaccompanied children with immigration officers, I have come to the conclusion that we need to work not only with other countries and agencies but, as my hon. Friend the Member for Northampton, North suggested, with the carriers, whose involvement should not be limited to ensuring that children's travel documents are secure. Hon. Members will be aware that the Asylum and Immigration Bill (Treatment of Claimants, etc.) Bill, which is currently before Parliament, includes provisions on the protection of documentation. Under the powers available to the Home Secretary, the Home Office and the Government, carriers will be required to copy documentation, but we must also work with them to ensure that they are aware of the risks of their actions. I was astonished to learn on a visit to Heathrow terminal 3 that a carrier—I will not name it, because it would be invidious to do so without giving it prior notice—recently carried 17 unaccompanied children on one plane, and that that was not an unusual event. They could have been 17 perfectly innocent journeys, and those children could have been well protected, but the fact that the carrier had a history of carrying children in such numbers suggested that something was amiss. When I explored the matter further, immigration officials told me that suspicions were aroused by the children's behaviour and that they and others had had to take action, confirming that there was a problem.

I am not saying that the practice of carrying unaccompanied children, inadvertently or by omission, into dangerous circumstances is restricted to one carrier, but international carriers with the power to transport young children thousands of miles across the globe in a comparatively short period ought to take their responsibilities seriously. Some carriers do so, but it is incumbent on Government Departments to ensure that all carriers approach the issue with the seriousness that it merits. Their principal focus should be the protection of the children they carry, and it is my intention, in consultation with fellow Ministers, to seek to ensure that that objective is met by carriers who carry children into UK ports of entry, insofar as it is consistent with international law.

Trafficking does not take place in a vacuum, and we have good reason to believe that it is closely linked to other forms of organised crime, such as drug trafficking, gun crime and prostitution. I recently read a sensationalist newspaper account in which an immigration officer in a trial for trafficking was reported as saying that some organised criminals had turned from drug trafficking to people trafficking because it was more lucrative. It was implied that that was the fault of

the UK Government or the Home Office, because they had created the trafficking, but nothing could be further from the truth. The number of people trafficked to the UK, while worrying, pales into insignificance next to the number of people trafficked around the world and the appalling number who die on those journeys. Many of them do not get anywhere near the shores of the developed western world—their objective—before they perish. Given the amount of money that people are prepared to pay to try to make those journeys or be carried by traffickers, I am not at all surprised that criminals are turning from drug trafficking to people trafficking. As a developed country, and given the resources at our disposal, we have a responsibility to interdict such behaviour wherever it occurs in the world. The people at risk from such behaviour are some of the most vulnerable, and as a result of it they are dying in significant numbers.

International co-operation and joint working across agencies are absolutely essential if we are to combat trafficking. In the UK, we have achieved this through the establishment of Reflex, a taskforce that brings together the police, intelligence agencies, the immigration service, Government Departments and the Crown Prosecution Service to tackle organised immigration crime, which includes people smuggling and trafficking. The UK Government are supporting the important work of Reflex with £20 million of funding per year over the next two years. Only through this kind of genuine partnership will we bring together all the agencies that need to be involved in putting a stop to trafficking.

We are seeing excellent results from this multi-agency approach. Between April 2003 and April 2004, 38 organised crime groups involved in organised immigration crime were disrupted. In the same period, 38 convictions were secured for related offences, the most high profile of which was the conviction of a ruthless criminal who had trafficked young girls into prostitution in London. Seven young women from Romania and Moldova were identified, the youngest of whom was only 17. Each victim thought that they were being taken to the UK for employment, but they were forced into prostitution, and beaten and raped by the traffickers. The Metropolitan police and Reflex did a tremendous job on this operation, and I would like to pay tribute to their skills, which resulted in the principal defendant being sentenced to 23 years' imprisonment.

Our work on enforcement goes hand in hand with tough new offences on trafficking. The UK was closely involved in the UN protocol on trafficking. We have also signed the EU framework decision on trafficking for labour and sexual exploitation, which has committed us to introducing criminal sanctions covering these forms of trafficking. Sexual offences legislation that came into force in May introduces comprehensive offences covering trafficking into, out of and within the UK for all forms of sexual exploitation.

We have also responded to increasing concern about trafficking for forced labour, slavery or removal of organs. A new offence covering trafficking for these purposes is part of the Asylum and Immigration (Treatment of Claimants, Etc.) Bill, which is currently before the House. We have taken steps to ensure that our legislation criminalises trafficking in both adults and children. Indeed, we tabled an amendment to that Bill on Report on 1 March, to ensure that children and vulnerable people were covered. When this last set of offences comes into force, we will have strong and comprehensive laws that send a clear message that we will not tolerate trafficking.

I want to outline what we are doing to support victims of child trafficking, the human cost of which is very high. Being trafficked is a terrifying and traumatic experience. Victims can be forced into domestic service or into the sex trade, as we have heard, and we need to ensure that systems are in place to protect them; only then can we help them overcome their experiences. Of course, we want them to be confident enough to help the police in bringing the perpetrators to justice.

It is the local social services departments that will provide support for victims of child trafficking. Such children are likely to be in need of welfare services and, in many cases, protection under the Children Act 1989.

Ms Keeble: Will my hon. Friend spell out carefully what he expects social services to do? One reason why I asked for such children to be considered as "at risk" is that social services would then be immediately obliged to help them. At the moment, it is very hard for children to get that help.

Mr. Browne: I am grateful to my hon. Friend for that intervention. Given that we have discussed this issue, she knows that social services have a duty to safeguard and to promote the welfare of such children following an assessment of their circumstances. Social services departments will undertake needs assessments, and they will provide services in the light of the outcome of those assessments. Such services will be tailored to the individual needs of the child, just as they should be for any child in need.

We recognise that there is a real danger that victims returning home will fall back into the hands of traffickers. That is why we will remove unaccompanied children only if we are satisfied that the family has been traced, that adequate reception arrangements are in place and that there will be adequate longer-term care for them. If they have been victims of sexual exploitation, their communities may refuse to welcome them back, and we need to help victims reintegrate into their communities and to deal sensitively with some of the cultural assumptions that can prevent that.

Ms Keeble: Will my hon. Friend deal with the need for data sharing? Children move around frequently and sometimes social services will not help them or will say that they cannot find them. It is a pressing issue to provide the safeguards that are needed.

Mr. Browne: If my hon. Friend will bear with me for a moment, I will come on to the issue of fast tracking and data sharing. At this point, I want to deal with the meeting that I had last week because it represents what my hon. Friend the Member for Lancaster and Wyre referred to as a pioneering international approach. It also relates to the point made by the hon. Member for East Worthing and Shoreham about contact with social services in the originating countries.

[Mr. Browne]

In my view, the concept of adopting an international approach through professionalised social services is a very attractive proposition. It presents a significant challenge to the Government to generate co-operation with other countries with a view to putting in place the level of co-operation necessary to ensure that appropriate standards are applied across international boundaries. The proposition put to me last week was substantially the work of Lawrence Chester, whom I know from other work that he has done with refugees. He has a significant reputation not only in respect of social work, but of refugees. He was supported by the British Association of Social Workers, represented by Ian Johnston and John Metcalf, and by the Children's Legal Centre represented by George Lane.

It was an exciting and interesting proposal that will require further discussion in government and across government here in the UK and with interested non-governmental organisations. We will need to develop the approach in the UK before we can consider taking it further internationally, and it may be some considerable time before the exciting proposal becomes a reality, but it is worthwhile work and I am grateful to my hon. Friend the Member for Lancaster and Wyre and others for bringing it to me. I will take it as far forward as I can, which might provide a vehicle for taking forward some of the points raised by the hon. Member for East Worthing and Shoreham.

May I say to my hon. Friend the Member for Northampton, North that I am indeed aware of how important speed of decision making is to children? As she rightly says, a comparatively short wait may not be a long time in an adult's life, but it may be an eternity in a child's life. I fully understand that. Taking decisions about children with appropriate speed is part of the process of dealing with children sensitively and appropriately. That is what I expect the immigration and nationality directorate to do.

My hon. Friend must accept, however, the requirement to balance the obvious need for a speedy decision in cases of applications made by children against ensuring that any areas of concern about the child's welfare are fully explored with the relevant agencies before the decision is reached. Having spent the best part of a quarter of a century of my professional life—before I became a professional politician—working in child law matters and child protection, I am very much aware of the dangers of taking decisions about children far too quickly. Unfortunately, there are some outstanding examples of that in the history of child protection in the UK. Not enough time has been taken fully to explore with the relevant agencies the appropriate issues on child protection.

My hon. Friend can rest assured that I am conscious of the need for that balance and for the need for speed—appropriate speed—when dealing with children. I ask her to accept my assurance that the Home Office and the immigration and nationality directorate are working to ensure that the desire for speed does not operate against the best interests of the child.

My expectation is that the immigration and nationality directorate will carry out that work to the standard of the duty of care towards children that arises from our obligations under the UN convention on the rights of the child. Although the UK has a reservation in the convention enabling us to apply such legislation as we deem necessary in the interests of immigration control, we have regard to the convention in the formulation of policy and practice relating to children arriving or resident in the UK. The key obligations are to act in the child's best interests, to take all appropriate steps to protect the child from all forms of abuse or neglect, and to provide special protection and assistance to children deprived of their family environment, for whatever reason.

My hon. Friend asked me to reassure her specifically that social services will ensure that data are shared appropriately. In cases relating to children, I have met agencies whose approach has seemed to be more about data protection than about child protection. In my view, when a balance must be struck between the protection of the child and the protection of data, the obligation of an agency is to err on the side of the protection of the child. I would expect that, insofar as I have responsibility for issues relating to child protection, those who are directly accountable to me will apply that rule at all times. I am not responsible for other areas of Government policy, but I would be astonished if other Ministers took a different view. I hope that that reassurance is sufficient for my hon. Friend.

Tim Loughton: I am greatly encouraged by the Minister's comments about data. He mentioned working on a joint international initiative, which is essential. It is now more than four years since Victoria Climbié came to this country from the Ivory Coast and more than five years since we had a spate of girls coming from Nigeria and Sierra Leone into west Sussex through Gatwick airport, who were subsequently adopted into the sex trade in northern Italy. What has happened in the past two years to ensure that international social services are working to ensure that those children do not get on the plane in the first place? If there is a problem with sending children back, are international social services working with the communities in those countries to make it safe for them to go back? If there is any question of those children being used for illicit purposes in this country, their best home must be with or close to their families and communities of origin. I would have hoped that a bit more had been done by now.

Mr. Browne: I entirely agree with the hon. Gentleman's analysis of the challenges and priorities. I have set out the extent of my knowledge about international co-operation. I do not have detailed knowledge about that other area of Government responsibility, but I will undertake to have his questions answered appropriately and I will write to him. I do not know off the top of my head just how robust international social services are in the areas that he mentions. He is entitled to a response to those questions, but it is not the Government's responsibility to construct social service support in other parts of the world. It is our responsibility to ensure that those people who come to our shores receive an appropriate response and that the necessary risk assessment is made. I hope

that I have been able to reassure the House that significant progress has been made in the legislative structure and in the practical operation of that protection, but challenges remain and there is still work to be done. That work will be carried on not only by me, in the Home Office, but by other Ministers who share with me responsibility for children in the UK. I shall ensure that the hon. Gentleman receives a written response from me on those issues, and I shall lodge the letter in the Library.

I have outlined briefly the Government's strategy to combat trafficking, but it must be accepted that we cannot do that work alone. We need to continue to work across traditional organisational boundaries. We must work with our EU partners and beyond the EU. We must work with the voluntary sector and with communities both in this country and abroad to address some of the wider cultural issues behind trafficking.

I hope that through innovative operations, such as Operation Paladin Child, and by bringing together professionals from different backgrounds and organisations we can continue that work. I am grateful to my hon. Friend the Member for Northampton, North for giving me this opportunity to set out—at some length, due to the extra time available—what the Government are doing in this field and I hope that she is reassured by my remarks.

Question put and agreed to.

Adjourned accordingly at twenty-five minutes past Ten o'clock.

House of Commons

Tuesday 20 July 2004

The House met at half-past Eleven o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

PRIVATE BUSINESS

UNIVERSITY OF WALES, CARDIFF BILL *[Lords]*

Read a Second time, and committed.

Oral Answers to Questions

TRANSPORT

The Secretary of State was asked—

Speed Cameras

1. **Tony Wright** (Cannock Chase) (Lab): When he expects to bring forward proposals to amend the law on speed cameras. [184914]

The Parliamentary Under-Secretary of State for Transport (Mr. David Jamieson): The Road Traffic Act 1991 provides for the use of cameras, and the Vehicles (Crime) Act 2001 provides for their operation to be met from fixed penalty fines. The recent independent review of the first three years of the safety camera programme confirmed its effectiveness, with a 40 per cent. reduction in the number of people killed or seriously injured at camera sites. We have no plans to amend the law on cameras. However, when the legislative opportunity arises, we propose to shift from the present three-point fixed penalty for all categories of speeding to establish a band of penalties from two to six points to distinguish between higher and lower offences.

Tony Wright: I am grateful for that answer, but my support for speed cameras somewhat diminished recently after I was done by a camera for driving at 37 mph. I have discovered since that different speed camera areas impose penalties at different speeds, which does not seem right. I have also discovered that there is no proportionality between excess speed and the penalty and points imposed. Will my hon. Friend make progress with the review and introduce more flexibility, because public support for the system will otherwise be eroded?

Mr. Jamieson: I congratulate my hon. Friend on his frankness and honesty. He knows that if he exceeds the speed limit, he runs the risk of getting a penalty. He is right, however, to recognise the concern expressed by many that those who exceed the speed limit by a small amount receive the same penalty as those who exceed it more seriously. It is important for the punishment to fit the crime, so we will look for a legislative opportunity in a road safety Bill to introduce a new penalty points system under which the punishment more accurately reflects the severity of the offence.

Dr. Andrew Murrison (Westbury) (Con): What will the Minister do for the increasing number of motorists who appear to be troubled by notifications sent out wrongly by agencies because of inadequate cross-checking of vehicles by speed enforcement agencies or congestion charging agencies?

Mr. Jamieson: The position is very simple. If people want to challenge a speeding offence, they have the opportunity first, to send for photographic evidence, and secondly, to challenge the penalty in court. For parking and other offences, they may go to the local authority, then the adjudicator. There are plenty of checks and balances for people who may be wrongly accused.

Mr. David Kidney (Stafford) (Lab): As a result of opposition in some quarters, safety camera partnerships are sticking rigidly to the guidance that there must have been lots of casualties at a site during previous years. Does my hon. Friend agree that that sometimes means that avoidable deaths happen because of a lack of speed cameras? Does he agree that a good example of that are those motorcyclists who crash and die at sites where there is no history of previous crashes? Should safety camera partnerships not be allowed the discretion—we should be open about this—to site speed cameras in places where they anticipate that accidents and deaths will happen if there is no intervention?

Mr. Jamieson: As a general rule, we want cameras to be put only in places that meet the strict criteria on numbers of deaths and injuries. As my hon. Friend knows, there is a certain flexibility in the partnership scheme to give the police and local authorities some ability to site mobile cameras, especially in places where they anticipate problems.

Mr. Greg Knight (East Yorkshire) (Con): I do not want to change the rules.

Mr. Jamieson: The right hon. Member for East Yorkshire (Mr. Knight) may not want to change the rules, but I have letters from Conservative council leaders who want the rules relaxed. He might want to get in touch with his local authorities to find out what they are saying.

Mr. Knight: What is his name?

Mr. Jamieson: Well, I have a letter here from—

Mr. Speaker: Order. The Minister should send a copy of the letter to the right hon. Gentleman.

Mr. Damian Green (Ashford) (Con): I am glad that the Conservative party policy of proportionality for sentencing is gaining more support among Labour Back Benchers. Will the Minister address the serious problem of the number of people killed on the roads? Will he

comment on figures from the Kent and Medway safety camera partnership showing that an average of 11 people were killed every year at the worst black spots before the partnership was formed and the cameras put up, but that the average number killed since the partnership started is 12? The project manager for the partnership is honest about that and says:

"The number of fatalities across the county is staying fairly stubborn . . . It's not as encouraging as we would like."

Will the Minister be equally honest and admit that cameras alone are not cutting the numbers killed on our roads? Does he agree that if he wants to reduce the unacceptable death toll on the roads, he will have to change his blinkered approach?

Mr. Jamieson: We have never said that cameras are the only answer to preventing death and injury on our roads. The hon. Gentleman will know from the figures for Kent of the substantial reduction in the number of people killed and seriously injured where the cameras have been placed. The overall figures for the number of people killed on the roads—I have said that this should not be a party political point—show, sadly, that some of them are motorcyclists, as my hon. Friend the Member for Stafford (Mr. Kidney) said. Incidents sometimes happen on country lanes and in other places where cameras would have no direct effect, so we are considering other measures as well. However, as these are the last Transport questions this term, I hope that before we complete them the hon. Member for Ashford (Mr. Green) will tell us where the 4,000 wrongly placed camera sites are, because he has not told us yet.

Mr. Andrew Miller (Ellesmere Port and Neston) (Lab): As patron of RoadPeace, I welcome the experiment conducted to allow the organisation's "Remember Me" poster to be placed on the side of cameras. Does my hon. Friend agree that that helps the motorist to put the issue into context—that the cameras are placed there to reduce deaths on our roads?

Mr. Jamieson: I have seen that campaign. We wanted the cameras to be conspicuous and signed because we wanted not to catch people but to slow them down. I have looked at the RoadPeace proposal to put a figure or something at the side of the road depicting someone who may have been injured or killed. We will continue to consider it, but we would not want it to distract drivers and be a further road safety disbenefit. I would also be worried in case such a memorial to someone who had died was defaced, removed or damaged. That could make the grief for the families who have lost someone even greater.

John Thurso (Caithness, Sutherland and Easter Ross) (LD): The Minister knows of my support for appropriately sited cameras as a tool for reducing casualties and saving lives. Is he aware, however, of recent media reports that call into question the statistical accuracy of the benefits of cameras through something called regression to the mean, which is not taken into account? Will he look into those claims, as it is clearly vital that the public should have full confidence in the benefits of cameras in order to support them?

Mr. Jamieson: I am grateful to the hon. Gentleman and his party for their support for the road camera partnerships and for reduction of death and injury on the roads. That just shows that there is good sense on the issue in his party, which has yet to prevail in the Conservative party.

I have heard the accusations about regression to the mean. I have some slight capacity in that respect, having been a mathematician before I joined the House, and I still remember some of my statistics lessons. The size of the sample—the number of different cameras involved—means that the accuracy of the figures is robust. I have asked people with a much greater facility in statistics than I to ensure that the figures are correct.

Light Rail Systems

2. **Mr. Tam Dalyell** (Linlithgow) (Lab): What recent representations he has received on ultra-light railway systems. [184916]

The Secretary of State for Transport (Mr. Alistair Darling): Since January, my Department has received 13 letters on ultra-light railway systems.

Mr. Dalyell: Are James Skinner's claims for the fuel efficiency of ultra-light rail convincing?

Mr. Darling: As my hon. Friend knows, of the 13 letters that I have received, 13 came from Mr. James Skinner. What he and, indeed, other operators propose does have some attraction, and the Government have supported that. However, we have reached the stage at which Mr. Skinner and others need to engage in a commercial undertaking to pursue these matters so that they can be developed further. The Government cannot give grants to individuals here and there without the prospect of commercial development. I have explained all that to Mr. Skinner in nine replies. I dare say this exchange will prompt another letter, but I shall stick at it.

Mr. Peter Viggers (Gosport) (Con): For months, Hampshire county council and Portsmouth city council have pleaded for a funding decision on the light rapid transit system between Fareham, Gosport and Portsmouth, which is thought to be one of the most attractive in the country. Is the Secretary of State aware that the compulsory purchase orders are to go ahead today? It is monstrous that that should take place in the absence of a decision. What is the reason for the delay on the funding decision, and when can we expect it?

Mr. Darling: In approximately one hour.

Mr. Greg Knight (East Yorkshire) (Con): Does the Secretary of State agree that something that light rail and standard rail systems have in common is the fact that too many disabled people find journeys intimidating or impossible? Does he further agree that at the current rate of progress our rail systems will not be disabled-friendly until 2035? Will he get a grip on the problem and take action to make rail journeys more accessible and accommodating for people with a disability?

Mr. Darling: The right hon. Gentleman's general point is a good one—we should make sure that transport is accessible. As for railway carriages, my recollection is that they will be compliant by 2025, not 2035.

Mr. Knight: That is still too long.

Mr. Darling: Let me explain something to the right hon. Gentleman. The average life of railway carriages is 25 to 30 years. If we made them completely compliant, rolling stock would have to be replaced much earlier, which costs money. It is a bit rich of a party that is committed to cut transport spending by £2 billion to lecture us on doing things quicker. We are replacing most of our rolling stock so that next year, I think I am right in saying, Britain will have the youngest rolling stock fleet anywhere in Europe.

Salisbury-Exeter Rail Line

3. **Mr. Hugo Swire** (East Devon) (Con): What recent studies he has made of the possibility of reinstating dual tracking on the Waterloo line from Salisbury to Exeter. [184917]

The Minister of State, Department for Transport (Dr. Kim Howells): The Strategic Rail Authority examined the case for dual tracking in 2000, when tendering for the South West Trains franchise. Given the costs involved and current resources, there is little prospect of that work being taken forward in the short term. Our immediate concern is to make the most efficient use of the existing network infrastructure. I welcome the hon. Gentleman's interest, however, because we certainly need to identify the stretches of infrastructure that could most benefit from track modification.

Mr. Swire: I am grateful but depressed by the Minister's reply. We certainly do not need to identify a problem on the Salisbury-Exeter line, as it is already well known. Devon and Cornwall business council and the East Devon chambers of commerce are convinced that the future economic prosperity of the south-west peninsula depends on two things—the immediate dualling of the A303 and improvements to rail, freight and passenger services, particularly on the Waterloo-Exeter line. Exactly four years ago, as the Minister mentioned, the Strategic Rail Authority was approached by South West Trains, which wanted to upgrade the track so that it could deal with speeds of up to 100 mph. Given that 42 per cent. of delays on that line are between Salisbury and Exeter, when will he be able to give better news to my constituents and others living in the south-west peninsula?

Dr. Howells: The hon. Gentleman has researched his subject very well, as demonstrated by the length of his question. However, he has a much better chance of getting a positive answer from the Government than from his Front-Bench colleagues, who want to cut spending on the railways and transport.

Mr. Robert Walter (North Dorset) (Con): This particular line is a success story, but it has a problem with capacity. What reassurance can the Minister give my constituents, who felt at the time when the franchise was advertised that there was a definite commitment to dualling the track? Until the track is dualled, trains will just become more overcrowded and people will go back on to the roads.

Dr. Howells: There is no question but that that is a crucial stretch of railway, but there are other ways of increasing capacity, such as lengthening trains. I give the hon. Members for East Devon (Mr. Swire) and for North Dorset (Mr. Walter) an undertaking to look at the issue and to talk to the SRA and Network Rail about it. Capacity, as the hon. Member for North Dorset will know, has already increased dramatically—the number of passengers using that stretch of line has grown over the past few years because there are more trains. We can do an awful lot with modern signalling technology to increase capacity, but longer trains might provide the answer in the short term. As I told the hon. Member for East Devon, I am prepared to look at the issue and engage in discussion with the SRA about increasing capacity still further.

Passenger Transport Authorities

4. **Mr Dave Watts** (St Helens North) (Lab): What plans he has to change the role of the passenger transport authorities in England. [184918]

The Parliamentary Under-Secretary of State for Transport (Mr. Tony McNulty): We have no specific plans to change the role of passenger transport authorities in England. However, "The Future of Rail" White Paper sets out new arrangements for passenger transport executives in England, in relation to their rail functions. These changes will bring about some consequential changes of function for the PTAs.

Mr. Watts: I very much welcome last week's announcement, which gave more powers to the passenger transport authorities. May I encourage my hon. Friend to go a little further and provide even more powers to excellent PTAs such as Merseyside to find ways to improve bus and rail services?

Mr. McNulty: I am grateful for my hon. Friend's comments. He will know that the overarching group for the PTEs, PTEG—the passenger transport executive group—welcomed the comments in the rail review. My hon. Friend will also know that we published the rail review last week and that the statement that will follow today's questions deals with all other aspects of transport. I hope that my hon. Friend will be keen enough to stay in the Chamber and listen to the statement.

Mr. David Clelland (Tyne Bridge) (Lab): I support my hon. Friend the Member for St. Helens, North (Mr. Watts) in his pleas to the Minister to give passenger transport authorities more power over private local bus companies. Is my hon. Friend the Minister aware that the Go-Ahead group and its subsidiary, Go North East, propose severely to curtail bus services in west and central Gateshead in my constituency? Will he please look at that as a matter of urgency? Surely private bus companies ought to be subject to the same kind of public

service agreements as local authorities and other public bodies, so that people who use the services can have some influence over them.

Mr. McNulty: I thank my hon. Friend for his kind comments about the rail review and what we have done with PTEs. I was recently up in Newcastle, which I think is fairly close to Gateshead, to discuss a range of matters with Nexus. If I need to return or to speak to the firm down in London about specific aspects of bus services, I will be more than happy to do so.

Bus Regulation

6. **Mr. Graham Stringer** (Manchester, Blackley) (Lab): What plans he has to re-regulate buses; and if he will make a statement. [184920]

The Secretary of State for Transport (Mr. Alistair Darling): I shall set out proposals in relation to buses in my statement that follows Question Time.

Mr. Stringer: My right hon. Friend leaves me in a difficult position. I assure him that I shall listen carefully to his statement later. Does he agree that we can no longer justify having one system of bus regulation in London, which leads to clear accountability for public money, and another system of bus regulation, or deregulation, in the rest of the country, which leads to a more expensive system, no clear accountability for money, and profits nearly twice as high outside Greater London than in Greater London?

Mr. Darling: My hon. Friend puts me in a difficult position as well, but let me try to be helpful. The regime for buses in London has always been different, as my hon. Friend knows. It is, though, quite an expensive scheme. Bus subsidy in London has gone up dramatically, and it will go up still further over the next few years. In the rest of the country, it is clear that patronage has gone up in areas where there have been good local authorities and good bus companies—for example, in Brighton, Leeds, Oxford, Cambridge and Edinburgh. It is striking that in some places, the system has worked well. In other parts of the country, there have been difficulties. I am grateful to my hon. Friend for one thing: he has promised to be present for my statement, so that is the one. If he sticks around, he might catch your eye again, Mr. Speaker, and I shall be able to say something more.

Miss Anne McIntosh (Vale of York) (Con): Can I tempt the Secretary of State to say a little about how privatisation has helped rural bus services and patronage? In particular, is he aware of the problems in north Yorkshire, where some bus services are not as frequent as residents would like, especially to enable them to attend hospital appointments?

Mr. Darling: I am not sure whether the hon. Lady is trying to make out that privatisation or deregulation is a good or a bad thing. She is wearing yellow, so perhaps she is in Liberal Democrat mode and is taking both sides of the argument. As she well knows, local authorities and her council in particular have the power to provide more bus services if they want to. Opposition Members sometimes overlook the fact that the remedy sometimes lies rather closer to home than here.

Jim Dobbin (Heywood and Middleton) (Lab/Co-op): I agree with my hon. Friend the Member for Manchester, Blackley (Mr. Stringer), because the same bus company serves both our constituencies, and I am still getting letters of complaint about it.

I congratulate my right hon. Friend the Secretary of State on his decision to take greater control over the rail network. I, too, have been convinced to stay for his statement; he will have a packed house. I hope that he intends to consider doing the same with the buses as with the railways so as to give passenger transport authorities greater control over how they are run.

Mr. Darling: In order not to reduce the excitement, I suggest that if my hon. Friend cares to stick around he will learn more. Buses are not quite the same as railways, but some changes are necessary, and I shall set them out shortly.

Congestion (Southend)

7. **Sir Teddy Taylor** (Rochford and Southend, East) (Con): What assessment he has made of traffic congestion in Southend-on-Sea; and what is his policy on the construction of a ring road around the borough. [184921]

The Parliamentary Under-Secretary of State for Transport (Mr. Tony McNulty): The assessment of traffic congestion in Southend is, in the first instance, a matter for the borough council as the local transport authority. We look to it and to other local interested parties to bring forward proposals for a ring road if they consider that it should be a candidate for Government funding, and we will duly assess it in those terms should it ever arise.

Sir Teddy Taylor: Does the Minister accept that the residents of Shoeburyness, to the east of Southend, go through nightmares every day trying to get through the serious and worsening traffic congestion on the arterial road? Would not local authorities and others take the issue more seriously if the Government were to indicate that they would not allow more development on Government-owned land in Shoeburyness? As this is a desperately serious problem, should not the Government take the initiative?

Mr. McNulty: I thank the hon. Gentleman for his question. I know that he has written to my right hon. Friend the Minister for Housing and Planning about Shoeburyness, growth areas, east of England regional assembly transport plans, and the London to Southend study. Should those form the basis of subsequent plans and applications from Southend borough council for a ring road, we will consider that with heightened interest.

Rail Investment

8. **Mr. Peter Luff** (Mid-Worcestershire) (Con): Which body will have future responsibility for setting priorities for rail investment. [184922]

The Secretary of State for Transport (Mr. Alistair Darling): In future, the Government will have control of the level of public expenditure and set the national strategy for the railways, but operational responsibility will pass to Network Rail. Full details of the responsibilities and future structure of the rail industry are set out in the White Paper that I published last week.

Mr. Luff: I wonder whether I can tease out that answer a little more. I have three very different rail investment needs in my constituency. One—the small change in Network Rail's budget to increase capacity between Worcester and Droitwich by new signal and new track—is quite modest. The second—a private sector bid to build a new Worcester Parkway railway station—is a significant investment that will also involve public money. The third is a major re-dualling exercise between Worcester and Oxford to improve reliability for passengers on that line. Each is very different from the others. Who will decide between them and set the priorities in the new railway environment?

Mr. Darling: In future, those matters will be decided by Network Rail unless they involve major investment, in which case they will come to the Department because we have to provide such funding anyway.

In relation to the particular problem that the hon. Gentleman raised last week concerning the trains from Worcester to Birmingham, the SRA, which will deal with such matters on a day-to-day basis until it is wound up next year, is to carry out a consultation exercise later this year as part of the route utilisation strategy.

On investment, the hon. Gentleman will have to square his remarks with the fact that he supports a proposal to cut transport spending by £2 billion. That is not the way to get more railways.

Mr. Kelvin Hopkins (Luton, North) (Lab): My right hon. Friend may not yet have seen a report published this morning by Catalyst, the left-wing think-tank. It shows that in the eight years before privatisation, Government support for railways was on average a quarter of European average spending, yet in the same eight years productivity in British Rail was substantially higher than the average for European railways. Despite my right hon. Friend's welcome statement, does he accept that we will not get real value for money from the public purse until the railways are back in public ownership?

Mr. Darling: No, I do not. I have said that many times before. My hon. Friend needs to reflect on the simple fact that every week we spend about £73 million of public money and get about £73 million of private money. If we nationalise the railways, we say goodbye to £73 million a week. Equally, we find that buying back the railways would cost perhaps in excess of £25 billion, which we do not happen to have in the till at the moment. If my hon. Friend does not believe me, I can do no better than to refer him to ASLEF, whose input into the rail review was quite interesting. It said:

> "The proper debate should not be about public or private ownership but about the appropriate relationship and dividing line between the two."

I commend that statement to him.

Mr. John Horam (Orpington) (Con): Whoever decides priorities on rail investment—I am not clear who it will be; it seems to depend on size—will the Secretary of State give me an undertaking that he will give higher priority to the many relatively inexpensive, small-scale schemes in the London area that could make such a big difference to the plight of the London commuter? I am thinking of an extra platform at London Bridge, for example. Will he undertake to give that kind of scheme a higher priority?

Mr. Darling: Those are matters that Network Rail will need to consider, but a number of measures have already been put in place. Two major measures are helping London commuters and the hon. Gentleman's constituents in particular. One is the upgrading of the power supply to trains going south of the River Thames, which is costing just under £1 billion. That was money that Railtrack did not even think about spending, so it is an example of how additional money is making a difference. The hon. Gentleman will also have noticed that we have new rolling stock in all London stations, particularly those from which trains go south of the river. It is now very obvious that that rolling stock is being put in place. At some point, the hon. Gentleman should have a word with his Front-Bench colleagues, because none of that could be done if £2 billion were cut from transport spending.

Mr. Bill Olner (Nuneaton) (Lab): The Minister will be aware that Nuneaton has had two brand new platforms as part of the west coast main line modernisation, but in the new set-up of changes in responsibilities, who will look at getting value for money from the contractors who work for Network Rail?

Mr. Darling: Network Rail will, and the contracts will be supervised by the rail regulator, who has imposed a requirement to find 31 per cent. efficiencies, making about £1.5 billion a year, which is quite a significant sum. I welcome what my hon. Friend said about the west coast main line. When the first phase is completed at the end of September, it will make for a much better journey. I know that it has been a long haul and that there has been a lot of disruption, but it will make journeys better. This is an example of what can be done if Governments are prepared to make steady, sustained high levels of investment, as opposed to cutting transport spending, which would have completely the opposite effect.

Pete Wishart (North Tayside) (SNP): I suppose this question would be a bit easier to answer in Scotland, as the Secretary of State helpfully transferred power to the Scottish Executive in his statement last week. Can he confirm that the necessary resources will accompany the transfer of power, so that the Scottish Executive will be able to pursue their rail objectives and priorities? Will he tell us how Scotland's share is to be calculated, given that he is about to announce massive infrastructure building in London and the south-east on the Crossrail project?

Mr. Darling: We are also spending rather large sums in other parts of the country. In particular, Network Rail spends more in Scotland than it gets back in track

access charges. One of the reasons why the Forth bridge, which we all know and love, has been kept going is that Scotland has that bigger spending power. That is all part of the benefit of being part of the United Kingdom, on which the hon. Gentleman might like to reflect. On the resource transfer, I said last week that that was something that we and the Scottish Executive needed to discuss. However, the general principle behind my proposal has been widely welcomed in Scotland. There are advantages to being part of the United Kingdom, as most people in Scotland accept. That is why the poor hon. Gentleman is sitting there all on his own.

Mrs. Gwyneth Dunwoody (Crewe and Nantwich) (Lab): Does the Secretary of State accept that it is consistency of investment that is warmly welcomed, along with the fact that the Government are committed to long-term plans? Will he give us an undertaking, however, that he will look closely at the rate of return of contractors and rolling stock companies, which really are walking away with gold bars at the expense of the taxpayer?

Mr. Darling: Again, if my hon. Friend is around shortly, she will hear that I have more to say about long-term spending plans when I set out the spending plans for some years to come. On value for money, she is quite right; she is equally right about the rolling stock companies. Last week in my statement, I specifically said that the contracts that were signed at the time of privatisation did not represent good value for money, and that we need to ensure that we get better value for money. I am sure that she and her Committee will return to that issue sooner rather than later.

Mr. Tim Yeo (South Suffolk) (Con): The Secretary of State acknowledged in an earlier answer the vital role that is played in investment by the private sector. Does he recognise that investment by train operators would increase substantially if the Government replaced the present system of two-year rolling franchises with contracts that gave the train operators a long enough period in which to make investments for the benefit of passengers and to see a return on those investments? Why is it the Government's policy to cut private investment in railways?

Mr. Darling: I think that I was kind enough, as the hon. Gentleman acknowledged, to send him my rail review proposals more than a week ago. He will have seen, therefore, that our proposal is not for a two-year rolling contract. There was a press report to that effect, which the hon. Gentleman seems to have confined himself to citing. I advise him that that is never a great idea. We envisage a seven-year, renewable franchise. In addition to cost and performance, the company's past performance would be taken into account. Interestingly, after last week's announcement the rail companies responded positively, because they recognise that it is a much better system than we have at present. The hon. Gentleman tries to make out that if he cuts £2 billion from transport spending he will recoup it from the private sector, but there is not a shred of evidence to suggest that. Cuts of £2 billion in transport spending would have a devastating effect on rail and road services.

Concessionary Fares

9. **Mr. Peter Pike** (Burnley) (Lab): What recent action his Department has taken to review the operation of pensioner concessionary fare schemes in England. [184923]

The Parliamentary Under-Secretary of State for Transport (Mr. Tony McNulty): We are considering what improvements can be made to the administration of concessionary travel schemes in England for the benefit of local authorities, transport operators and concessionaires. We have no plans to change the statutory minimum requirement for concessionary travel for older and disabled people, or to prevent local authorities from offering more generous schemes.

Mr. Pike: The operation of a statutory scheme for minimal provision throughout the whole country is very welcome, but does my hon. Friend recognise that people in many parts of the country have considerable concerns when they look at the London scheme, which offers the freedom pass, and other parts of the country that offer free travel? Why cannot people living in every part of this country have as good a scheme as London has?

Mr. McNulty: As part of the spending review White Paper, we have undertaken to review the administration of concessionary fare schemes to see whether there is scope to simplify their operation, particularly in relation to the examples quoted by my hon. Friend. I accept that disparity between neighbouring authorities' schemes does not work in many people's favour.

Angela Watkinson (Upminster) (Con): When the Minister conducts his review, will he consider devising some means whereby local authorities can calculate the value for money that they get for their contributions to schemes such as the London-wide freedom pass? Authorities such as the London borough of Havering have no means of knowing how many journeys they receive in return for their contributions. As we know, some pensioners make extremely good, frequent use of the pass, whereas others who are entitled to it put it behind the clock where it gathers dust, but both cost the council the same.

Mr. McNulty: If that is the emergence of a nascent Tory policy on concessionary fares—that they should be means-tested, and that pensioners in Havering should have their number of journeys restricted—I will pass that on to the local Labour party in Havering. I am sure that it will review it with some interest.

Mr. John Grogan (Selby) (Lab): Will my hon. Friend congratulate the Yorkshire regional assembly of local councils, which, following a campaign by the *Wetherby, Boston Spa and Tadcaster News*, has set up a feasibility study to examine the possibility of mutual recognition of bus passes across the county of Yorkshire? If that comes off, it will allow pensioners from Selby district, for example, to travel in West Yorkshire and enjoy cheaper bus fares?

Mr. McNulty: I will be more than happy to congratulate the assembly, not least because that is precisely what we are trying to do by reviewing the entire administration and bureaucracy of concessionary schemes. It must be right that pensioners throughout a region such as Yorkshire know what is available, and not just in their district.

School Buses

10. **Mr. Ben Chapman** (Wirral, South) (Lab): What plans he has to encourage the introduction of yellow school buses. [184924]

The Parliamentary Under-Secretary of State for Transport (Mr. David Jamieson): Both the Department for Transport and the Department for Education and Skills recognise that well-designed, dedicated bus schemes can reduce car dependency for the journey to school. The Department for Transport is providing £18.7 million to support a large-scale pilot in West Yorkshire and, subject to affordability, will consider further proposals submitted through the local transport plan process.

Mr. Chapman: Given that yellow school buses have the potential to remove congestion, eliminate the school run, improve air quality and the environment, allow local authorities to rationalise their transport arrangements and provide a safer and more disciplined way to get kids to school, ought we not to do more? Can I expect to hear more on the subject of school buses later today?

Mr. Jamieson: On the latter point, my hon. Friend will have to wait a few more minutes, and perhaps he will hear something on that. He is absolutely correct: getting children on to buses and out of the car is very important in reducing congestion and improving air quality outside schools. We must be careful, however, to ensure that encouraging the use of buses does not divert children from walking and cycling to school, which are better for their health. He will probably be aware that in September last year we published the "Travelling to School" action plan and good practice guide. We have also provided £7.5 million to local authorities for school travel advisers, all of which will help improve the journey to school, and particularly the take-up of school buses.

Foreign-registered Vehicles

11. **Mr. Andrew Robathan** (Blaby) (Con): Pursuant to the answer of 1 July 2004, *Official Report*, column 368W on Irish-registered vehicles, if he will make it his policy to collate separate statistics for foreign-registered vehicles not displaying current road tax. [184925]

The Parliamentary Under-Secretary of State for Transport (Mr. David Jamieson): We recognise the problem of illegal use of foreign vehicles on British roads and are determined to take the necessary steps to control it. I have asked the Driver and Vehicle Licensing Agency to work with the police and other enforcement agencies on the question of how best to take action against unlicensed foreign vehicles. As part of the process, they will collect statistics on the numbers involved.

Mr. Robathan: I am glad to hear that, but in the interests of joined-up government will the Minister speak to his right hon. Friend the Home Secretary, who has recently been making some rather unconvincing statements about antisocial behaviour and being tough on crime? Is he aware that up and down the country, in Leicestershire and, I suspect, in Devon, so-called Travellers are bringing a great deal of misery to people through antisocial behaviour and often criminal activity? They use Irish-registered vehicles with no road tax, and the police say that they can do nothing.

I note from the Minister's reply that this could be covered by the Vehicle Excise and Registration Act 1994. Will he and the Home Secretary please direct chief constables to prosecute Irish-registered vehicles without road tax and force the so-called Travellers to pay their taxes just as law-abiding citizens must?

Mr. Jamieson: The Home Office has not kept records of prosecutions in such instances, but I can assure the hon. Gentleman that the DVLA will now keep such records.

For the first six months in this country, vehicles from the Republic of Ireland and other European Union countries must meet the requirements of their home state. Subsequently, they must meet this country's requirements: they must have British licence plates and they must have paid vehicle excise duty. I have asked the DVLA to ensure that vehicles reported to it, or seen in checks, that do not have the appropriate tax discs are clamped—and I believe that in some cases there are powers for them to be confiscated.

The hon. Gentleman is absolutely right. These vehicles are a potential nuisance on the road and, more important, they are a potential danger on the road.

Road Programme

12. **Mr. Stephen Hepburn** (Jarrow) (Lab): If he will make a statement on his future road programme. [184926]

The Parliamentary Under-Secretary of State for Transport (Mr. David Jamieson): The Highways Agency is currently proceeding with a programme of 81 major trunk road schemes. Further schemes are being prepared for entry to the programme and will be considered in the light of our priorities and available resources. Our transport strategy document, published today, provides further details of our plans for the road network.

Mr. Hepburn: Can the Minister name two other neighbouring cities the size of Newcastle and Edinburgh that are not linked by a dual carriageway in this country, let alone Europe? The Government are a laughing stock in the north-east because of this. Can we expect some good news in the document that is being published today?

Mr. Jamieson: As my hon. Friend probably knows, I visited the A1 a couple of weeks ago to have a look at the road myself. We have invested, or will invest in the coming years, nearly £100 million. The multi-modal study, which was intended to establish local views, showed no support for full dualling from Newcastle to the Scottish border. However, the improvements from Morpeth to Felton mean that there will be dual carriageway or motorway all the way from Alnwick to London. Although I cannot promise dualling throughout, I can tell my hon. Friend that past and future improvements constitute a major investment in the road.

Gregory Barker (Bexhill and Battle) (Con): What on earth is going on with the A21 at Hurst Green? The Minister has now broken his third self-imposed deadline for coming up with his preferred scheme. In a letter to me on 15 July, he said that he was aiming to present his proposals by the autumn, but on 19 July he wrote that he was aiming to make an announcement later in the summer. Is it any wonder that people are losing all confidence in the Government's handling of this proposal, given that hundreds of homes have been blighted by Labour's indecision and stalling?

Mr. Jamieson: Oh dear, that really was not very good at all. The hon. Gentleman came to see me about the road, and I thought that we had had a perfectly sensible discussion about the improvements that we are making to it, the importance of which we do recognise. He should tell his constituents about the policy of his Front-Bench colleagues, which is to cut the roads programme. Under it, there would be no improvements at all, either this year or next.

Mr. Bill O'Brien (Normanton) (Lab): When considering future roads programmes, will my hon. Friend impress on the Highways Agency the need to reduce noise from motorways through resurfacing and noise barriers, so that the people who live near them can have some quality of life? Will he further ensure that the Highways Agency implements such measures, particularly noise barriers?

Mr. Jamieson: My hon. Friend is absolutely right: intrusive noise from motorways is very disturbing for people who live close to them. All new or resurfaced roads now have quieter surfaces, and it is this Government who have set aside dedicated ring-fenced funds for resurfacing some of the concrete roads that, although of very good quality, tend to be much noisier than black-top roads. The Highways Agency has the issue very much in mind. I can assure my hon. Friend that the roads will be resurfaced over time and that, once they are, they will be quieter than they were, say, 10 years ago.

Mr. Christopher Chope (Christchurch) (Con): All this is mere words. Every day, the Government are fleecing motorists through £120 million in motoring taxes, yet they reinvest just £2 million in new roads every day. That is what this Government must be held accountable for, and we need a better deal for the motoring public.

Mr. Jamieson: I am very interested to hear that this Chamber is about words—that will come as a total surprise to everybody here. We are improving junctions, widening roads and making various improvements throughout the country. Such improvements are significant and they represent the very substantial investment that this Government are making in our roads system. Will the hon. Gentleman go back to his constituents in Christchurch and peddle the line taken by the shadow Chancellor—

Mr. Speaker: Order. I call Mr. Ivan Henderson.

Mr. Ivan Henderson (Harwich) (Lab): My hon. Friend will be aware that although the London to Ipswich multi-modal study recommended dualling of the A120 from Harwich to Hare Green, it has not been made a priority. If there is a major change in circumstances and the planned port development of Bathside bay goes ahead—a public inquiry into that development is under way, but I do not expect my hon. Friend to comment on it—will he review the situation and introduce road dualling, if necessary?

Mr. Jamieson: Yes, and I know that my hon. Friend has made regular representations about this road. Of course, if circumstances changed and major developments occurred in any part of the country in respect of a road serving a port or any other facility, we would re-examine the priority of the scheme in question.

M6 Toll Road

13. **Sir Nicholas Winterton** (Macclesfield) (Con): If he will assess the effects on Cheshire of the proposed M6 toll road; and if he will make a statement. [184927]

The Parliamentary Under-Secretary of State for Transport (Mr. David Jamieson): The consultation document "M6: giving motorists a choice" seeks views at this stage on the broad concept of a tolled expressway alongside the existing M6. The document makes it clear that before decisions are taken, a careful assessment will be made of the wider social, economic and environmental impacts of any potential scheme, including the section of the route running through Cheshire.

Sir Nicholas Winterton: I am very grateful to the Minister for that helpful reply, which will reassure the people of Cheshire. He will know that the north Birmingham relief motorway has been a great success because of the care that went into its design and the chosen line of route. Will he assure me and the people of Cheshire that, if this new road proceeds, the same care will be shown with the line of route, and that environmentally sensitive areas and the environment as a whole will be taken into account? I hope that it does proceed, because we need this express motorway. I support the toll road concept.

Mr. Jamieson: The hon. Gentleman mentions the success of the M6 toll scheme. For all the other projects undertaken by the Highways Agency, too, a very careful assessment of the environmental impact is undertaken. The M6 toll has been a success: the original M6 is much

quieter than it was before. I can assure the hon. Gentleman that standards are improving all the time. When we undertake consultation on the road that he mentioned, the impact on the environment and on people will be foremost in our minds.

CABINET OFFICE

The Minister was asked—

Strategy Unit

20. **Bob Spink** (Castle Point) (Con): If he will list the current work programme of the strategy unit. [184907]

The Minister for the Cabinet Office and Chancellor of the Duchy of Lancaster (Mr. Douglas Alexander): The strategy unit is currently working on six full projects, as well as working across government to improve strategic capability and providing leadership for Government social research. The six current strategy unit projects are: countries at risk of instability; deprived areas; improving the life chances of disabled people; legal aid; London; and police reform.

Bob Spink: May I make a constructive suggestion on police reform? The police need IT solutions to help them to become more efficient—for instance, to cut the time it takes them to arrest a prisoner. Will the Minister bring forward the development of such IT solutions, which could release up to 25 per cent. of a police officer's time, as 25 per cent. more police officers on the street is what people really want to see?

Mr. Alexander: I am sure that people will therefore welcome the Home Secretary's announcement this week of additional resources for community support officers. As I said in my initial answer, the strategy unit is undertaking a project on police reform under the Minister for Crime Reduction, Policing and Community Safety, the sponsor Minister. I am certainly happy to pass the hon. Gentleman's comments directly to her.

Tony Wright (Cannock Chase) (Lab): Will the Minister take the opportunity to pay tribute to Mr. Geoff Mulgan, who has been head of the strategy unit for some time and is now retiring? He has one of the most fertile minds in the country and we were fortunate to bring him into government as a special adviser and then as a civil servant. When such people leave, we should say "thank you" to them.

Mr. Alexander: That is indeed a happy task and I shall certainly pass on to Mr. Mulgan not only my best wishes, but those of my hon. Friend.

Mr. Oliver Heald (North-East Hertfordshire) (Con): The strategy unit costs more than £5 million a year, but it has released just four final project reports since last July: each report has cost more than £1 million. How does that square with the Chancellor's new talk of efficiency, and where is the value for taxpayers' money in that?

Mr. Alexander: I will certainly take no lectures from the Opposition on efficiency, not least from the party that introduced the poll tax and gave us black Wednesday. On the substantive point of the strategy unit, many constituents in many parts of the country would welcome, for example, the creation of the Assets Recovery Agency, which already is doing tremendous work in ensuring that the assets of drug dealers are brought into the criminal justice system. The strategy unit's work on child care provision in this country has been pioneering. In that sense, I believe that we get extremely good value from an innovative centre of government.

E-government

21. **Mr. Terry Rooney** (Bradford, North) (Lab): If he will make a statement on the recent appointment of the head of e-government. [184908]

The Minister for the Cabinet Office and Chancellor of the Duchy of Lancaster (Mr. Douglas Alexander): On 25 May 2004, the Prime Minister announced the appointment of Ian Watmore as the new head of e-government. He was recruited through open competition in accordance with the civil service commissioner's recruitment code. Mr. Watmore takes up his post in September 2004.

Mr. Rooney: I thank the Minister for his reply. Does Mr. Watmore's experience at Accenture impinge on the duties that he can perform, and what will he bring for the constituents of Bradford?

Mr. Alexander: I am glad to say that Mr. Watmore's appointment has been very well received—not just within the supplier community, but in the trade press. People recognise that having a big hitter coming into government is further evidence of the seriousness with which the Government take this area of work. A protocol has been established and agreed, which means that he will not be involved in business decisions concerning Accenture, his previous employer. I believe that constituents in every part of the country will welcome the rigorous focus on project management that he will bring to a huge programme of work centred on securing value for money in our e-services.

Mr. Richard Allan (Sheffield, Hallam) (LD): The Minister will know that one of the biggest e-government projects over the next few years is likely to be the IT programme for the NHS. What role, if any, will the head of e-government have in that respect?

Mr. Alexander: That is a huge project for NHS procurement. A specialist team in the Department of Health works under Richard Grainger. He previously worked closely with Ian Watmore, and I am sure that he is looking forward to working again with the new head of e-government. We are determined to make sure that we have a centre of excellence for e-government at the heart of Government, and that we draw on the expertise in Departments. The evidence is that the NHS project is on track, and that tremendous work is being done.

Better Regulation Agenda

22. **David Taylor** (North-West Leicestershire) (Lab/Co-op): What civil service resources he estimates will be needed to advance the Government's better regulation agenda in the next two years. [184909]

The Minister for the Cabinet Office and Chancellor of the Duchy of Lancaster (Mr. Douglas Alexander): All Government Departments have a role to play in taking forward the Government's better regulation agenda. Allocation of specific resources to this agenda is the responsibility of individual Departments.

David Taylor: Last week's comprehensive spending review proposed to cut 150 jobs in the Cabinet Office, including in the regulatory impact unit. Does the Minister believe that such cuts might curtail his Department's consultancy capacity in crucial areas such as employee relations and communications? That is especially important, given that the recent performance of Departments and agencies for which his ministerial colleagues have responsibility—such as the Department for Work and Pensions and the Office for National Statistics—has been so woeful in that respect.

Mr. Alexander: In the year to April 2004, the number of people on the Cabinet Office payroll fell rather than rose. As I indicated in my earlier answer, strong evidence is emerging that the scale of our investment in new technology and IT in particular means that there is scope for exactly the sort of efficiencies set out by my right hon. Friend the Chancellor in the comprehensive spending review.

Mr. Archie Norman (Tunbridge Wells) (Con): If the Minister is sincere about the better regulation agenda, why does he not look at the problem of regulatory impact assessments? Even he would acknowledge that they are often published far too late, and that hindsight often proves them to be wildly inaccurate. Is not there a compelling case for looking again at a system that allows officials to assess their own legislation without having to publish any details of their calculations? As a result of that, the regulatory impact assessments carry scant credibility, in the House or outside it.

Mr. Alexander: I simply disagree with that assessment of the importance of regulatory impact assessments across government. The fact that they are valuable tools, informing policy makers in the process of formulating policy, is evidenced by the fact that the EU is looking at the RIA process as one that might meet some of its own specific challenges. However, I draw attention to the work being done by the National Audit Office, whose report noted that sanctions are available to the Better Regulation Task Force. It is clear also, from the recent comments made by my right hon. Friend the Chancellor of the Exchequer, that RIAs remain an important part of our ongoing work to ensure better regulation across government.

Government Websites

23. **Mr. Anthony D. Wright** (Great Yarmouth) (Lab): What steps are being taken to ensure that Government websites are designed around the needs of the general public. [184910]

The Minister for the Cabinet Office and Chancellor of the Duchy of Lancaster (Mr. Douglas Alexander): Designing services around customer needs has always been at the heart of the Government drive to put services online. The e-government unit has recently launched Directgov, and is assisting Departments with service design and delivery standards to meet these aims. Directgov was designed around the needs of the user by bringing together information, from across many Departments, in a way that makes it easy for people to find what they want online.

Mr. Wright: In my constituency of Great Yarmouth, two online learning centres, one of which is mobile, have given 5,000 of my constituents access to online services. However, many people needing information from Government sites still cannot get access to computers. Will my hon. Friend say whether there will be more investment in online sites for people in deprived communities such as Great Yarmouth, so that they can gain access to the information that the Government are making available?

Mr. Alexander: There are seven UK online centres in Great Yarmouth, and a further 20 such centres in a 15-mile radius. To give the House a sense of the scale of the investment that we have made, I can say that £396 million has been invested in networks of the 6,000 UK online centres across the country. In addition, many households now have direct access to online services. Our key challenge is not simply to ensure that access exists, but that all sections of society have the opportunity to use the new technology and are encouraged to do so. We set up the "Get Started" initiative last year to make sure that people who previously had been denied such opportunities, such as older people, were able to use the new online centres.

Online Government Services

25. **Mr. Colin Challen** (Morley and Rothwell) (Lab): What progress is being made against the target to put all Government services online. [184913]

The Minister for the Cabinet Office and Chancellor of the Duchy of Lancaster (Mr. Douglas Alexander): Current figures show that 74 per cent. of Government services are already online, and Departments continue to work towards the target of 100 per cent. availability by 2005.

Mr. Challen: That reply shows the marvellous progress that has been made in getting Government services online. However, some people will always be excluded from using the internet, and pensioners are probably the largest group in that category. They might

benefit a great deal if the internet were rolled out to post offices. They could access services, print forms and perhaps get advice from a sub-postmaster or mistress on how to complete them.

Mr. Alexander: I am aware that in the past there have been numerous discussions with Post Office management about the availability of an electronic platform. The initiatives that the Post Office has taken in banking in recent years are evidence of the fact that they can embrace new services. However, as I said earlier, with 6,000 UK online centres across the country, there are now plenty of opportunities to gain access to the internet. The real challenge is to ensure that people have the skills and aptitude to use it effectively, and that work continues.

Speaker's Statement

12.30 pm

Mr. Speaker: I have to advise the House that I have received the following letter from Sir Michael Cummins, our Serjeant at Arms:

"I write to request your agreement to my retirement on 31 December of this year, by which time I shall be sixty-five.

It has been a great privilege to serve you and the House as Serjeant at Arms in recent years. I wish to thank you personally for your support and advice during that time, and to acknowledge the large debt of gratitude I owe to my colleagues and staff, whose support and friendship over the past twenty-three years have been invaluable."

There will be an occasion to pay formal tributes to Sir Michael in due course.

I can also advise the House that Her Majesty the Queen has approved the appointment of Major General Anthony Peter Grant Peterkin, CB, OBE to succeed Sir Michael.

Transport Strategy

12.32 pm

The Secretary of State for Transport (Mr. Alistair Darling): With your permission, Mr. Speaker, I wish to make a statement about transport strategy. Today, I am publishing a White Paper that looks at the factors that will shape travel, and therefore transport networks, over the next 30 years. The White Paper sets out what we need to do as a country to enable people and goods to move around in ways that are consistent with our environmental objectives. So I want to set out the context in which we plan, and the three things we need to do in response.

First, we need to invest in increased capacity for road, rail and other public transport. Secondly, we need measures to make better use of the capacity we have already got, and thirdly, we need to face up to difficult decisions in order to plan ahead to meet the pressures we know that we will face in the future. Let me set out the context against which we plan.

Looking ahead, the challenges we face are clear. By 2025, the population is expected to increase by 4.5 million people to 64 million. As the economy continues to grow, and with increased prosperity, we will want to travel more and the demand for goods from all over the world will grow. More than that, people are travelling longer distances—for example, whereas in the past people tended to move home when they changed job, increasingly people choose to stay in the same place rather than move nearer to their work. More people are travelling by air, travel by train has increased by 25 per cent. in the last few years, and the huge increase in car ownership is putting growing pressures on our roads.

Our job is to help people travel, not to stop them. The challenge for us is how we meet people's need and wish to do so while meeting our environmental aims. So that is the context in which we take investment decisions. Let me now set out our investment plans for the future. Last week's spending review confirms our commitment to sustained high levels of investment in transport. It raises planned spending over the next three years from £10.4 billion this year to more than £12.8 billion by 2007. That is 60 per cent. more in real terms than in 1997. Spending will be higher than the investment plans we set out four years ago. By 2010, we will be spending £1.2 billion more per year than the 10-year plan envisaged. As we promised, the White Paper today sets out planned spending showing that the high level of spending will continue to grow by 2.25 per cent. in real terms through to 2015.

These spending plans allow us to set up a new transport fund, which will be used to plan ahead for change and innovation and to support and encourage local and regional transport strategies to tackle congestion in towns and cities. It will also ensure that the contribution that regional and local schemes can make to our national productivity is reflected in their funding. Details will be announced with next year's Budget.

Major investment in road and rail is already under way, and it will continue. Spending will rise to build the transport network we need; but cost control is absolutely essential. Railway costs in particular have increased dramatically, so that even with Network Rail's intended efficiency measures, amounting to

£1.5 billion a year, the rail regulator's findings last year were that the railways require an additional £7 billion—putting huge pressures on my Department's budget. But if we are to provide the transport for passengers and freight that we need, rigorous control is essential on road, rail and light rail.

Light rail can be very effective in persuading people to use public transport. Since 2000, new lines have opened in Croydon, Tyne and Wear, Manchester and Nottingham. Manchester's metro has been extremely successful, but plans for the extension have been dogged by successive cost increases. The central Government capital contribution rose from £282 million cash in 2000 to £520 million cash in 2002, on top of which the required annual central Government payments have also risen, from £5 million a year in 2000 to £17 million a year today—worth another £150 million.

There is a similar pattern in the Leeds and south Hampshire tram proposals. In Leeds, the present value of the public sector contribution was capped at £355 million, but is now estimated at £500 million, and in south Hampshire, the original £170 million present value is now £100 million more. In each case there is no certainty that costs will not rise further. The National Audit Office was right to raise concerns; indeed, looking back over the past 20 years, it has cost more to provide light rail in this country than elsewhere in Europe.

No Government could accept those schemes as they are on the basis of such cost escalations. We cannot, therefore, approve them. We need instead to look urgently at how light rail could be made affordable, including the best approach for procurement. We will work with local authorities on the development of schemes, building on the recent NAO recommendations.

The same considerations apply to Crossrail; cost control will be essential. The case for a Crossrail link across London is clear and will only get stronger as London continues to grow, but the plans need to be robust and value for money. That is why last year I asked a team led by Adrian Montague to review the business case for Crossrail. His report, which I am publishing today, makes it clear Crossrail is needed, but that at a cost of £10 billion it represents a huge challenge both to deliver and to fund.

We intend to introduce a hybrid Bill at the earliest opportunity to take the powers necessary for Crossrail to be built. At the same time, as the Montague report recognises, a major funding challenge remains. The Government will need to work with the Mayor and the London business community to find a funding solution where everyone pays their fair share. That will include consulting on appropriate alternative funding mechanisms. Copies of the report and my detailed response are available in the Library.

We believe that local decisions are best taken locally, and we intend to give local and regional authorities a greater role in deciding transport priorities in their areas, looking across the whole transport network. To achieve that, we will set regional guideline budgets for major schemes next year, and set out guideline capital allocations to councils in the autumn.

However, because of the timing of the Olympic bid, I am today announcing the equivalent settlement for London. Transport will be crucial to a successful British bid for the 2012 Olympics. The Mayor guarantees to fund and provide a package of transport improvements that will underpin the bid and provide lasting benefits for London. Details will be available in due course, but I can announce that it will be supported by additional Government funding of £340 million, above existing plans, and Transport for London's prudential borrowing plans of a further £2.9 billion for the period up to 2009–10, which the Government support.

Turning to the second part of our strategy, increased investment needs to go hand in hand with measures to get more from our existing capacity. That is why, for example, we introduced the Traffic Management Bill to keep traffic flowing in towns and cities. Starting in the west midlands, traffic officers are now patrolling the motorway; their aim is to keep traffic moving. We are also considering carpool lanes. The reforms for the railways that I announced last week will result in better management and increased reliability for rail.

The White Paper sets out the measures that we are implementing, including new proposals to help manage bus services, because we need to make more effective use of buses to improve local transport in towns, cities and rural areas across the country. The vast majority of travel by public transport is by bus. Nearly two thirds of all public transport journeys—about 4 billion journeys last year—are by bus, and many people depend on it. As I have said before, where councils and bus operators work together in partnership, bus use increases, and we want to see more of that.

As I told the House last week, we intend to devolve significant powers and funding for rail to passenger transport authorities, but if we are to enable PTAs to make sensible decisions between rail, light rail and bus services, they will need to have the power to guarantee bus routes, timings and fares. That is why I can tell the House that we will make it more attractive for authorities to introduce bus franchising through quality contracts in specified circumstances, approved by the Secretary of State—for example, as part of a congestion charging scheme, or where authorities decide on a new balance between rail and bus. As part of that, we will streamline the statutory procedure for quality contracts, reducing the minimum period to implement a scheme from 21 months to six months. One advantage of our proposals to give local authorities the ability to take decisions about public transport in the round is that it will reduce some of the revenue risk on light rail schemes.

I now turn to the third part of the strategy. We also have to plan ahead for the pressures that we know that we will face in decades to come. I confirm our commitment to implement the conclusions of the air transport White Paper. We also intend to take a long-term approach to port development and will publish a review of the policy framework for ports by the end of next year. The White Paper also sets out a sustainable approach to freight.

We also need to deal with the potential environmental consequences of increased travel. Substantial progress has been made. Cars and lorries are becoming cleaner and quieter, so despite increasing car use over the past decade, air pollution from road transport has halved. But the White Paper looks at how we can ensure that transport makes its proper contribution to reducing

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CO_2 emissions to achieve the Government's climate change commitments, by supporting the development of low-carbon vehicles and fuels, including hydrogen fuel, and continuing to ensure that the right tax incentives are in place to encourage the take-up of new technology and fuels.

That brings me to what is perhaps the biggest challenge for all of us: car use has increased and is likely to increase more, which has huge environmental and social consequences. As a country, we have to face up to some stark choices. Looking ahead over the next 20 or 30 years, we cannot try to build our way out of the problem—the cost, environmentally and financially, is unacceptable—nor can we accept eventual gridlock, which is the inevitable consequence of doing nothing. Therefore, we have to examine whether we can make use of new technology, as it becomes available, to make more efficient use of our roads.

As the House will be aware, in the next four years, we will introduce charging for all lorries using UK roads based on the distance that they travel. Accompanied by a reduction in fuel duty, overall, the UK haulage industry will not pay more. That will allow us in the future—for example, by varying charges—to encourage lorries to use motorways at off-peak times.

Last year, I set up a study, involving a broad range of motoring and environmental interests, to look at the feasibility of introducing road pricing for cars. That would involve moving away from the current motoring taxation system and introducing charges to use roads. Those charges would vary depending on how congested the roads are. Today, I am publishing the findings of that study, and copies are available in the Library. The study concludes that a national scheme has the potential to cut congestion by about a half, as well as providing environmental benefits. It says that road pricing will become technically feasible in the next 10 to 15 years; but, for a scheme to work, it would need general public acceptance and a great deal of preparation work over a number of years. There is still a lot of work to be done before we could be sure whether that could work, but one thing is clear: doing nothing would be the worst possible option.

Of course, we need to invest in public transport, and we are, but that will not be enough on its own. But if we are not bold now, we will be left behind when the benefits become possible. That is why I welcome the report. There needs to be debate about what would make pricing acceptable to motorists. We must build a public consensus around the objectives of road pricing and how to use the revenues. Although a national scheme is not yet feasible, undertaking road pricing at a local level could be feasible now, and the study says that that would greatly improve the understanding of the benefits, so we will need to look at that further with local authorities and take steps towards setting international standards for the equipment.

To duck this challenge now—to refuse to engage in the debate or to look at what new technology may make possible—would be irresponsible and condemn future generations to endless delays and increasing environmental damage. We need to rise to the challenge and to have the courage to look ahead and plan for the future, because our future prosperity and well-being depend on it.

There are no quick fixes for Britain's transport challenges. The long-term solution requires investment and a willingness to face up to difficult decisions. That is why we are making sustained high levels of investment and planning ahead to meet the needs of generations to come. I commend this statement to the House.

Mr. Tim Yeo (South Suffolk) (Con): I am grateful to the Secretary of State for a copy of the White Paper and of the statement, which he made available earlier this morning. I welcome his recognition that a growing economy means that people want to travel more and that measures to enable people and goods to move around must be consistent with our environmental objectives. I particularly welcome the reference in the White Paper to the use of new technology to promote cleaner vehicles and fuels. We will want to examine that matter and in due course to debate it.

However, after seven years of Labour Government, motorists and train users do not have much to be grateful about. On the roads, congestion has got worse, even though motorists are paying an extra £10 billion a year in taxes compared with 1997. As the RAC points out, out of a total of £40 billion raised every year in motoring taxes, only about £6 billion is spent on the roads. On the railways, reliability has got worse and fares have risen faster than inflation. The 10-year transport plan, launched with such a fanfare four years ago by the Deputy Prime Minister, has been a disastrous failure.

Let us judge the Government's performance by their own standards and look at some of the key targets that they set out in the 10-year plan. According to the plan, by 2010 congestion on our roads was to be reduced. In practice, it has got worse. According to the plan, trains were to be made more punctual. In practice, they have become less punctual. According to the plan, rail passengers were to increase by 50 per cent. That target cannot now be met. According to the plan, bus travel throughout England was to grow by 10 per cent. In practice, outside London, it is static. According to the Secretary of State's own update of the plan just two years ago, the Strategic Rail Authority was to provide firm leadership, strategic direction and funding for the rail industry. In practice, it has been abolished.

According to the plan, the maintenance backlog on local roads was to be eliminated. *[Interruption.]* In practice, that target is being dropped. According to the plan, Thameslink and the East London line were to be built by 2010. In practice, those target dates cannot possibly be met. According to the plan, rail freight was to increase by 80 per cent. In practice, in 2002 rail freight fell. [HON. MEMBERS: "Boring."] According to the plan, passengers were to travel by train more quickly and comfortably. In practice, overcrowding is bad, it has reached chronic proportions and it is likely to get worse. Not surprisingly, complaints have more than doubled.

According to the plan, the east coast main line was to be modernised and capacity was to be increased. In practice, that scheme has been put on ice. According to the plan, local roads were to be improved. In practice, the Freight Transport Association reports that their condition is worse than a decade ago. *[Interruption.]*

Not one of those failures received a mention from the Secretary of State but they are the issues that concern daily road users, railway users and freight customers. *[Interruption.]* The consequence of those failures, to which he is so reluctant to own up, is an economy whose competitiveness is weakened every day. According to the CBI, transport congestion now costs British industry more than £15 billion a year. *[Interruption.]*

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. I am sorry to interrupt the shadow Secretary of State but may I say that he should be given the same attention as the Secretary of State and should be heard?

Mr. Yeo: I am grateful to you, Mr. Deputy Speaker. The truth is that neither the Secretary of State nor Labour Back Benchers want to hear the truth about Labour's failures on transport.

Britain has less than half the European Union average provision of motorways per head of population and a lower motorway density than any of our major European competitors. In Britain, the proportion of road links that are congested for more than one hour a day is three times greater than in Germany and five times greater than in France.

Absolutely nothing in the statement suggests that the Government plan any specific new steps beyond what they have already announced to tackle any of the problems that I have mentioned. Their failure to do so is rapidly turning the challenge to which the Secretary of State referred into a full-scale crisis. The truth is that motorists who face jams today will face them tomorrow and for the foreseeable future, even if, unlike all those previous promises, the promises in the White Paper are kept.

Why do not the Government recognise that charging for road use is acceptable, but only if the money raised is used exclusively to pay for environmentally acceptable road improvements or increases in capacity, or to cut other motoring taxes? *[Interruption.]* Simply extracting more tax from drivers without any guarantee that those conditions will be met would be wrong.

Mr. George Foulkes (Carrick, Cumnock and Doon Valley) (Lab/Co-op): Where is the question?

Mr. Deputy Speaker: Order. I say once to the right hon. Gentleman that I expect him now to maintain silence from a sedentary position. He cannot go on interrupting the hon. Gentleman; otherwise, we shall be better off without his presence.

Mr. Yeo: Even if the right hon. Gentleman does not intervene, we will be better off without his presence.

The timid nature of the Government's approach—launching a debate instead of taking a decision—will dismay road users and environmentalists alike. On local congestion schemes, do the Government realise that improvements in public transport should precede and not follow the introduction of local road pricing? What assurance can the Secretary of State give about the use to which money that may be raised by local councils through local congestion charging schemes will be put?

On spending, to which the Secretary of State is so addicted, does he realise that much of the investment that is needed to improve our transport system will come from the private sector, regardless of who is in power? Therefore, one key judgment on his White Paper is whether it promotes private investment. Will he say whether giving Ken Livingstone power over train services in London—two out of three rail journeys begin or end in London—will make it more or less likely that private investors will want to invest in the railway industry?

How will the new transport fund that the Secretary of State mentioned reduce congestion in towns and cities? Will it deal with the problem of road maintenance, a huge issue that I did not hear him mention at all? Will he admit that delaying repairs and maintenance on roads increases the need for complete rebuilding of many roads? When does he believe that the backlog of maintenance work will be addressed?

On Crossrail, will the Secretary of State confirm that after today, we are no nearer a firm date for completion of this project and that suggestions that it would be completed in time for the London Olympic games in 2012 are complete nonsense? Will he confirm that his failure to introduce the lorry road user charge means that Britain's hauliers will remain at a competitive disadvantage in relation to their foreign counterparts for several more years?

Given the fact that almost every promise made in the document published four years ago has now been broken and that almost every target has been missed, there can be little confidence that a fresh set of promises in this new document will be kept. Instead of a vision for our transport system, we are offered a muddle. Instead of decisions, we are offered debates. After seven years of Labour government, Britain has a transport system that inconveniences millions of travellers every day and burdens businesses with delays and costs that undermine our competitive position. Sadly, after today's statement, that inconvenience and those delays and costs are set to continue for years to come. Only the election of a Conservative Government will address our transport needs.

Mr. Darling: Well, I admire the hon. Gentleman's sense of humour, at least in relation to the last point. I am glad that he recognises the overall objectives and agrees with them; it is just a shame that where we differ to a great extent is on providing the means to achieve them. If one is committed, as he is, to cutting £2 billion from transport, many of the problems that he complains about will be compounded, not sorted out.

Let me go through the points that the hon. Gentleman raised. He complained that we were not spending enough on roads. He will recall that, in the early 1990s, the then Conservative Government, of whom he was a member, announced a very ambitious road programme. The only problem was that it completely collapsed by 1996, because of the economic problems that they ran into. We are spending 43 per cent. more on roads than in 1997, and the road programme that we have put in place will make a difference.

The hon. Gentleman mentioned railways. He well knows that one of the biggest impediments to rail reliability was the lack of investment. Again, investment virtually dried up prior to privatisation. Less than 200 miles of track was being maintained thanks to the then Conservative Government. Privatisation also created a

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chaotic system of organisation that affected reliability. Both those things, investment and organisation, are being put right.

The hon. Gentleman had the gall to say that fares were going up. Is that another spending commitment? If fares are going to come down, the money has to be found somewhere. It is awfully difficult to see how it can be found if one is cutting £2 billion from transport spending.

As for this nonsense about private investment and the Mayor, the Mayor is getting very limited influence over what is happening in London, which is mainly directed towards rationalising the fare structure. From the conversations that I have had with the rail companies, which I speak to regularly, I can tell the hon. Gentleman that they were very happy with what I announced last week and saw that it was far more sensible than what the Conservatives had left.

The hon. Gentleman mentioned bus travel, which is increasing outside London, where, as I told the House earlier, good councils and bus companies are working together. The proposals that I have announced today—I suspect that Labour Members will want to draw me out on them rather more than Opposition Members do—with regard to limited franchising are a welcome reform and a good step forward.

Crossrail was never going to be ready for the Olympics. I have said that countless times in the House.

Mr. Yeo: That is in *The Times*.

Mr. Darling: I cannot be responsible for what *The Times* writes. God almighty.

Crossrail is another major step forward in providing a much-needed bit of infrastructure, but let us be fair: it is again something that successive Governments did not provide.

The hon. Gentleman went on about Thameslink, the East London line and the east coast main line. These are all things for which we are providing money, but from which he would take money away, because of his commitment. The settlement that I have announced for London today will allow the Mayor to make major progress on a number of these things.

The hon. Gentleman mentioned motorways. I have already announced the widening of the M1 and M25, and I recently announced proposals for the M6. Finally, he went on about road user charging. Here, there was just a glimmer of hope. The lorry road user charging scheme is due to be introduced in four years' time, and it will be. On the further proposals for cars, I welcome what he said on Sunday. He was asked about the issue twice by Mr. Boulton on a Sky programme, and he said about congestion charging and road pricing:

"There is nothing wrong in principle with a system of road pricing".

He went on to say:

"in principle a system of road pricing which reflected the usage of particular roads is acceptable."

So we are agreed on that.

Mr. Yeo: It is a debate.

Mr. Darling: Like his leader, the hon. Gentleman is rowing back on what he said only a few months ago. He has a real problem. He has no aviation policy, no roads policy and no rail policy. All he has got is a commitment to cut £2 billion of spending.

John Thurso (Caithness, Sutherland and Easter Ross) (LD): May I thank the Secretary of State for sending an advance copy of the statement and also giving me the White Paper and reports?

Obviously, I have not had a chance to read the White Paper in detail, but I was drawn to the map on page 25, which deals with major airports and ports of the United Kingdom. Across the south of England and up into the midlands, there are lots of little aeroplanes denoting important airports. When one comes to the north of Scotland, however, there is no little aeroplane over Kirkwall or Wick, and even more importantly, there is none over Inverness. Is that an omission on the part of the Government, or do they seriously believe that Inverness is not a major airport?

The statement is something of a curate's egg; there are good bits and bad bits. It raises many issues and puts many of the right questions, but it is somewhat lighter on the answers. Perhaps one of the most obvious omissions is the lack of reference to an integrated transport policy. That is all the more surprising as research has revealed that the words "integrated transport policy" were first used in a Labour policy document in 1948. One therefore might have hoped to see the phrase in this important White Paper.

In addition to the White Paper, the Secretary of State has published today a report on Crossrail, which is welcome, and a report on road user charging, which is also welcome. It will be necessary to study those carefully to determine whether the detail in them provides more answers. Overall, they represent a road map to a strategy rather than a strategy document. Among the omissions in the documents is the absence of a serious analysis of the factors that shape travel—the White Paper does not consider that. Growth in the past has not been driven simply by growth in the economy, so we need to consider that matter. The Secretary of State is right to put the planning time frame at 30 years. Transport planning has been bedevilled by short-term outlooks, so until we have a clear long-term vision, it will be impossible to put forward a good short-term plan.

Perhaps the most important announcement that the Secretary of State made was on his decision to consider national road user charging, which I would support. He said in his statement that a national scheme could not be put into effect at this time, but is he aware that passive reading technologies, such as cell ID and triangulation, that use mobile operator black boxes, could provide a solution within a much shorter time frame? The Secretary of State also mentioned reducing fuel duty, with which I agree, but will he consider abolishing vehicle excise duty as part of the exercise, because it is a regressive tax that is costly to collect. Will he confirm that the overall tax take from the introduction of road user charging will remain the same, although the tax burden will fall differently on different users?

I was pleased to note that the Secretary of State accepted the need to adopt a long-term approach to port development—although I must say that Scrabster, Britain's most northerly deep-water port, was another omission from the map of major ports. Our ports are underused assets, especially for short sea freight, and the lack of capacity for long-haul container traffic must be addressed. As I have said on several occasions, the Government need to take a lead on that.

The Secretary of State has laid before the House the stark challenge and conflicting demands that exist due to more transport requirements and the equal requirement for less emissions—I suppose that he deserves one cheer for that, at least. We will find out whether the White Paper meets that challenge in the years to come, but one thing is certain: we must meet the challenge of halting and reversing our emissions growth. That alone will be the measure by which the statement will be judged.

Mr. Darling: The map is intended to show major airports. I appreciate that Inverness is not on it, although it is a busy airport; a further glaring omission is Stornoway, which is a pity because I was hoping to fly into it next month—I shall have it reinstated at the earliest possible opportunity. I have been to Scrabster; although I appreciate its importance, it is not quite like Southampton or several of the London docks. However, I take the point that the hon. Gentleman makes.

The words "integrated transport" are used endlessly, but what matters is to enable the people who can make transport work do so more properly—a lot of responsibilities are devolved to local authorities and regions—which is what we are doing. I appreciate that the document on road user travel charging is large and that the hon. Gentleman received it at only 10 o'clock this morning, but when he reads it, he will see that the experts' view is that the scheme is technically 10 to 15 years away. He is right about moving away from the present taxation system towards something completely different. That will be new territory. We will be trailblazing in that respect, but I appreciate his general welcome to the fact that we are examining such measures.

Several hon. Members *rose—*

Mr. Deputy Speaker: Order. There is considerable interest in this statement, the next statement and the main debate to follow. I do not believe that I will be able to call everybody, and I would appreciate short questions and answers.

Mrs. Gwyneth Dunwoody (Crewe and Nantwich) (Lab): The Secretary of State will be aware that his statement is warmly received because of its clarity and commitment, especially regarding the aspects on bus policy, which will mean that local authorities will be able to guarantee that buses are where they are wanted and needed in the future. Will he use some of his new funds to examine ways to reinvigorate the manufacturing industry for both rail and light rail in this country? That is what we should be doing, so will he give us some hope that he will look at it?

Mr. Darling: The funds will be applied for specific purposes to get traffic improvement. That might have a consequential effect on orders for buses or light rail, although of course there would not be direct payments to manufacturers. On my hon. Friend's general point, the bus franchising proposals that I am outlining are to be used in specific circumstances. I suspect that the majority of schemes will continue under the present system for some time, but I welcome her general comments.

Mr. Mark Field (Cities of London and Westminster) (Con): On the Crossrail project, the Secretary of State makes it clear that he wants all partners to pay what he describes as a "fair share" of the expense. Can he give us an indication of what the Government's fair share of the project will be?

Mr. Darling: As I said, we will have to discuss how much central Government, London, the Mayor and businesses contribute. I think that there is an appetite among businesses to contribute to something from which they would hugely benefit, but such discussions must continue.

Linda Perham (Ilford, North) (Lab): As chair of the all-party group on Crossrail, I warmly welcome the Secretary of State's announcement and accept his warnings about costs. Will he think about the costs of congestion and overcrowding if the system does not go ahead, and the delivery of regeneration to east London? The completed Crossrail scheme might bring £20 billion to the UK economy as a whole and we cannot afford to pass that by.

Mr. Darling: I agree that Crossrail could bring huge benefits to London in the future and relieve a lot of pressure now. However, the situation for Crossrail and other rail schemes throughout the country is exactly the same: we must ensure that we are far better at controlling costs in the future than we have been in the past so that we get £1-worth of benefit from every £1 that we spend. The case for Crossrail and many light rail schemes is strong, provided that we get the sums right.

Mr. Eric Pickles (Brentwood and Ongar) (Con): Crossrail starts in my constituency, so the announcement is welcome. I understand what the Secretary of State says about consulting on the formula for funding, but surely by now he has a clear idea of the balance among public and private funding, the fare box and the Mayor. Will he give us an indication of that balance and tell us whether risk will be determined on the basis of it? Does he envisage Transport for London being a prime mover behind raising funds for the project?

Mr. Darling: I refer the hon. Gentleman to the business case for Crossrail that I published this morning—I know that he will not have had time to read it—which examines all those issues. My answer to him is the same as that which I gave to the hon. Member for Cities of London and Westminster (Mr. Field) a few moments ago. The Montague report recognises that there are complex issues to consider and huge challenges to overcome. It is important to have the right mix of funding and to organise things in the right manner. I have agreed proposals in the document with the Mayor on the future organisation and delivery of the project.

Mr. Graham Stringer (Manchester, Blackley) (Lab): I hope that my right hon. Friend will accept that his decision on light rail in Manchester will be met by anger and disbelief. I, and virtually everyone in Greater Manchester, I am sure, think that stopping the scheme at this stage is unacceptable. Does he accept that the National Audit Office report gave the Metrolink a clean bill of health and that the cost-benefit analysis of the scheme was positive? Does he also accept that if the Deputy Prime Minister had not dithered four years ago, the scheme would have gone ahead at much less cost? Will he look forward to getting the scheme going as quickly as possible because it is good for the environment and the travelling public, and essential to the economy of Greater Manchester?

Mr. Darling: I fully recognise the disappointment that will exist in Manchester. I accept that the Manchester metro has been successful and that it got a good assessment from the NAO, but there is no getting away from the fact that the cost of the extension has increased dramatically over the past few years. As I said earlier, no Government can accept such escalating costs—there is no guarantee that they have peaked yet. We were being asked to pay more money for the scheme. The situation applies not only to Manchester, but to the schemes in Leeds and south Hampshire. I suggest that we need to sit down with local authorities to determine whether there are ways of making such schemes affordable. As I have said before, and as the strategy document makes clear, light rail is important, but we cannot find ourselves in a situation in which annual payments rise at such a dramatic rate over a short time. No Government could sign up to that. I understand what my hon. Friend says, and I hope that the measures I have announced on further discussions, franchising and so on will help to resolve what is undoubtedly a difficult problem, but we have to ensure that if we spend all this money, we get value for money.

Mr. John Redwood (Wokingham) (Con): I welcome the Secretary of State's realism on new tram schemes. They are heavy loss makers and cost overruns are big. Is he saying, as I would, that they should not be subsidised, or is he saying that there is a level of subsidy that he would negotiate, but it should be much lower than the current level?

Mr. Darling: Nearly all public transport is subsidised to some extent. I am certainly not against the principle of the public contributing: the question is the degree of subsidy. I was happy to agree a contribution two years ago. What concerns me is that costs have risen again since then. There comes a point when we have to say, "Hold on. Are we doing this the right way?" My hon. Friend the Member for Manchester, Blackley (Mr. Stringer) was right: the NAO said that the Manchester metro is a good scheme. It was critical, however, of how Governments of both parties procure such things and ensure that they are done properly. Frankly, if we are to build light railways, we have to ensure that we get the sums right in the first place. I understand the disappointment in different parts of the country, but the bigger folly would be to proceed with something when the costs are not nailed down.

Mr. Andy Reed (Loughborough) (Lab/Co-op): For the one third of my constituents who rely on buses, it is great that there will be specified circumstances for the new quality contracts. Will my right hon. Friend give examples of the specific circumstances in which they will be allowed for local authorities? Will they include places such as Loughborough? It has a good quality bus initiative, but it needs to go much further because passengers are seeing bus services slashed almost overnight. For the two thirds of motorists in my constituency, can he guarantee that there will be clean fuels through biomass, biofuels and fuel cell technology in the near future?

Mr. Darling: I like the way in which my hon. Friend divides up his constituents so neatly.

On the latter point, the White Paper has a lot to say on the need to promote cleaner fuels. On bus franchising, I deliberately said that we are making proposals in specific circumstances. For example, last week I said that I wanted to devolve power to passenger transport authorities in relation to rail travel. If a PTA makes sensible decisions about heavy rail, light rail or buses, it might be able to implement them only if it has some control of the buses, and we might consider that request. Similarly, if we establish a pilot scheme on the measures relating to road pricing, bus franchising would almost certainly have to be part of the scheme. The London scheme showed that there needs to be overall control. However, I shall not approve schemes when nothing is happening to improve public transport. The evidence up and down the country is that when councils and bus companies work together, they can achieve a great deal. The proposal is specific, but it is welcome as an extra power that we need to make transport work.

Mr. Mike Hancock (Portsmouth, South) (LD): The people of south Hampshire will obviously be disappointed, but they will accept that the announcement was fairly predictable because of the cost escalation. However, several million pounds have been spent over 15 years on trying to create an affordable light railway system. Will the Secretary of State expand on his statement that the Government will look urgently at how light rail could be made more affordable, including the best approach to procurement, because we have been trying to do that with his officials for the past 10 years?

Mr. Darling: I welcome the hon. Gentleman's realism on the decision and the problem with costs. It is only in the past two or three years that there has been a real problem with costs, and account must be taken of the amount of risk that investors are willing to take and the cost of that risk. I have said before that I have spoken to the banks that are investing in the scheme. They said that the business is marginal to them and they are upping their costs. One memorably said to me in private, "If you pay, you're daft." We have to ensure that we have a sensible way of procuring such schemes and it must provide value for money. That is not the case with the current system, as the hon. Gentleman recognises. I am afraid that time after time, light rail, heavy rail and road schemes cost a lot more than the original proposal. That has to stop.

Mr. Colin Challen (Morley and Rothwell) (Lab): I am naturally disappointed, as I think my other colleagues from Leeds will be, about the announcement on the Leeds supertram. As my right hon. Friend has left the door open on discussions to find creative ways to finance it, will he meet representatives from Leeds, which is, after all, the north's most successful city after 24 years of a Labour administration, to discuss those creative ways and see how creative the Government can be in financing the Leeds supertram scheme?

Mr. Darling: I met representatives from Leeds, although I appreciate that the regime has changed since then. I made it clear earlier this year that we could not pay the sort of costs that they faced. On top of that, the scheme that they proposed was less substantial than the original one. That cannot go on. That is why I made it clear that we cannot accept the proposals because of the cost escalations. We and the local authorities in Leeds and elsewhere will, of course, discuss how such schemes can be better procured in future. However, I do not think that anything has changed materially since I met the Leeds representatives a few months ago. Of course, my ministerial colleagues and I are always happy to discuss such matters with all hon. Members.

Chris Grayling (Epsom and Ewell) (Con): The Secretary of State will be aware that the original 10-year plan document contained future projects for the rail network that appear to have been dropped in the past couple of years or so. The new document contains no specific references to future rail projects. Which projects does he expect to bring back and complete during the period covered by the document?

Mr. Darling: A number of rail projects are under way and planned. They will go ahead, not least because the railways are getting a large share of the money—for example, the southern power supply is being upgraded. The hon. Member for South Suffolk (Mr. Yeo) said that nothing has been done on the east coast main line, but work is being done there and the west coast main line is getting £7.5 billion. The bigger problem for him and his Front-Bench colleagues is how on earth he can say what he does when he is committed to cutting transport spending by nearly £2 billion.

Rob Marris (Wolverhampton, South-West) (Lab): What will the Government do to encourage bicycling?

Mr. Darling: The strategy document sets out a range of measures to encourage people to cycle. I strongly believe that we should make it as attractive as possible through cycle lanes and similar measures, but at the end of the day it is up to individuals to choose whether they get on a bike. We are doing a lot, but I strongly believe that people should make their own decisions on that.

Sir Nicholas Winterton (Macclesfield) (Con): I very much share the objectives mentioned by the Secretary of State and agree that infrastructure improvement, not least road improvements, are essential to economic progress. Does he accept, however, that road pricing could be regressive in rural areas? The Under-Secretary of State for Transport, the hon. Member for Harrow, East (Mr. McNulty), was courteous and sympathetic when I led a delegation to meet him. Does the Secretary of State agree that road pricing in rural areas, where there is only limited public transport, could be damaging and very regressive?

Mr. Darling: The report recognises that many issues need to be resolved in the new system as against the current system, and the hon. Gentleman is right to say that we need to do that. We need to consider all of them. For example, rural drivers complain that they have to travel longer distances. If there is a consensus—there is a glimmer of one in that the Front-Bench spokesmen say that there is nothing wrong with the principle—it is important to consider the detail. The new system is at least 10 to 15 years away. It would be nice if we could all work together because, frankly, whatever we decide has to stand the test of different Administrations over many years.

Joyce Quin (Gateshead, East and Washington, West) (Lab): I very much welcome what my right hon. Friend said, in particular on local and regional transport strategies, but in view of the interest in the House and the recent presentation of Bills, including one by myself, on free passes for pensioners, will he continue to look at the case for extending free bus travel for pensioners across England and ending the current postcode lottery? Given that that would cost £300 million, which compares favourably in economical terms with some of his spending announcements, will he consider that with his Cabinet colleagues before the next election?

Mr. Darling: I think that it is better if local authorities decide those things. On the question of the £300 million, however, the problem in transport is that there are lots of demands for £300 million, but the rail regulator has asked for a total of £5 billion. It is not as if we have lots of money and are short of ideas on how to spend it. I accept the point made by my right hon. Friend, but to be realistic, at the moment I am not persuaded that I should take £300 million to spend on that proposal. It would be better to leave those things to local authorities, because, as I said, a large part of our budget is under pressure. Although there will be improvements, we must make sure that we spend the money on the right things.

Pete Wishart (North Tayside) (SNP): Can the Secretary of State confirm that any plans for national road tolling will extend to Scotland? He will know that responsibility for setting tolls for Scotland's roads rests with the Scottish Parliament. What discussions has he had with them, and what would happen if the Scottish Parliament rejected the idea?

Mr. Darling: Essentially, we are talking about moving away from the present system of taxation to a new system of charging. Because taxation is a reserved matter and applies to the whole of the United Kingdom, the proposal would apply to all of the UK. I know that the hon. Gentleman has terrible difficulty with that—I tried to persuade him earlier that the UK is a very good thing for Scotland—but he is in a minority of one. I see that he is still sitting on his own—I do not know where his colleagues have got to.

Mr. Clive Betts (Sheffield, Attercliffe) (Lab): Could I bring my right hon. Friend back to bus franchising? Many Labour Members welcome the extension in principle of bus franchising, but are concerned about the specified circumstances in which it would be introduced? In South Yorkshire, despite the efforts of the local authority and the passenger transport authority to work with bus operators, bus ridership has fallen year on year because bus services have failed local people.

Mr. Darling: I am aware that in some parts of the country the relationship, for whatever reason, between bus companies and the local authority is not good. I do not, however, want to introduce franchising simply to get people to work together if they ought to be working together in the first place. I set out clearly in my statement and in the strategy paper the circumstances in which we will consider an extension. If there is a particular problem in Sheffield, I shall look at it—in fact, I will ask the Under-Secretary of State for Transport, my hon. Friend the Member for Harrow, East (Mr. McNulty), to do so at the end of this statement.

Mr. Robert Key (Salisbury) (Con): In working up his concepts for the future of transport, will the Secretary of State bear in mind the sophisticated position of rural areas? It is not just a question of people in the countryside or people in the towns—most people in the countryside work in towns, and whether we are talking about road pricing, congestion charging, fiscal regimes or bus subsidies, we face a problem now. Our constituents and local authorities need a steer, and the sooner that the Secretary of State can attract attention to the problem, the better for all of us.

Mr. Darling: I appreciate that the hon. Gentleman has probably not had a chance to read the paper yet, but it looks at transport in the round. I also appreciate his point about the sometimes artificial division between town and country. The world is not like that and, thanks to his teaching many years ago, I know enough about geography to understand that.

Mr. David Watts (St. Helens, North) (Lab): I very much support my right hon. Friend's statement, but can he turn his attention to Crossrail. He said in his statement that it will cost £10 billion, but he will be aware that many people think that it will cost £15 billion or more. Who will pay for any overspend, and can he assure me that it will not come out of the national budget?

Mr. Darling: I asked Adrian Montague to look at that in detail because I wanted to be satisfied that we could nail down the costs. If my hon. Friend looks at the review, he will see that Mr. Montague has taken a robust look at the issue, and believes that the cost will be about £10 billion. He recommending dropping—we are doing so—the line into Richmond, which will save about £1 billion. As with every big project that we have talked about this afternoon, we must be clear at the outset what the costs are and nail them down. We must also make sure that the risk falls in such a way that there is a huge incentive to control costs.

Mr. Andrew Rosindell (Romford) (Con): The Secretary of State will be aware that the Crossrail project will have a major impact on my constituency of Romford, particularly the Crowlands area of central Romford, where it is proposed to build a large depot, and Gidea Park, where a railway siding is to be constructed. Will the Secretary of State assure my constituents that a full and meaningful consultation will take place before final decisions are made, that changes to the plan are possible, and that the current proposals are not set in stone? If they do go ahead, can he confirm that people along the route who are affected will be offered sufficient compensation for the blight that those two projects may well cause in my constituency?

Mr. Darling: For the sake of brevity, I refer the hon. Gentleman to my written statement, which is being issued in parallel with this oral statement and covers many of those issues. Of course, consultation is needed, and the route is subject to the provisions of a hybrid Bill. It may not quite be a unique opportunity, but there will be a chance for all hon. Members to participate in the proceedings on that Bill. The hon. Gentleman may wish to serve on the hybrid Bill Committee—if he has a word with the Whip, I am sure that he can sign up to it, although anyone who has served on one may caution against doing so.

Mr. Clive Soley (Ealing, Acton and Shepherd's Bush) (Lab): I thank the Secretary of State for his announcement on Crossrail, which is vital to the prosperity of west London. I agree that it is probably right to drop the Richmond link, which was one of the most environmentally damaging sections of the route. Echoing the point that he has just made, consultation and giving information to the public, given the nature and size of the project, are incredibly important, and I should be grateful if he would keep his eye on that.

Mr. Darling: I agree with my hon. Friend.

Mr. Richard Allan (Sheffield, Hallam) (LD): When the channel tunnel rail link is completed in a few years' time, it will be faster to travel to Paris from St. Pancras than to Sheffield. While we are all happy for travellers to Paris, does the Secretary of State sympathise with many people in Sheffield and the east midlands who feel that they have a Cinderella rail service? Can he assure us that investment in everyday services will not lose out to prestige projects elsewhere?

Mr. Darling: I agree that it is important to improve domestic services. There have been problems on the midland main line, some of which have been exacerbated by the work currently taking place at St. Pancras. The hon. Gentleman makes a perfectly good point, but it is possible to have good domestic services as well as fast links to the continent.

Mr. Keith Bradley (Manchester, Withington) (Lab): The people of south Manchester will be hugely disappointed by the latest delay in the Metrolink extension through my constituency to Manchester airport, which would achieve a truly integrated system of heavy rail, light rail and air travel. However, will my right hon. Friend's officials urgently meet officials from

the passenger transport authority in Greater Manchester to discuss procurement, refranchising agreements and devolved capital budgets to ensure that a scheme for south Manchester can be introduced at the earliest opportunity?

Mr. Darling: My right hon. Friend has done a great deal to promote the cause of Manchester Metrolink, particularly the extension to south Manchester, and I have had many discussions with him, for which I am grateful. I readily accept his general proposition but, as I said in my statement, we need to consider urgently how we procure those things more sensibly so that we can secure the gains of a tram link between various forms of transport, not least at the airport. I am happy to agree with that proposition, which would benefit light rail, not just in Manchester but throughout the country.

Clive Efford (Eltham) (Lab): I welcome my right hon. Friend's statement on Crossrail, which is crucial to the capital's future prosperity and will create transport links essential to the regeneration of the south-east Thames gateway area and some of the most deprived communities, not just in London but throughout the area. May I stress the need for a station at Woolwich so that that part of south-east London can enjoy the wider benefits of that major infrastructure development?

Mr. Darling: That is one of the many issues that we must consider, as must the Cross London Rail Links company before it promotes the scheme that will come before the House. I agree, however, with my hon. Friend's general proposition about the regeneration effect in south-east London.

Mrs. Lorna Fitzsimons (Rochdale) (Lab): My right hon. Friend will undoubtedly be aware of the great disappointment in Rochdale and Oldham, which have long been first in the queue of people asking for an expansion of the Greater Manchester Metrolink. Will he agree to meet my hon. Friend the Member for Oldham, East and Saddleworth (Mr. Woolas), my right hon. Friend the Member for Oldham, West and Royton (Mr. Meacher) and myself at the earliest possible opportunity to look at the chink of light offered by paragraph 16 of his statement where, if I understand him correctly, he is not saying "never" but "not now"?

Mr. Darling: My hon. Friend is absolutely right in expressing her concern, but I do not wish to repeat what I said to other Greater Manchester Members. I, or one of my Ministers, will be more than happy to meet them as soon as possible.

Joan Ruddock (Lewisham, Deptford) (Lab): Londoners will welcome the extra money that my right hon. Friend has allocated, but can he provide reassurance about the extension to the east London line? Is it his intention that that project should be undertaken by Transport for London and, if so, is sufficient public money available to meet the need and to enable us to start the project as soon as possible?

Mr. Darling: Yes. I can confirm that we have allocated that additional money to London, following discussions with the Mayor. He will decide what projects he wishes to prioritise. We have given sufficient money to enable the Mayor to do what is necessary for the Olympics and also to undertake other schemes, if he wishes to do so. In the spirit of devolution and in recognition of the fact that perhaps the Mayor ought to announce these things himself, I shall go no further at this stage.

Jonathan Shaw (Chatham and Aylesford) (Lab): My right hon. Friend is aware that we have investment in buses—some £10 million in Medway—but he is also aware that we have some misgivings about the Strategic Rail Authority's proposals for the integrated Kent franchise. Can he confirm that he will take charge of the new franchise for Kent and that he will be prepared to meet a delegation from Medway to discuss the cuts in Cannon Street services, which we oppose?

Mr. Darling: I may be wrong, but I recall meeting my hon. Friend very recently. My hon. Friend the Minister of State thinks he met him recently as well. While it is always nice to bump into each other, perhaps we cannot do so every week. In relation to the integrated Kent franchise, I am well aware of the controversy and the difficulties in Kent. As I said last week, the SRA will continue to be responsible for these matters until it is wound up next year. It is in the process of evaluating the latest round of consultations. I know that there are many issues to resolve and Ministers will be devoting their attention to them. At some stage, I shall be more than happy to see my hon. Friend yet again.

Mr. Deputy Speaker: Order. We must move on.

Balance of Funding Review Report

1.31 pm

The Minister for Local and Regional Government (Mr. Nick Raynsford): With permission, Mr. Deputy Speaker, I shall make a statement about the balance of funding review report, which is published today, and about the Government's response. Before I begin, I should like to say a word or two about the speculation we have seen at the weekend and in yesterday's press that the Government have plans for huge increases in people's council tax bills. That is simply untrue. I shall say more about it when I come to the report's conclusions on council tax.

The review started in April 2003. I chaired the steering group, which included my hon. Friend the Economic Secretary to the Treasury, and the Under-Secretary of State, Office of the Deputy Prime Minister, my hon. Friend the Member for Corby (Phil Hope), as well as other senior figures from central and local government, the academic world, business, the union movement and professional bodies.

The remit of the review was to establish the nature and priority of the balance of funding issue and to identify and analyse options for change, setting out the pros and cons of each. We commissioned research, held a public consultation and sought further evidence on the main options for reform raised in the public consultation. We held nine meetings in all. All the papers presented to us are available on the website of the Office of the Deputy Prime Minister. I must first record my thanks to the steering group members, to everybody who responded to the review's public consultation last year and to those who presented papers to the group. Secondly, I should like to welcome the report published on 16 July by the Office of the Deputy Prime Minister: Housing, Planning and Local Government Committee following its inquiry on local government revenue. There is significant common ground between the Committee's conclusions and those of the balance of funding review. The Government will reply formally to the Committee in due course.

As those who read the report will find, some of the press speculation of recent days has been wholly misleading and inaccurate. As the report makes clear:

"The Review has been conducted for the Government, not by the Government. It follows that this report is not a statement of Government policy. It is rather an analysis of issues and options. Although it draws some conclusions, in line with its remit it does not make recommendations."

It has always been the case—indeed, it was included in the terms of reference—that the review would simply set out the pros and cons of a range of short and long-term options. As the report states quite clearly, the aim of the review was

"not to provide a detailed blueprint for reform, but to gain consensus at this stage of the argument on the broad issues, and to agree what the most likely options were, as the basis for more detailed work in the future."

So we are at the start of this process of further work and there is a great deal more detailed thinking to do.

I shall set out the main conclusions of the review. First, like the Select Committee, the review concludes that there are strong arguments for shifting the balance towards more local funding. However, that depends on the feasibility and desirability of any measures to achieve it. It would have to be possible to achieve satisfactory equalisation of needs in the distribution of resources between local authorities alongside any greater local revenue raising.

Secondly, again like the Select Committee, the review concludes that council tax should be retained but reformed. It has important advantages as a local tax. However, in the opinion of the group, it will need reform in order to help people on low incomes and to reduce the impact of revaluation. Further work will be needed on the options for such reform. A fair and effective system of council tax benefit will be a vital component of any reform package. It is clear, for example, that levels of take-up of council tax benefit among pensioners and others on low incomes remains low in comparison to other benefits.

As for council tax bands, the report concludes:

"There is a clear case for reviewing council tax bands and the ratios between them at the time of revaluation."

I should point out that the Government have always made it clear that we would want to consider these issues with other stakeholders ahead of revaluation. But the report adds that

"particular care is needed to ensure that council taxpayers on low incomes living in high value properties are not unfairly affected."

It goes on:

"Further detailed work is now required on how council tax might be reformed, based on a clear vision of the direction of travel."

Far from proposing a trebling of people's council tax bills, the review states that

"the aim should be to avoid significant changes to the overall liabilities of taxpayers."

There has been much comment in the media about the ideas submitted by the New Policy Institute. It is certainly true that the NPI gave evidence to the review on changes to the banding structure and its ideas are well documented in the report. Its original paper for the review has been available on the website of the Office of the Deputy Prime Minister since January. However, these are the NPI's ideas and they are not Government policy. Indeed, they are not recommended by the review.

Thirdly, the review concludes that the only way to achieve a major shift in the balance of funding is to supplement a reformed council tax with relocalised business rates or a local income tax or a combination of both. None of these options would be easy and further work would be required here, too. Fourthly, relocalisation of business rates could give councils greater incentives to promote economic development and improve links with business, as well as altering the balance of funding. However, business has serious concerns, including potential risks to its productivity and competitiveness.

Fifthly, although a local income tax would be more progressive and more buoyant than council tax, it would also be less predictable as a result. Considerable further work would be required to address the substantial technical and administrative issues and costs, as well as the impact on individuals and employers, before firm conclusions could be reached on the feasibility or desirability of a local income tax. In that respect, the report makes difficult reading for those who regard local

income tax as a simple solution. As we say in the report, the devil is very much in the detail. I note that the Select Committee takes a similar view. Sixthly, the review concluded that smaller taxes or charges do not provide the potential for major change in the balance of funding. The case for and against each such option should be judged on its own merits.

I turn now to the Government's response. We are developing a new 10-year vision for local government. We want local government to be more effective and more accountable. A fair and sustainable finance system is crucial to that. We welcome the balance of funding review report as a major contribution to the debate. The review could not look at everything. However, while it does not make recommendations, it has reached a number of important conclusions defining the issues, narrowing down the options and assessing the case for change, as well as investigating much of the preliminary detail. It provides a sound platform from which to go forward. The Government can accept right away that council tax should be retained but reformed. It is clear that council tax is far from perfect and that changes are needed. We are, for example, working with colleagues in the Department for Work and Pensions to improve take-up of council tax benefit. That work will continue.

The report flags up the need for more work before decisions can be taken on how council tax should be reformed or on the possible means of shifting the balance of funding. These matters need to be considered carefully and in detail. We must keep up the momentum, but we must also ensure that any changes are soundly based. As I said earlier, the press speculation that the Government are planning a council tax shake-up that will lead to huge rises in council tax is untrue. Any suggestion that we have opted for any particular course of council tax reform is just plain wrong. The review concludes that

"the detailed case for and against some kind of sub-national approach should be considered."

It is right that we should do this, but not because we want to hit middle England—precisely the opposite. We need to consider options for regional banding in order to ensure that areas of high property price growth such as London and the south-east are not unduly affected by revaluation. One thing is clear: there are no easy answers. The subject needs extremely careful examination and detailed consideration; it is far too important to be a political football.

We have therefore decided to set up an independent inquiry, to be undertaken by Sir Michael Lyons to look into these matters and to report back by the end of 2005 to my right hon. Friends the Deputy Prime Minister and the Chancellor of the Exchequer. Sir Michael is very widely respected and brings to the task a wealth of local government and other relevant experience. I can think of no one better able to take forward the work that the balance of funding review has begun. Hon. Members will recall that Sir Michael has a distinguished background in local government. He is currently director of the Institute of Local Government Studies at the university of Birmingham, and between 1994 and 2001 he held the position of chief executive of Birmingham city council. He was recently appointed as deputy chair of the Audit Commission. He is a member of the Treasury's public services productivity panel and was a member of Sir George Bain's review of the fire service. In 2004, he reported to my right hon. Friend the Chancellor on the relocation of public sector jobs away from London and the south-east.

The inquiry will consider, in the light of the report by the balance of funding review and other developments such as new funding arrangements for schools, the detailed case for changes to the present system of local government funding. It will make recommendations on any changes that are necessary and how to implement them, and it will take evidence from stakeholders.

In particular, the inquiry will make recommendations on how best to reform council tax, taking into account the forthcoming revaluation. It will assess the case for providing local authorities with increased flexibility to raise additional revenue and for making a significant shift in the current balance of funding. It will conduct a thorough analysis of options to complement council tax, including local income tax, reform of non-domestic rates and other possible local taxes and charges, as well as the possible combination of such options. It will consider the implications for the financing of possible elected regional assemblies, as well as any implications that its recommendations have for other parts of the United Kingdom.

The Government now look forward to a period of focused study by the independent inquiry that will build on the balance of funding review's work. We can then take firm decisions on the best way forward in putting in place the fair and sustainable system of local government finance that is our objective.

Mr. Philip Hammond (Runnymede and Weybridge) (Con): I thank the Minister for his statement and for letting me have a copy of it in advance, together with a copy of the report of the steering group.

I associate the Opposition with the Minister's thanks to the organisations outside Government that served on the steering group. It has been a valuable exercise in raising awareness of the issues involved in local government finance. I congratulate the ODPM Committee on the publication of its report, which usefully complements the work of the balance of funding steering group, although we do not necessarily support all its recommendations.

The only people who will not welcome analysis of the future options for local government financing and the assessment of the advantages and disadvantages of each are those who have already made up their mind in advance of hearing the arguments. Will the Minister confirm that the Liberal Democrat policy of replacing council tax with a local income tax is wholly discredited by the balance of funding review and by the Select Committee report? Does he agree that a local income tax would do nothing to address the balance of funding, would increase dependency on Whitehall handouts, and would hammer hard-working families with soaring tax bills?

The Minister made great play of his claim that the review is a report to Government, not a report by Government. In fact, the review steering group was chaired by the Minister, and two other Ministers and senior civil servants served on it. When he announced it in January last year, he billed it as his major review of local government funding. In his statement, however, he made it clear that the Government are not going to tell

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the public, this side of a general election, precisely what their plans are. They are not going to allow individual council tax payers to see precisely how much they will pay in increased local taxes as part of the raft of third-term tax rises that this Labour Government are planning. Instead, they are going to bury their plans in yet another inquiry that will report after the general election, leaving a double whammy in store for local taxpayers in 2007, with the already planned revaluation on top of these proposals. Many ordinary families whose only crime is to live in areas where house prices have risen rapidly over the past few years will be alarmed at the proposals for an increase to a 10-band council tax system.

Today, the Minister tried to distance himself from that aspect of the steering group's report, especially the input from the New Policy Institute. However, just a few weeks ago he told the ODPM Committee:

"You will be aware that we took a lot of detailed evidence, particularly from the New Policy Institute . . . I do not think it would break too many confidences and anticipate the conclusions of the review to say that we obviously looked with some interest at those."

In 2003, in the Standing Committee that considered the Local Government Bill, the Minister said that the Government would look favourably on increasing the number of bands in the council tax system.

It is clear to anyone who makes an objective reading of the review and of what the Minister has said on the record that the Government's preferred option is a retention of the existing council tax system, but with massive increases in the council tax payable for those living in higher-value properties, meaning that those who live in areas where house prices have risen most could find themselves paying three times as much as at present. That would punish ordinary families and pensioners on modest incomes who happen to have lived for a long time in a home that is now worth far more than one that they could afford to buy. The true reason for the Government's interest in an increased number of bands and a higher multiple of band D being payable in the higher bands is simply the Treasury's desire to tax the unrealised, illiquid, notional wealth represented by rising housing values—a sort of crude wealth tax by stealth.

As if that is not bad enough, the review calls for further work on a supplementary income tax that would be levied in addition to, not instead of, the council tax. Is not that supplementary income tax a back-door way around the Prime Minister's pledge not to increase income tax at all?

Will the Minister answer a couple of specific questions? If the balance of funding needs to be adjusted in the interests of local accountability, does the Minister accept that there is also a case for allowing greater local discretion over the balance of spending, with more priorities being set locally and fewer set nationally? If so, can he, in the light of last week's statement by the Secretary of State for Education and Skills, clarify the Government's intentions on funding education and confirm their commitment to reducing the levels of ring-fencing from the record highs that they have reached under this Government?

We welcome the Government's recognition of the burden that their council tax increases place on those on lower incomes. Does the Minister recall, however, that before the 1997 general election the Chancellor announced the end of means-testing for elderly people? Will not his proposals for mitigating the impact of his council tax increases on pensioners result in an increase in the means-testing of those pensioners?

Turning to business rates, will the Minister confirm that for as long as equalisation remains in its present form, neither repatriating local business rates to local councils nor retaining a national system with a higher cap on the annual increases will redress the balance of funding issue? All it will do is deliver more revenue to the Treasury. Will he give the House an undertaking that if the Government opt for the route of repatriating business rates, they will recognise the fact that businesses have no democratic input into the local authorities that tax them and must therefore be protected from discriminatory and unfair differential taxation, in the interests of equity and of maintaining the competitiveness of British business?

The original motivation for embarking on this balance of funding review was stated to be a desire to improve local government accountability through achieving a better balance between locally raised and centrally raised taxes. Since then, however, the Government have panicked in the face of growing public outrage at the level of council tax—up 70 per cent. since 1997, with the comprehensive spending review projecting a further 20 per cent. increase over the next three years.

It is not the system of council tax that is the problem; it is Labour's fiddled funding and the bureaucratic burdens imposed on local government, forcing it to unacceptable levels. With the average band D council tax now costing almost £100 a month, and many people on low incomes finding that council tax is the single largest outgoing in their monthly budget, it is no wonder that the pressure is on. The real solution, however, is to reduce the burdens on local government and to adopt fairer funding formulas that will reduce the very high gearing levels experienced by many local authorities.

Because of the huge increases in council tax, running at three times the rate of inflation year after year under Labour's fat Government, no change is not an option. But neither is ignoring the underlying problem. Before operating on the patient, we need to diagnose the real underlying sickness: excessive burdens imposed on local government by Whitehall, with a constant torrent of red tape and regulations spewing out of the over-mighty, interfering ODPM, and a fiddled grant settlement. Only when the underlying disease is tackled will the various options for the reform of local government finance be able to deliver the desired result. In the meantime, hard-working families and pensioners across England face the prospect of yet higher bills from 2007, as a result of revaluation and rebanding. That will be the Minister's Department's contribution to Labour's third-term tax rises.

Mr. Raynsford: The hon. Gentleman made a good start, but the longer he went on, the more he lost the argument and the House. I appreciate his comments about the review being a valuable exercise in raising awareness, however, and I join him in welcoming the Select Committee's report.

The hon. Gentleman asked about the Liberal Democrat policy of replacing council tax with a local income tax, and I can confirm that the review reached the clear conclusion that that would not be the right way forward. We foresaw that huge administrative, technical and distributional difficulties would be associated with the introduction of a local income tax; they are spelled out in considerable detail in the report. Only the hopelessly naive or over-optimistic could believe that this is a simple exercise. It is not.

The hon. Gentleman queried the fact that this was a report to Government rather than by Government, making the point that I had chaired the review and that two Ministers had served on it. However, he failed to recognise the fact that three councillors from other parties, including one Conservative councillor, served on the review, plus a large number of people with no political affiliation and entirely independent credentials. It was a large, inclusive body, and most people—including representatives of the hon. Gentleman's party—congratulated us on the inclusive way in which we had conducted the review. It was all-encompassing and, therefore, a review to Government.

The bulk of the hon. Gentleman's speech was based on Conservative scaremongering, about which we have heard a certain amount over the last couple of days. I detected a degree of frustration on his part that both the statement and the balance of funding review have clearly shot the Conservatives' fox. Far from being a report that spells out an arrangement that will lead, in their words, to massive increases in council tax, it makes it quite clear that

"the aim should be to avoid significant changes to the overall liabilities of taxpayers."

Retention, with reform, of council tax is our policy. A massive increase in council tax is pure Opposition scaremongering, and is wholly unfounded.

The hon. Gentleman asked about the case for greater flexibility for local authorities, and I wholly endorse that. That is why we have introduced the prudential borrowing regime this year, which gives local authorities the freedom to borrow on their own discretion, dismantling the highly centralist and restrictive borrowing controls that his party introduced when it was in government. He also asked about business rates. The report sets out the arguments about relocalisation—and the business community's concerns about that—fairly and objectively, and presents a series of options that will have at their heart the need to reassure businesses that they can contribute to local services, which they recognise the need to do, without being vulnerable to unreasonable and excessive demands.

The hon. Gentleman spoke at considerable length about the claimed additional tax burden. I would simply refer him to table B.12 of the balance of funding review, which shows that, in real terms, the average local tax per dwelling in 2004–05 remains below the level that applied in 1990–91, when his party was in government and had just visited the disaster of the poll tax on the country. We are not going to make the same mistake.

Mr. Edward Davey (Kingston and Surbiton) (LD): I thank the Minister for his statement, and for his original decision to carry out the balance of funding review. But, having decided on a review, have not the Government now decided just to review that review? Is not the new Lyons review all about ducking the hard decisions on council tax, rather than taking them? Does not the Minister realise that dither and delay simply mean more years of the unfair council tax?

This Government were prepared to risk the lives of British servicemen and women in Iraq on the basis of a dodgy dossier, yet after 15 months of detailed expert study, Labour is incapable of taking a decision on the future of council tax. The Minister talked about ideas for tinkering with council tax. Does he not realise that none of them will end its unfairness? Indeed, is it not a key finding of the review that even a reformed council tax would not help the balance of funding problem? Does not his support for revaluation and new council tax bands place a double threat of higher tax directly over the heads of millions of tax payers?

Will the Minister confirm that the Government have no intention of coming clean on their council tax hike until after the general election? If the Government will not tell the people their real plans, will he tell the House what the difference now is between Labour and the Conservatives on council tax, given that the Tories also have no policy? Ministers are to be congratulated on one thing: their willingness to eat humble pie on local income tax. The report says that a local income tax

"would be more progressive . . . than council tax."

So why will the Labour Government not commit themselves to fairer taxes, not higher taxes?

Does the Minister not realise that today's further delay in tackling the balance of funding amounts to a betrayal of local government? Is he not allowing the Prime Minister the room that he wants to continue to attack local democracy? Is it not the Government's real policy to change the balance of funding simply by nationalising the funding of schools? Will the Minister confirm his personal view, given at the Institute for Public Policy Research on 10 May, that Whitehall control of education was not a "magic solution" for the balance of funding, and that centralising education finance was a "bizarre suggestion"?

Today's report could have been written by Lord Butler: it was good on analysis but weak on conclusions. The Deputy Prime Minister might have been acting in good faith when he set up the review of council tax, but today's report shows that he is not competent to take the decisions that council tax payers want.

Mr. Raynsford: One could not help but notice the sound of a needle trapped in the single groove of a cracked gramophone record, repeating "Lord Butler" and "Iraq" over and over again. That seems to be the only noise that the Liberal Democrats can make at the moment. They should at least be aware that this debate is about local government finance. There will be a full opportunity for them to voice their other concerns later.

The hon. Gentleman claimed that the Lyons review would duck the issue. If he really believes that, he does not know Sir Michael Lyons, or the very considerable capability of the man and his commitment to achieving a lasting and effective reform of local government finance. These are not easy issues. The hon. Gentleman knows very well that they are complex issues that require a great deal of careful, painstaking thought. He also

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knows that an inclusive group of some 20 members from a range of backgrounds and political parties—including a Liberal Democrat councillor, who we welcomed on board the balance of funding review—which helped to achieve a consensual approach, is not the body to take hard decisions on the intricate, detailed issues that will determine the long-term future for local government finance. That is why we have invited Sir Michael Lyons to undertake the review, and I am confident that the outcome will be very positive indeed. This is certainly not tinkering, but, as the hon. Gentleman made that charge, I shall make the point to him that we do not introduce ill-thought-out proposals and assume that they can be implemented simply with the wave of a hand. It is much harder than that.

The hon. Gentleman talked about increases in council tax. The Liberal Democrats have the unenviable record of the largest increases in council tax of any political party. Their increases averaged 6 per cent. this year, compared with 5.4 per cent. from Conservative councils, and 4.7 per cent. from Labour councils. I also remind him that the councils with the highest increases last year, which we debated last night on the capping order, were Liberal Democrat Shepway in terms of district councils, and Liberal Democrat Torbay in terms of unitary authorities. His party has an unenviable record, and he would do better to talk to his members about keeping council tax down rather than to give lectures here.

Finally, on local income tax, the balance of funding review has made a balanced and objective assessment. It has identified both the potential advantages—the hon. Gentleman has highlighted the point of greater progressivity—and the considerable disadvantages and technical obstacles that need to be examined far more carefully than his party has ever been prepared to do.

Andrew Bennett (Denton and Reddish) (Lab): I congratulate my right hon. Friend on getting Sir Michael Lyons to take the work forward. Will he also accept, however, that some aspects of the work are urgent, particularly getting council tax benefit take-up improved, which ought to be in place by next April? A revision of the amount of money being paid by local citizens compared with businesses is also needed, and should be in place quickly. If we are to have extra bands, they must be in place so that the revaluation, which starts next April, can take them into account.

Mr. Raynsford: I thank my hon. Friend for his comments, and I congratulate him on the thorough and thoughtful report that the Select Committee, under his chairmanship, conducted and published. I agree that Sir Michael Lyons is a formidable figure to carry forward this work, and that we should make rapid progress on issues such as take-up of council tax benefit, in relation to which there are real problems. That is why the Department for Work and Pensions is already undertaking work to improve council tax benefit take-up, and I assure him that we will continue to work closely with it to tackle this problem with the urgency that it deserves.

Mr. David Curry (Skipton and Ripon) (Con): I feel sorry for the poor old Minister. He knows very well that we could have got to this point after 15 minutes with officials, 15 months ago, instead of spending 15 months in laborious working parties. At no stage did he or his office give the impression that they were simply working towards some provisional outcome. This is a funk, and it is a gold-plated, comprehensive funk.

Will the Minister make it clear to Sir Michael Lyons that this is supposed to be about the balance of funding? Will he therefore ask him to examine seriously the argument for relocalisation of business rates to anchor businesses in the community and to give the community a stake in the success of business? That would be an extremely positive outcome and very good for local democracy.

Mr. Raynsford: The right hon. Gentleman said that this could have been done in 15 minutes with officials. The hallmark of his party in government was an ill-thought-out reform that probably did have only 15 minutes' advice from officials, because the officials would undoubtedly, had they been given more time, have told it that the poll tax was an extremely foolish venture. We do not intend to repeat that mistake. We are doing this thoroughly, carefully and rigorously, and Sir Michael Lyons will be continuing the work that the balance of funding review has undertaken.

The right hon. Gentleman has considerable experience of this matter. He spent most of his ministerial time trying to live down and repair the damage created by an ill-thought-out and rushed reform of local government finance. He should appreciate the importance of a measured, sensible and thorough approach.

Mr. Bill O'Brien (Normanton) (Lab): I thank my right hon. Friend for his statement this afternoon. I hope that he will continue to pursue this direction, and that a property-based tax will continue to apply to local government. I remember clearly the Committee that considered the poll tax: I was a member of that Committee, and the Leader of the Opposition was at that time one of the keen advocates of the poll tax, which failed miserably, and a property tax had to be introduced. I therefore consider keeping a property tax to be in the best interests of local government.

My right hon. Friend referred to council tax banding in his statement, and said that a review of council tax bands is to take place. May I suggest that a regular review of council tax banding is also important, and that additional bands would be welcomed by members of the special interest group of municipal authorities, because a fairer balance is required in relation to tax bands? May I also—

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. That is quite sufficient. We must make speed.

Mr. Raynsford: Thank you, Mr. Deputy Speaker. I very much agree with my hon. Friend that the maintenance of a property tax as the basis for local government finance is the sensible way forward, which is the conclusion that the review has reached and that the Government have accepted. On the question of a review

of banding, which he raised, we believe that that needs to be considered carefully, because there are considerable implications, both in relation to fairness and equity, and in terms of the impact of revaluation, which is due to come in from 2007. We are confident that the Lyons inquiry will be able to examine carefully those issues, building on the evidence that has been presented to the balance of funding review, and coming forward with firm suggestions to deal with those complex issues in the most equitable and fair way.

Mr. Henry Bellingham (North-West Norfolk) (Con): On the subject of relocalisation of business rates, further to the point raised by my right hon. Friend the Member for Skipton and Ripon (Mr. Curry), does the Minister agree that it is vital that he and his fellow Ministers consult widely with all the small business organisations, many of whom have bad memories of what happened in the 1980s, when many of their members were put out of business by excessive increases in business rates? Will he undertake today to enter into full consultation?

Mr. Raynsford: I have announced today that the Lyons inquiry will involve consultation with stakeholders, and I have absolutely no doubt that Sir Michael will want to engage with representatives of the business community. I mentioned specifically small business, and I am sure that that is a grouping whose views will also be taken on board. The balance of funding review acknowledges exactly the fears and anxieties that the hon. Gentleman has voiced. It sets out three options, and it sets out the safeguards that it would view as appropriate were there a move towards relocalisation. His real concern, however, is further consultation, and I assure him that that will happen.

Jim Knight (South Dorset) (Lab): I welcome the review and the further work that the Minister has announced. Can he confirm that the review so far has found no magic way of freezing funding of local government and local government finance, and yet maintaining services? Would not the implications of such a policy—the policy of the Conservative party—be either massive cuts or massive increases in council tax?

Mr. Raynsford: My hon. Friend makes an extraordinarily good point. There is no magic way of maintaining and improving services, which the public want, while at the same time making massive cuts in local authority spending, which is the policy of the Conservative party. Its policies, if pursued over the spending review period, would result in a reduction of £4.8 billion in local government spending. That would have a drastic consequence for services run by local authorities. It is precisely because we do not have any illusions about magic solutions that we have approached this whole issue in an extremely hard-headed and rigorous way, and we intend to continue that approach.

Sir Patrick Cormack (South Staffordshire) (Con): Having spent 15 months chairing this review, and sifting all the evidence, to what provisional view has the Minister come as to the correct balance of funding?

Mr. Raynsford: When the hon. Gentleman has a chance to read through the review in detail, he will see that there is no single appropriate figure. The review makes the point that areas of considerable deprivation receive substantially more Government grant because of that deprivation. In evidence to the Select Committee, I quoted the London borough of Newham, which currently receives 90 per cent. of its funding from central Government. Even were the balance of funding changed from the current national average of 25:75 to 50:50, in the case of Newham, all other things being equal, its balance of funding would probably still be 20:80. There is not a magic national figure. The report acknowledges, however, the importance of trying to ensure that local government has greater accountability for its spending, and that a shift in the balance of funding would undoubtedly help to achieve that.

Mr. Patrick Hall (Bedford) (Lab): I thank my right hon. Friend for his statement. As he will know, many of my constituents are keen to engage in any consultation undertaken by the independent inquiry. I know that he does not want to pre-empt the outcome, but must not three elements be addressed if we are to reform council tax properly? First, there is the regressive nature of banding. Secondly, there is the unfairness to council tax payers of the nationalisation and capping of the business rate by the Conservatives. Thirdly—

Mr. Deputy Speaker: Order. I think that two are sufficient.

Mr. Raynsford: I well recall the lively and interesting public meeting on this subject that my hon. Friend organised in his constituency. I was delighted to have an opportunity to meet his constituents and talk about a number of the issues involved. I assure him that we are committed to continuing consultation as we proceed with our work on the balance of funding. As for banding and the future of the business rate, they will be central issues for the Lyons inquiry to consider.

Mr. Harry Barnes (North-East Derbyshire) (Lab): Along with my hon. Friend the Member for Normanton (Mr. O'Brien), I served on the Standing Committee that dealt with the poll tax—and if there was ever fiddled funding, that was it. Why has it taken us so long to make fairer arrangements for the council tax? It is an easy enough process, involving extra bands at each end and larger steps between the bands. My hon. Friend and I will not be here in autumn 2005, and we should like the process to be completed by then.

Mr. Raynsford: First, as my hon. Friend will know, we have made a number of changes to the grant distribution formula to increase fairness. The Government have not been inactive in pursuing changes that have enhanced the fairness of the existing local government finance arrangements. Secondly, as my hon. Friend will also know, the revaluation is due to come into effect in 2007. Any changes of the order that he has described—the process is, in fact, more complex than his question implied—should be introduced according to the same timetable to avoid unnecessary turbulence and repeated alterations, which cause difficulty to both individuals and local authorities.

Mr. Clive Betts (Sheffield, Attercliffe) (Lab): I welcome my right hon. Friend's statement about council tax bands and benefits, but does he accept from the review and the Select Committee that if we are to have a radical change in the balance of funding there are only two ways in which to proceed? Either there must be a shift in the amount of income that local government controls through localisation of the business rate, or there must be a reduction in the amount of spending that it controls through centralisation of control over school budgets. Does my right hon. Friend accept that the vast majority of his hon. Friends would like him to take the route of increased local democracy rather than that of increased central control?

Mr. Raynsford: My hon. Friend made an important contribution to the Select Committee's report. He will know that the issues are complex, and must be approached in a measured way. I think that the report has done just that, and I am confident that the Lyons inquiry will follow in the same tradition.

Members Sworn

The following Members took and subscribed the Oath:

Parmjit Singh Gill Esq., for Leicester, South

Liam Byrne Esq., for Birmingham, Hodge Hill

Points of Order

2.17 pm

Mr. Patrick McLoughlin (West Derbyshire) (Con): On a point of order, Mr. Speaker. You will know that yesterday was the last day for questions to be tabled to the Secretary of State for Environment, Food and Rural Affairs. I tabled a question to the Secretary of State, which was drawn as Question 3. Today the Department informed me that the question had been transferred to the Department of Trade and Industry. That obviously denies me the chance to put a supplementary question to the Secretary of State during oral questions.

This is important, Mr. Speaker, because of a serious issue relating to a company in my constituency that recycles the vast majority of car batteries in this country—some 99 per cent. There is a great danger that the company could be under threat as a result of a decision made by DEFRA. When I challenged the Department, it told me that the matter was not its responsibility, but that of the DTI. Not one Minister in the DTI is registered in the book of ministerial responsibilities as having responsibility for recycling, but earlier this year the Secretary of State for Environment, Food and Rural Affairs answered two questions on the issue from my hon. Friend the Member for Meriden (Mrs. Spelman). The questions, which related directly to the recycling of batteries, were answered on 10 and 12 March.

What protection can you give Members of Parliament, Mr. Speaker, when Departments are deliberately trying not to answer legitimate questions tabled in the House?

Mr. Speaker: Decisions on whether to transfer questions are for Ministers, not the Speaker; but when questions relate to matters for which more than one Minister is responsible, or when responsibility is ambiguous, I expect Ministers to be very cautious about transferring oral questions.

Mr. Alex Salmond (Banff and Buchan) (SNP): On a point of order, Mr. Speaker. We are about to have an Adjournment debate on Iraq, under Standing Order No. 24 and the succeeding Standing Orders. While that might have been appropriate a week ago, there has been a significant development since then.

Mr. Speaker: Order. I hope that the hon. Gentleman is not going to refer to his standing as a candidate.

Mr. Salmond: I might be a leader after the Prime Minister is not. [HON. MEMBERS: "Ooh!"]

The development is the Leader of the Opposition's decision that he can no longer support the Government's substantive position on Iraq. Under these changed circumstances, are there any remedies open to us under Standing Orders—or is it within your discretion, Mr. Speaker—to test whether the Prime Minister retains the confidence of the House on this issue, just as he has lost the confidence of the people?

Mr. Speaker: An application under Standing Order No. 24 has to be made to me before the Speaker's Conference in the morning.

Pensions (Clawbacks)

2.20 pm

Mr. Kerry Pollard (St. Albans): I beg to move,

That leave be given to bring in a Bill to make provision about pension clawbacks.

I am delighted that so many Members share my interest in this issue.

It is appropriate for me to begin by defining what is meant by "clawback". Different bodies use various terms—abatement, integration or clawback—that mean the same thing, and although there are others, those are the most common. Clawback is a term used in respect of pension schemes to describe what happens when a certain amount is deducted to take account of the state pension before the pension is calculated. It can be a deduction from pensionable pay, from the pension itself, or from both. Clawback applies only to final salary schemes, in which the pension is linked to earnings at, or close to, retirement. It is not relevant to money purchase schemes, in which the pension depends on investment results.

The essence of my Bill, which is similar in scope to one enacted in the Republic of Ireland some four years ago, is that any future increase in state pension could not be clawed back. For example, if the state pension increased by £10 per week, that increase could not be clawed back in the manner of previous increases. As a result, over time the disbenefit of clawback, particularly for the low paid, would gradually disappear. This arrangement has been in place in the Republic of Ireland for some time without civilisation as we know it coming to an end.

When my right hon. Friend the Member for Makerfield (Mr. McCartney) was the Minister for Pensions, I tried to persuade him of the case for introducing such a Bill. Although he was sympathetic, he said that he was unable to put the Government's weight behind it. I pointed out the existing, potentially discriminatory effects and the impact on part-time workers, but he was stony-hearted. I also pointed out that the Chancellor of the Exchequer could well benefit through a small but significant reduction in benefit claimants. Those on low pensions would not need as much council tax relief, housing benefit subsidy or pension credit. Despite even this, my right hon. Friend remained unmoved.

My hon. Friend the Member for Ilford, North (Linda Perham) took up the cudgels on behalf of the many pensioners and soon-to-be-pensioners who will be subject to clawback by organising an early-day motion and a very useful Adjournment debate. She and I have worked closely with our trade union colleagues in UNIFI, the GMB and the TUC to persuade companies to stop clawback altogether, or to effect gradual change to the benefit of scheme members. There have been successes; for example, Barclays and BP have amended their schemes. Indeed, Jim McNulty, a constituent of mine, is £1,500 a year better off as a result of our work. He is of course delighted.

I recently received a letter from the Royal Bank of Scotland Group pensioners association, which continues actively to lobby the company to stop clawback. It has had some modest success, in that the company has agreed to limit the impact on part-time

[Mr. Kerry Pollard]

staff. At the company's recent annual general meeting, two pensioners lobbied the board. The public response was that the bank

"would not consider the abolition or abatement of clawback".

So there is still some work to do.

Many schemes practise clawback, but thanks to pressure from trade unions, particularly UNIFI, some schemes are now abandoning the practice altogether or, like Barclays, amending it. Individual scheme members often do not know about clawback. Not everyone reads the small print, and by the time they realise that they are subject to clawback, it is too late to make other arrangements.

The practice of clawback is quite common. According to the most recent survey by the National Association of Pension Funds, just under half of all private sector schemes include clawback; in the public sector, the figure is much less. Blue chip companies that practise clawback include British Aerospace, Cornhill, GKN, General Electric, Imperial Tobacco and Unilever.

Why does clawback matter? Scheme beneficiaries usually assume that on retirement they will be better off by the amount of the state pension, less tax. Clawback also discriminates against the lower paid, particularly part-time workers. I shall give three fictitious but worked-out examples to demonstrate the disproportionate effect on the low paid. With clawback, John, a senior manager on a £45,000 final salary with 40 years' pensionable service, would receive a pension of £27,712, which is equivalent to 61.5 per cent. of final salary. With clawback, Bob, a shop floor worker on £15,000 and with the same length of service, would receive a pension of £7,712, which is equivalent to 51 per cent. of final salary. With clawback, Cathy, a part-time cleaner on £8,000 and with the same length of service, would receive a pension of £3,045, which is equivalent to 38.1 per cent. of final salary. These typical examples show that the lower a person's pay, the more they are penalised by clawback.

Some schemes are now being run pro rata to help the lower paid and part-time workers. *[Interruption.]* If people realise in good time the effect of clawback on their pensions, they may be able to do something about it, such as paying additional voluntary contributions to make up the gap. If they discover the problem only upon retirement, however, it is too late and they must live on a far lower pension than they expected. *[Interruption.]*

Mr. Speaker: Order. The House is being unfair to the hon. Gentleman.

Mr. Pollard: Our Government have tried to face up to the challenge of pension provision through initiatives to help the least well-off pensioners. There has been further significant progress, in that company schemes now have in place a safeguard, should they cease to be able to provide payments to pensioners who are entitled to draw on them. In addition, a substantial amount of taxpayers' money has been earmarked for company schemes that have failed to help those who, in good faith, paid into such schemes over the years, believing that that was the safest way to protect themselves in retirement. One such company is Dexion, which is based in Hemel Hempstead. I pay tribute to my hon. Friend the Member for Hemel Hempstead (Mr. McWalter), who did sterling work in persuading our Government to put in place a package of help.

I recently attended a National Pensioners Convention meeting, at which we celebrated the 91st birthday of Jack Jones, who has done more for pensioners than anyone else whom I know. Also there was Rodney Bickerstaffe, who has taken Jack's place as the voice of pensioners. Both Jack and Rodney told me that they fully support our campaign to abolish clawback.

UNIFI has been the leader in the campaign to abolish clawback, and I pay tribute to Ed Sweeney, Rory Murphy and Dai Davis, who have done much to secure the limited success that has been achieved so far. Our Government have done much for pensioners, the least well off and those on company schemes that might fail in the future. They have allocated a substantial sum of taxpayers' money to alleviate the plight of those pensioners who will not benefit from the new legislation.

One further way to help hundreds of thousands of pensioners directly, without cost to the Exchequer, is to enact my Bill. It is a simple measure that is already practised successfully in the Republic of Ireland. It would help the lowest paid and part-time workers, and it could have a beneficial effect on benefit claims. It would stop future increases in the state pension being clawed back, and I commend it to the House.

Question put and agreed to.

Bill ordered to be brought in by Mr. Kerry Pollard, Mr. Tony McWalter, Linda Perham, Mr. Ernie Ross, Mr. David Chaytor, Jim Dobbin, Mr. Harold Best and Mr. Mike Wood.

PENSIONS (CLAWBACKS)

Mr. Kerry Pollard accordingly presented a Bill to make provision about pension clawbacks: And the same was read the First time; and ordered to be read a Second time on Friday 15 October, and to be printed [Bill 145].

Iraq

[Relevant documents: Third Report from the Defence Committee, Session 2003-04, HC 57, Lessons of Iraq, and the Government's response thereto, First Special Report of that Session, HC 635. Minutes of Evidence taken before the International Development Committee on 14th July, HC 918-i, on Iraq: the role of humanitarian agencies in post-conflict situations.]

Motion made, and Question proposed, That this House do now adjourn.—*[Margaret Moran.]*

2.29 pm

The Prime Minister (Mr. Tony Blair): I shall start with the Butler report and then move on to a more general discussion of Iraq.

I said at the outset last week that I fully accepted Lord Butler's conclusions, and there are now four things that I would like to announce as a result. First, there is an urgent need to fill the post of Chairman of the Joint Intelligence Committee and I have therefore asked Mr. William Ehrman, currently acting as a deputy chair, to take over the chairmanship of the JIC on an interim basis. He is currently director general for defence and intelligence in the Foreign Office, but he is expected to take up a further ambassadorial appointment next year. Meanwhile, the Cabinet Office will set about the task of making a permanent appointment, to take effect during 2005. That will be done fully in accordance with Lord Butler's criteria.

Secondly, prior to the war, meetings were held with an informal group, including the Foreign and Defence Secretaries, the Chief of the Defence Staff, the head of the Secret Intelligence Service, the chairman of the JIC and my foreign policy adviser. In any future situation, such a group, which brought together the key players required to work on operational military planning and developing the diplomatic strategy, will operate formally as an ad hoc Cabinet Committee.

Thirdly, the SIS has appointed a senior officer to work through the findings and recommendations of the Butler review, who will focus on the resourcing and organisation of the SIS's validation process, the relationship between the SIS and the JIC and its relationship with the Defence Intelligence Staff. We welcome the fact that the Intelligence and Security Committee will monitor progress in those areas.

Fourthly, any future presentation of intelligence will separate the JIC assessment and the Government case and import any JIC caveats into it. We accept those conclusions and will act upon them.

I want to move on now to the quite different point that by omitting the caveats, we set out to deceive people—*[Interruption.]*

Harry Cohen (Leyton and Wanstead) (Lab): Before my right hon. Friend moves on, will he pick up the points made by Brian Jones, the senior defence analyst, who said that he was not given the opportunity to see what was described as "compelling new evidence", which turned out to be extremely important? Presumably, as a result of that, my right hon. Friend was not given the chance to see Mr. Jones's objections. The responsibility for not showing the new evidence falls to the head of Defence Intelligence Staff and his deputy, who presumably did see it. That information has since been withdrawn from the dossier, so should not the head of those services and his deputy now resign?

The Prime Minister: For the reasons that Lord Butler gives in his report, my hon. Friend is right in saying that the Defence Intelligence Staff should show such documents in future—and this may well be one of the changes that takes place. I would say to my hon. Friend that none of the disagreements that Dr. Jones had with specific items in the dossier actually came to the JIC or the Government. That is not to say that they were not important, but the fact is that they did not come before the Government. As a result of the changes that we intend to make, such a thing will not happen again in future.

Mr. A. J. Beith (Berwick-upon-Tweed) (LD) *rose*—

Mr. Alex Salmond (Banff and Buchan) (SNP) *rose*—

The Prime Minister: I shall come to the right hon. Gentleman in a moment. Let me make one other point to my hon. Friend the Member for Leyton and Wanstead (Harry Cohen), which I will elaborate in greater detail later.

The intelligence—I will take the House to the JIC assessments in a moment—really left little doubt about Saddam and weapons of mass destruction. That was the issue—*[Interruption.]* I am going to read the JIC assessments to the House. The intelligence left little doubt about Saddam Hussein and weapons of mass destruction and made it absolutely clear that we were entirely entitled to go back to the UN and say that there was a continuing threat from Saddam Hussein.

Mr. Beith: Dr. Jones minuted his concern on the matter that has just been referred to. The Intelligence and Security Committee recommended that there should be a clear and formal procedure to ensure that such a minute reached the Joint Intelligence Committee, which it did not do in this case. Will the Prime Minister go a little further than he did when he responded to the ISC by making it clear that there is such a procedure, that staff know what it is and that important notes of dissent must be seen by the JIC?

The Prime Minister: Without presuming exactly what the SIS and DIS will come to as an understanding of what should go to the JIC, I would have thought that what the right hon. Gentleman said follows naturally from the Butler report. In those circumstances, it would be sensible for such notes of questioning—it is important to remember that the whole of the dossier was not questioned by any means; only a particular part of it—to go to the JIC.

Mr. Salmond *rose*—

The Prime Minister: I am going to make some progress first.

Much has been made of the fact that one JIC assessment said that intelligence was "sporadic and patchy". Let me just take the House to the JIC assessment on page 163 onwards of the Butler report. Let me say first of all that this was the JIC assessment

[The Prime Minister]

of March 2002—in other words, six months before the dossier was actually produced, and there was, of course, more intelligence produced in the meantime. Let me quote the paragraph more fully. It states:

"Intelligence on Iraq's weapons of mass destruction ... and ballistic missile programmes is sporadic and patchy."

It goes on to say:

"Iraq is also well practised in the art of deception such as concealment and exaggeration. A complete picture of the various programmes is therefore difficult."

That is true. It goes on, however, to say:

"But it is clear that Iraq continues to pursue a policy of acquiring WMD and their delivery means."

The key judgments on the following pages can be read. I shall not list them all. Some of the judgments were that Iraq retained up to 20 Al Hussein ballistic missiles, that it had begun development of medium-range ballistic missiles over 1,000 km, that it was pursuing a nuclear weapons programme, and so on and so forth in relation to chemical and biological weapons. Those are the key judgments that I received.

If we move on to the 9 September JIC assessment, we see precisely the same. Again, criticism was made of the fact that I said that it was "beyond doubt" that Saddam Hussein had WMD and that the intelligence picture in the dossier was "extensive, detailed and authoritative". I simply refer people again to those key judgments. The first judgment was:

"Iraq has a ... chemical and biological weapons capability",

and Saddam was prepared to use it. It goes on to detail in highly authoritative terms the various aspects of his weapons of destruction programme.

The point that I want to make is this. That was the assessment that we were getting from the JIC. To hear much of the talk now, we might think that it was a startling assessment which people found odd at the time. One might have thought that people would say that it was curious, that they did not know about Saddam and that type of thing. Actually, that was the view of the entire international community, then expressed in resolution 1441. It followed 12 years of Saddam Hussein's WMD programmes, defiance of the UN, concealment, discovery and military action—in 1998, for example. No one doubted that he had intent, programmes and actual weapons and was therefore in breach of UN resolutions.

Mr. David Cameron (Witney) (Con) *rose—*

Lynne Jones (Birmingham, Selly Oak) (Lab) *rose—*

The Prime Minister: I wanted to make some progress, but I will give way to my hon. Friend and come back to the hon. Gentleman later, if he will forgive me.

Lynne Jones: On the eve of war—not six months, nine months or 12 months before—the Attorney-General required the Prime Minister to be satisfied that there were strong factual grounds and hard evidence that Iraq was not in compliance with resolution 1441. Was the Prime Minister in no doubt that such strong factual grounds and hard evidence existed at the time? If so, why?

The Prime Minister: Yes, I was, for the very reason that I have just given in citing the JIC assessments. I also have to say to my hon. Friend and other hon. Members that Lord Butler's report has been discussed as if he, Lord Butler, actually found that there was no WMD threat from Saddam Hussein at all, but he did not find that. I refer people to paragraph 41 of Lord Butler's conclusions, where it makes it clear that Saddam had the strategic intent and the illicit procurement of materials and was developing ballistic missiles in defiance of UN resolutions. In other words, it would have been entirely open to us, even on this evidence, to say that he was in breach of UN resolutions.

Mr. Cameron *rose—*

Clare Short (Birmingham, Ladywood) (Lab) *rose—*

The Prime Minister: I shall give way to the hon. Gentleman, then to my right hon. Friend, and then I am going to make some progress.

Mr. Cameron: In view of what the Prime Minister has said, why does he think that Lord Butler concludes in paragraph 465 that it was

"a serious weakness that the JIC's warnings on the limitations underlying its judgements were not made sufficiently clear in the dossier"?

Does the Prime Minister take responsibility for that?

The Prime Minister: Yes, of course I take responsibility for that, but I remind the hon. Gentleman that Lord Butler also finds that, in general, the dossier reflects the JIC assessments. I ask hon. Members to read those assessments, and to imagine for a moment that they are the Prime Minister receiving them—*[Interruption.]* I know that only a limited number of people will think in that way. On the basis of the assessments, it would be concluded, clearly, that Saddam Hussein was a WMD threat, and that he had intent, programmes and actual weapons. That much is clear from what is said in the assessments.

I give way to my right hon. Friend the Member for Birmingham, Ladywood (Clare Short).

Clare Short: I am grateful to the Prime Minister, but the aim of the resolution was to secure disarmament, backed by the threat of force authorised by the UN. It was supported by the whole international community because there was a general sense that the regime was trying to acquire WMD and the means of their delivery, and that there was a threat that was so urgent that we could not allow Blix to complete his job. That divided the international community, with all the consequences that flowed from it. Where did my right hon. Friend get that information? Why was Blix not allowed enough time? Butler does not suggest that there was any reason for that judgment.

The Prime Minister: I shall deal with that point, which is important. Some of the discussion has proceeded on

the basis that we published the dossier on 24 September and went to war on 25 September. We did not: the dossier was not the basis on which we went to war, but the basis on which we went to the UN. That is what we did. As a result of going to the UN, we got resolution 1441—which, incidentally, accepted on behalf of the whole international community that Saddam Hussein was a WMD threat who had to be dealt with. People may ignore that now, but that is precisely what the resolution said.

In resolution 1441, we said that there had to be full compliance—I think that the word "unconditional" was used—with the UN inspectors. The plain fact is, there was no such compliance. To answer my right hon. Friend the Member for Birmingham, Ladywood directly, I agree that it would have been better to let the inspectors have more time, provided that we had a UN resolution for them to operate under which laid down a clear ultimatum to Saddam that action would follow if he did not comply with the benchmarks that I agreed with Hans Blix at the time. However, as I think I explained to my right hon. Friend at the time, the problem was that some other countries made it clear that they would not accept any resolution containing an ultimatum.

There is no way that Saddam would ever have allowed the inspectors back in without the troops down there. The House should recall that he refused to have inspectors in Iraq for four years, and only let them in because the troops were down there. We knew that he was not complying properly with the UN resolutions. How did we know that? Because that is what the UN inspectors told us in their reports to the UN.

I therefore pose this question: without an ultimatum that says, "Here is what you have to do. If you do not do it, action will follow", does anyone seriously think that Saddam would have complied? I strove hard to secure a second resolution, and thought that we could have got it. I tried to set the right benchmarks. I said to the Americans at the time, "We need more time to let Blix do his work, provided that there is an ultimatum." If we had had no ultimatum, the result would have been simply a continuation of what we had been doing for 12 years. That is, we would have allowed Saddam a certain amount of leeway, he would have made a few concessions and then carried on with his original intentions.

Mr. Mike Hancock (Portsmouth, South) (LD) *rose—*

Clare Short: Will my right hon. Friend give way again on that point?

The Prime Minister: I will give way again to my right hon. Friend, as it is important to deal with the point that she is making.

Clare Short: In his book, Dr. Blix makes it absolutely clear that the majority of the Security Council, including the non-permanent members and France, Germany and Russia, were willing to have benchmarks and a deadline, and to say that inspections should not continue. However, they were not willing to accept a resolution that meant that Britain and the US would decide whether that resolution had been adhered to. My right hon. Friend threw away the possibility of united international action on the request for automaticity. That is the reality of the situation.

The Prime Minister: I am always a little worried by what people say in books after the event, as opposed to what actually happened at the time. I have no doubt that I will repeat that on many occasions in the future. However, one thing that my right hon. Friend is saying is simply wrong. France would not accept any ultimatum. That was said to me on the telephone, and it was made clear publicly.

I think that I am right in saying that France did not agree the benchmarks at the time, but let us suppose that we had got over that problem. I agree that, with negotiation, we might have succeeded in securing the benchmarks. Yes, they might have contained a timeline for Blix to carry on his work, but without an ultimatum there was no real chance for people to believe that Saddam would have acceded to our demands.

I think that it would be instructive for people to go back and read the debate of 18 March 2003. That debate was not about the dossier, which was barely mentioned, but about the consequences of resolution 1441. At the time of the debate, we knew that Saddam was not complying with that resolution properly, and that we could not secure another resolution with an ultimatum in it. So what were we to do? We could have backed away—or we could have decided to make sure, this time, that Saddam was incapable in the future of developing WMD, as he had every intention of doing. I still think that we made the right decision.

Mr. Hancock: Will the Prime Minister give way?

Mr. Malcolm Savidge (Aberdeen, North) (Lab): Will my right hon. Friend give way?

The Prime Minister: I will give way to the hon. Member for Portsmouth, South (Mr. Hancock), and then to my hon. Friend. Then I must make some progress, or no one else will have a chance to speak.

Mr. Hancock: I am grateful to the Prime Minister, who has been extraordinarily generous in giving way. Will he confirm that, between the dossier's publication and this country's entry into conflict, he was receiving ongoing intelligence assessments, on much of which there could be no collaboration? Did any senior member of the British intelligence service advise the Prime Minister that he should be cautious about the interpretation that he placed on the evidence of the intelligence community, in this country and the US?

The Prime Minister: The JIC assessments are set out in Butler. However, the UN resolution accepted as a fact that Saddam was a WMD threat. Once that was secured, the question was whether we would enforce the UN resolutions, or not. Our intelligence community—like the UN and, as far as I am aware, most intelligence services in the world—certainly believed that Saddam had WMD weapons, capability and intent.

Several hon. Members *rose—*

The Prime Minister: I said that I would give way to my hon. Friend the Member for Aberdeen, North (Mr. Savidge), but then I must make progress. I am sorry about that.

Mr. Savidge: I thank my right hon. Friend for giving way. Am I not correct in thinking that Dr. Blix communicated to the Prime Minister the fact that the inspectors believed that they were getting a far greater degree of co-operation than ever before? Admittedly that was under the pressure of a military threat, but does that not mean that it could have been worth giving the inspectors time to complete their job and to prove what we have now found?

The Prime Minister: At some point I may go into all the detailed conversations that I had with Dr. Blix. However, the basic position was that the inspectors told me that there was some co-operation, but that there was not full co-operation. The problem is that that is precisely what the Iraqi regime had offered before. If one goes back over the 12 years of Saddam Hussein and of the whole saga with the UN, one finds that it was not the case that he never co-operated with the inspectors. From time to time he would co-operate, usually when there was a threat of military action.

I remember that it was in February 1998 that we first gave Saddam a strong and clear indication that military action would follow if he did not co-operate. As a result, he started to co-operate a bit more, and there was an elaborate dance throughout the rest of the year. Finally, in December 1998, the inspectors were not able to get access to some of the places that they wanted to see. They left, and effectively we took military action to try and do what we could to deal with the threat that was posed.

Saddam Hussein, however, was never prepared to co-operate fully—and I think that the reasons for that are to be found in the Butler report. Whatever the truth in respect of readily deployable weapons was, part of the trouble is that people have gone to the opposite extreme. They say that there was nothing there at all and that there was no threat. That that was not the case is absolutely clear, and some of the intelligence remains entirely valid. It was absolutely clear that he had every intention of carrying on developing those weapons, that he was procuring materials to do so and—for example, in respect of ballistic missiles—he was going way beyond what was permitted by the United Nations.

I return to the central point. There was little doubt about the breach of UN resolutions, and in the debate on 18 March 2003 the House rightly took the view that there was no way that he would co-operate fully, and therefore that we had to take military action.

Mr. Michael Howard (Folkestone and Hythe) (Con): The Prime Minister appears to be leaving the question of what he told the country about the intelligence. He has referred, briefly, to the Joint Intelligence Committee assessments. They all make it clear, in terms, that the intelligence on which they were based was sporadic, patchy, little and limited. Why did the Prime Minister say that the intelligence was extensive, detailed and authoritative?

The Prime Minister: The right hon. and learned Gentleman must have been asleep earlier in the debate, for which I apologise. The phrase "sporadic and patchy" appeared in the assessment dated 15 March 2002. He keeps trying to suggest that it appeared in the later assessment: it did not. It was in the earlier assessment. In the assessment of 9 September 2002, it does say that the intelligence remains limited, but the JIC then goes on to make its judgments. If necessary, I shall read them all out to the House—[Hon. Members: "Yes."] All right.

The first states:

"Iraq has a chemical and biological weapons capability and Saddam is prepared to use it."

It continues:

"Faced with the likelihood of military defeat and being removed from power, Saddam is unlikely to be deterred from using chemical and biological weapons by any diplomatic or military means."

I am going on and on—[Hon. Members: "More."] Let me give two other judgments that are relevant:

"we judge that . . . Iraq currently has available, either from pre Gulf War stocks or more recent production, a number of biological warfare . . . and chemical warfare . . . agents and weapons",

and that

"even if stocks of chemical and biological weapons are limited, they would allow for focused strikes against key military targets or for strategic purposes (such as a strike against Israel or Kuwait)".

The judgment then details that point over many pages.

I must say to the right hon. and learned Gentleman that it is absurd to suggest that anyone, given that JIC assessment, would have said, "Saddam Hussein? Weapons of mass destruction? I don't think that's much of a problem."

Mr. Howard: The Prime Minister knows perfectly well that that is not what I was suggesting. He has read out the conclusions of the assessments: I am asking about the nature of the intelligence on which those conclusions were based. The assessments were themselves stated to be on the basis of intelligence that was sporadic and patchy, little and limited. The Prime Minister told the country that the basis of the intelligence

"is extensive, detailed and authoritative."—[*Official Report*, 24 September 2002; Vol. 390, c. 3.]

That was wrong. Why did he say that to the country?

The Prime Minister: I do not accept that that was wrong. I do not want to read it all over again, so—even better—I shall read what the right hon. and learned Gentleman said—*[Interruption.]* Well, I have to say to Opposition Members that the judgments of the committee are the key things. If it judged that Iraq had a WMD capability and actual weapons, what Prime Minister would have said, "That may be what the committee judges and concludes, but I am going to come to a different conclusion"? Imagine what would have happened afterwards had the threat materialised.

I raise what the right hon. and learned Gentleman said because in the past few days he has tried to suggest that somehow the Conservatives—no, that is unfair, because many Opposition Members voted for the war on the basis that they did, and still support the war. I understand that, so I shall deal specifically with the right hon. and learned Gentleman. I do not often read the *Kentish Express*, but on this occasion I have done so. On the day of the debate on the war, he said:

"Why is Saddam Hussein a threat to us here in the United Kingdom? Four years ago Iraq had tons of anthrax and the nerve agent VX. These deadly materials are easily transported and easily hidden. There has been no convincing explanation as to what has happened to them."

He did not say that on the basis of the intelligence in the dossier: it was the same reason we had supported action the whole time.

I come to what the right hon. and learned Gentleman said after the war. I read the other day some of the things that he said to the News Corporation in March this year—after the Hutton report and after all the issues had been raised. I have managed to find out a little bit more about that speech. He said:

"We must remember that it was not the overthrow of Saddam that spawned terrorism and instability. Quite the reverse. It was the failure of the West to act decisively again and again in the late 1990s, in the face of threats and provocation, that emboldened the terrorists and the rogue states. That failure must never be repeated . . . The war against Iraq was necessary. It was just. It was, indeed, arguably overdue. And, let us not forget, it was overwhelmingly successful—a judgement which subsequent difficulties do not change."

He continued:

"Of course . . . Iraq has become the frontline in the War against Terror . . . I have no doubt that if the West maintains its resolution, Iraq will be a much better place than it was under Saddam."

[Interruption.] I shall tell the right hon. and learned Gentleman what my point is. It is that we will not maintain our resolution by pretending that we would not have voted for the motion that saw us go to war. It is absurd to suggest that he or the shadow Foreign Secretary were in two minds about Iraq, were not quite sure, sat around scratching their heads wondering whether it was a threat or not, and were then persuaded by me that it was. To be fair, the previous Leader of the Opposition warned, in my view rightly, about the threat of Saddam Hussein long before I did.

It is time the right hon. and learned Gentleman realised that shabby opportunism is not the solution to his problem: it is his problem. The public will respect people who were honestly for the war and they will respect people who were honestly against the war: they will not respect a politician who says that he is for and against the war in the same newspaper article.

Mr. Jonathan Sayeed (Mid-Bedfordshire) (Con) *rose—*

Dr. Julian Lewis (New Forest, East) (Con) *rose—*

The Prime Minister: I give way to the hon. Member for New Forest, East (Dr. Lewis).

Dr. Lewis: I am one of those who supported the war before, during and after it, and I continue to do so. What I do not support is the discrediting of our intelligence services by the exaggeration of the intelligence that was available. Will the Prime Minister tell the House why GCHQ, our largest intelligence agency, is barely mentioned in the Butler report? Was there any signals intelligence and, if so, what was it and why was it not mentioned in the report?

The Prime Minister: I cannot answer that last question, but I shall find the answer and tell the hon. Gentleman. It is unfair to say that of our intelligence services. They do a fantastic job for this country and the judgments that they made were thoroughly justified on the basis of the intelligence at the time. The hon. Gentleman rightly and fairly said that he would still support the war. So would I, because not all the intelligence has turned out to be wrong. If what Lord Butler says in paragraph 41 is correct, there is ample justification in the breaches of UN resolutions. In the light of what we know, is it really credibly claimed that it would have been better to leave Saddam Hussein in power in Iraq in circumstances in which—as we know perfectly well—he had every intention of carrying on with his WMD ambitions?

Mr. Sayeed *rose—*

Mr. John Bercow (Buckingham) (Con) *rose—*

The Prime Minister: I shall give way to the hon. Member for Buckingham (Mr. Bercow).

Mr. Bercow: Given the real statesmanship that the Prime Minister showed in March last year in recognising the need to combat Saddam and in prosecuting a necessary war—which is to his enormous and lasting credit—is he prepared to concede that he made any errors?

The Prime Minister: Of course, which is why I said, at the very beginning, these are the things the Butler report identified that we should change. I fully accept those things. What I do not accept is that it was a mistake to go to war. It was the right thing to do and I still believe it was the right thing to do.

As for Iraq itself, let us agree on this: our armed forces have been superb. They fought the war brilliantly and they are conducting the peace brilliantly. Today, we should thank not only them but their families, who have supported them through these long months.

Never let us forget what Iraq was: a brutalised state, run by a mixture of terror and execution. Never let us forget either that, for all the difficulties, Iraq now has the prospect of progress. It is true that the terrorism continues. Incidentally, occasionally reports of civilian casualties read as though they were somehow caused by the coalition, but as far as I am aware the civilians who have died in Iraq in the past year have been overwhelmingly the victims of terrorist attacks. The terrorism is to an increasing degree, according to the Iraqi Government, the work of outside terrorists.

I draw the House's attention to paragraph 483 of Lord Butler's report, which I do not think got much publicity on the day, where he describes not active co-operation between al-Qaeda and Saddam's regime, but

[The Prime Minister]

links between al-Qaeda and Iraqi officials, as well as the fact that prior to Saddam falling, al-Zarqawi moved into Baghdad and set up sleeper cells with the possibility, as we now know, of conducting terrorist attacks. That much of the intelligence has been all too accurate.

Mr. Beith: To be activated during US occupation?

The Prime Minister: Before the United States went to Iraq.

We know that Iraq's curse is terrorism and the battle for security, but given some of the coverage about what is happening in Iraq at present, we should also recognise that the blessings from the fall of Saddam are indeed great. The money from Iraq's oil, expected to be about $18 billion a year, now goes to help Iraq and not Saddam and his family and his WMD ambitions. There is a proper currency. According to the International Monetary Fund, the economy will grow this year by 33 per cent. Public sector salaries have trebled in many cases. The schools and hospitals are open, and are now not just for Ba'ath party members. There are free media.

It is also worth pointing out what our troops are managing to achieve in Basra. In Basra province alone, there will be about 35 local elections over the coming weeks. The first, in az-Zubayr last week, resulted in the election of three women to the council; that was a proper, democratic election.

A proper courts system is being introduced. Six Iraqi Ministers are women and one in four of the delegates to the Assembly next year will be female. There is freedom of worship. Shi'as formerly prevented from visiting holy shrines are now able to do so.

None of that means that Iraq will be built easily; of course it will take time, as it has done for any country in similar circumstances over the years. Today, however, Iraq at least has a future within its grasp, and although it is correct that the liberation of Iraq from Saddam was not the legal case for war, it was, as I said frequently at the time—indeed, most notably in the debate on 18 March—why we should go to war with a clear conscience and a strong heart. Removing Saddam was not a war crime; it was an act of liberation for the Iraqi people.

Mr. Sayeed *rose—*

Mr. Robert Marshall-Andrews (Medway) (Lab): Will the Prime Minister give way?

The Prime Minister: No.

Mr. Marshall-Andrews *rose—*

Mr. Speaker: Order. The Prime Minister is not giving way.

The Prime Minister: Of course, in the short term, the problem of security and of cleaning up the utterly degraded country that was Saddam's Iraq is a huge challenge, but one thing that people have missed is that the very scale of the challenge says an immense amount about the scale of Saddam's misrule and the threat he posed. Such a country ruled by such a tyrant should never be allowed anywhere near weapons of mass destruction. Any risk of his developing or using them was a risk never worth taking, and in the conflict today I ask the House how there can be any scintilla of hesitation about which side—

Mr. Marshall-Andrews: Will the Prime Minister give way?

Mr. Speaker: Order—

Mr. Marshall-Andrews *rose—*

The Prime Minister *rose—*

Mr. Speaker: Order. The Prime Minister should be seated. I have already told the hon. and learned Member for Medway (Mr. Marshall-Andrews) that the Prime Minister is not giving way.

Mr. Marshall-Andrews: I am grateful, Mr. Speaker.

The Prime Minister: That makes two of us.

I repeat that there should be no scintilla of hesitation about which side we should be on.

Mrs. Alice Mahon (Halifax) (Lab): Will the Prime Minister give way?

The Prime Minister: No, I am sorry. I am sure that other people want to speak in the debate.

On one side are assorted former Saddam gangsters, religious extremists and terrorists; on the other are the Iraqi people, the outside coalition and the United Nations. To me, the interesting thing is that the terrorists know what is at stake. Why do people think al-Qaeda is in Iraq? Why are al-Zarqawi and Ansar al-Islam there? I believe they are there because they know it is the front line in the war against terrorism today, and they know that for the same reason as we should know it: if they succeed, Iraq cannot prove to the world that democracy is for the middle east, too, and that religious tolerance is what most Muslims, as well as Christians, want. It cannot show that Arab and westerner can live in harmony. But the terrorists know also that, if they fail and Iraq succeeds, Iraq will hold out hope not just to millions of Iraqis but throughout the region and the wider middle east.

So whether we are for the war or against it—or even somewhere in between—today's struggle is one in which no one should be neutral. That is why the new Iraqi Government and our British troops and British civil and public servants, doing their job in Iraq alongside our allies from the United States and elsewhere, deserve our total support.

Mr. Kenneth Clarke (Rushcliffe) (Con): Will the Prime Minister give way?

The Prime Minister: No, I am sorry.

If people read the letter from Dr. Allawi, published only the other day, they will see that he set out the authentic voice of Iraq and its future—what Iraq can now become.

Whatever mistakes have been made, my view is: let us rejoice that Iraq can indeed have such—*[Interruption.]* Yes, let us be pleased that Iraq is liberated and can have such a future and let us now work together, whatever the disagreements of the past, to help it secure that future.

3.7 pm

Mr. Michael Howard (Folkestone and Hythe) (Con): There is no more awesome responsibility for a Prime Minister than the decision to take the country to war, and that is what we are debating today. As we discuss these issues, I join the Prime Minister in paying tribute to the thousands of British servicemen and women who still face the daily challenge of bringing peace to Iraq. We are indeed all enormously proud of them and of their families. We remember those from our country, and from others, who were killed or injured, including the very many Iraqis who have suffered. It is part of our responsibility to ensure that those sacrifices were not made in vain.

There are three issues before the House this afternoon: first, the justification for the war; secondly, what happened after the war; and thirdly, what the country was told before the war.

On the justification for the war, there are many areas of agreement between the Prime Minister and me. We both believe it was the right thing to do. Saddam Hussein was a real threat to peace in the region. He had indeed acquired and used weapons of mass destruction in the past and he had the potential to do so in the future. He had flouted a whole series of United Nations Security Council resolutions.

Many people in the House and in our country did not support the war. I respect their sincerely held view but ultimately I do not agree with them.

Kevin Brennan (Cardiff, West) (Lab): Many of us who voted against the war certainly respect the views and good faith of those who voted in favour of it, but what are we supposed to make of someone who says he was, and still is, in favour of the war, yet wishes he had voted against it?

Mr. Howard: Let me remind the hon. Gentleman that he voted against the motion. Let me remind him and the House of what the motion before the House on 18 March said—*[Interruption.]* I voted for the motion, but as it may be some time since hon. Members read it, let me remind them of what it says. That motion began by recognising that Iraq's weapons of mass destruction and long-range missiles posed a threat to international peace. It went on to support the Government's decision to use all means necessary to ensure the disarmament of Iraq's weapons of mass destruction. Now, we know that those weapons were not there. The Prime Minister said so last week. So of course it is the case that, had I known then what I know now, I would not have been able to vote for that motion.

Several hon. Members *rose—*

Mr. Speaker: Order. The Prime Minister got a proper hearing. Allow the Leader of the Opposition to get a hearing.

Mr. Howard: I am replying to the point raised by the hon. Member for Cardiff, West (Kevin Brennan). I do not see how any hon. Member, had they known then what we know now, could have voted for that motion. I do not see how the Prime Minister could have voted for that motion. That does not mean that I do not think that the war was justified—I do, as I have repeatedly made it clear.

Huw Irranca-Davies (Ogmore) (Lab): I thank the right hon. and learned Gentleman for giving way. I commend the Leader of the Opposition for what he said on 19 March this year:

> "Whatever my disagreements with Tony Blair, any government that I lead will not flinch in its determination to win the War against Terror, wherever it has to be fought."

I commend him for saying that, but the word "flinch" is interesting for those who study linguistics. Its origins are French, and it can be used in the sense of to slink or to sneak away.

Mr. Howard: I stand by entirely what I said on 19 March. Indeed, I would not flinch, but I happen to think that the reasons why we vote in the House are of some importance. I happen to think that the wording of the motions on which we vote are of importance. That is why I have said what I have said about the motion that was before the House on 18 March.

Several hon. Members *rose—*

Mr. Speaker: Order. Please allow the Leader of the Opposition to speak. Is he giving way to an hon. Member?

Mr. Howard: I give way to the hon. Member for Watford (Claire Ward).

Claire Ward (Watford) (Lab): If the right hon. and learned Gentleman believed at the time that he voted for the war that Saddam Hussein was a threat, had used weapons of mass destruction against his own people and, given any opportunity, would do so again, why has he changed his view? Is it simply because the bandwagon of opportunism came along and he jumped on board?

Mr. Howard: The hon. Lady ought to look at what the motion that I voted for said. That is the point that I am raising.

Mr. Sayeed: I thank my right hon. and learned Friend for giving way. He knows that many supported the war in the belief that there was an imminent threat from missiles carrying weapons of mass destruction and that articles appeared in the *Standard* and *The Sun* supporting that interpretation. Indeed, *The Sun* headline of 25 September read, "Brits 45 minutes from doom." So, first, does my right hon. and learned Friend know whether anyone associated with the Government

[Mr. Sayeed]

briefed the *Standard* or *The Sun* on that interpretation of the dossier, and secondly, as senior Ministers knew that such an assertion was wrong before the debate on 18 March that authorised war, should not a Minister have come to the Commons and explained that that assertion was wrong?

Mr. Howard: I am coming to the 45-minute claim later on in my speech.

Several hon. Members *rose—*

Mr. Speaker: Order. Far too many hon. Members are standing. Allow the Leader of the Opposition to continue with his speech.

Mr. Howard: I shall give way once more and then I must make progress.

Kali Mountford (Colne Valley) (Lab): I am grateful to the right hon. and learned Gentleman for giving way, but on the subject of the motion voted on in the House, does he accept that many hon. Members had a wide range of views on why we voted for war? On his view on WMD, does he accept that Butler himself said that it would be foolish to assume now that WMD do not exist?

Mr. Howard: Butler says that, but very few people— *[Interruption.]* Well, does the hon. Lady seriously think that weapons of mass destruction will still be found in Iraq? That is the question. Does the Prime Minister still think that weapons of mass destruction are still likely to be found in Iraq? Of course not. That is why I say that, if we had known then what we know now, we would not have been able to vote for the motion that was before the House on 18 March. I am now going to make progress. *[Interruption.]*

Mr. Speaker: Order. I call for order once again. I may ask the hon. Member for Doncaster, North (Mr. Hughes) to leave the Chamber. In fact, I might demand that he do so.

Mr. Howard: I have acknowledged that there are many people who do not share my view that the war was justified, but despite our differences, I think that most hon. Members agree that the people of Iraq—I agree with the Prime Minister—are far better off now that Saddam Hussein has gone. We know that we must now see this through, and the prize of a stable and sustainable Iraq is well worth striving for. Like the Prime Minister, I believe, too, that while enormous challenges remain, real progress has been made in Iraq, but we must all acknowledge that, since the overthrow of Saddam, mistakes have been made and some of them have been serious.

One of the most serious mistakes was the failure to prepare for the aftermath of the war. Six months before the war even began, we were pressing the Government to draw up a plan for post-war Iraq. Everyone knows that there was no such plan. The Iraqi army and police were disbanded with nothing to take their place; borders were not made secure; and there was a collapse of law and order in Baghdad. No one is suggesting that there were easy answers to those very difficult problems, but it would have been less difficult if there had been a plan.

Clare Short: I am grateful to the right hon. and learned Gentleman for giving way. I think that it is now a matter of record that there was a detailed plan in the State Department—very detailed, lengthy and considered—but it was swept to one side when responsibility was given to the Pentagon, which had made insufficient preparation. That is what really happened.

Mr. Howard: I quite understand the basis on which the right hon. Lady says what she says. It is certainly true that the responsibility for the failure to draw up a plan does not rest with the British Government alone, but in the run-up to the war, the British Government were in a position of great strength. We were by a long way the second largest contingent in the coalition forces. We had stood shoulder to shoulder with the United States. We were in a position to make our voice heard. We were in a position to insist, in the circumstances described by the right hon. Lady, that a proper post-war plan was prepared and put into action. We should have done so, but we did not. Had we done so, I believe that at least some of the difficulties that have arisen in Iraq since the fall of Baghdad could have been avoided.

Tony Baldry (Banbury) (Con): Has my right hon. and learned Friend seen the evidence of Sir Jeremy Greenstock, who says:

"with hindsight the proper preparations were not made for what evolved on the ground in Iraq ... relative deficiency in analysis and prediction of what was going to happen created effects in the immediate post-conflict period which allowed a much worse security situation to evolve than should have been the case"?

Of course, Sir Jeremy was, at the material time, our ambassador to the United Nations.

Mr. Howard: I am grateful to my hon. Friend for reminding me of that. He is, of course, quite right and so was Sir Jeremy Greenstock.

Few of us would doubt that the most appalling and deeply damaging thing that has happened since the fall of Baghdad was the abuse of prisoners in Abu Ghraib prison. It was deeply humiliating for the victims. It has done long-lasting damage to the reputation of the west and it has gravely undermined our moral authority. The circumstances surrounding the timing and extent of the British Government's knowledge of what had gone on are covered in confusion. Just over two months ago, when the story broke, the Prime Minister assured the House that neither he nor his Ministers were aware of those allegations. *[Interruption.]* Labour Members may not be interested in what went on in Abu Ghraib prison, but their constituents will be and those Members should be. The assurance that the Prime Minister gave was wrong. We now know that the Minister responsible at the Foreign Office was told about the allegations nearly two months earlier at a meeting with the president of the Red Cross, so the Foreign Office Minister knew but the Prime Minister did not know and was not told. Why not?

That was not the only issue that the Prime Minister did not know about. He did not know that vital evidence was kept from Lord Hutton's inquiry. In February, he assured the House:

"Everything that was relevant to the inquiry was made available to Lord Hutton . . . I do not believe that there is anything that we concealed from that inquiry".—[*Official Report*, 4 February 2004; Vol. 417, c. 768.]

He said twice that Lord Hutton saw all the intelligence there was to see on the 45-minute claim. The Butler report makes it clear that those statements were not correct.

Several hon. Members *rose*—

Mr. Howard: I want to finish this point.

We now know as a result of the Butler report that two crucial intelligence reports on chemical and biological weapons, to which the 45-minute claim related, had been withdrawn in July 2003. MI6 knew that, the Joint Intelligence Committee knew it, but Lord Hutton was not told. The Intelligence and Security Committee was not told and, apparently, the Prime Minister did not know. Why not?

Mr. Barry Sheerman (Huddersfield) (Lab/Co-op): In retrospect, when the right hon. and learned Gentleman thinks about the intelligence, does he think about what Lord Butler said—that the intelligence services were totally under-resourced, that that affected their performance and that under-resourcing went back to when he was a member of the Cabinet in 1995, when the Conservative Administration cut the intelligence services' budget by 25 per cent?

Mr. Howard: I am afraid that the Government whom the hon. Gentleman supports have been in power for seven years. If there were anything that needed to be put right, they have had ample time to put it right. I do not see how that excuses the failure to tell Lord Hutton's inquiry and the Intelligence and Security Committee about the fact that the intelligence had been withdrawn, which we now know from the Butler report.

Mr. Gordon Prentice (Pendle) (Lab): Will the right hon. and learned Gentleman give way?

Mr. Howard: No; I want to make some progress.

MI6 knew that the intelligence had been withdrawn. The Joint Intelligence Committee knew that the intelligence had been withdrawn, but Lord Hutton was not told. The Intelligence and Security Committee was not told and again, apparently, the Prime Minister did not know. Why not?

Nor did the Prime Minister know that the 45-minute claim only referred to battlefield weapons and not to long-range missiles, a fact that we only discovered thanks to careful questioning by my hon. Friend the Member for Croydon, South (Richard Ottaway). The Prime Minister was forced to admit then that, unlike the Secretary of State for Defence, he did not know and had not been told. Why not? Why was it that the Prime Minister did not know and was not told any of those vital things?

Part of the reason for that serial ignorance stems from the way in which the Prime Minister runs things. On that issue, the criticisms made by the Butler committee are damning. As Lord Butler says, important decisions should be taken after "informed, collective political judgment". Lord Butler also points out that

"without papers circulated in advance it remains possible, but it is obviously much more difficult, for members of the Cabinet to bring their political judgment and experience to bear on the major decisions for which the Cabinet as a whole must carry responsibility".

Judging from comments by the right hon. Member for Livingston (Mr. Cook) last week, when papers were prepared Cabinet Ministers were not even shown them. As he told the "Today" programme,

"I'm astonished to learn from the Butler Report that there were papers prepared for us but never circulated to us and I would like to know why".

In the last paragraph of his report, Lord Butler concluded that

"the informality and circumscribed character of the Government's procedures . . . reduce the scope for informed, collective political judgment",

or, in plain English, procedures in Downing street are such a shambles that proper decision making is impossible.

We should be clear about the implications of all this. This way of decision taking is not accidental. It is not a coincidence. It is the result of a deliberate set of decisions by a Prime Minister who thinks that he does not need, and certainly does not want, informed collective political judgment.

Mike Gapes (Ilford, South) (Lab/Co-op): I refer the right hon. and learned Gentleman to paragraph 611 of the conclusions of Lord Butler's report, which states:

"We do not suggest that there is or should be an ideal or unchangeable system of collective Government, still less that procedures are in aggregate any less effective now than in earlier times."

Does he agree?

Mr. Howard: I think that if the hon. Gentleman reads on and comes to the last paragraph of the recommendations, he will find that the picture presented is somewhat different.

The consequences of all this are there for us all to see. That leads to the third issue at stake today: what the country was told in the run-up to the war. Last week, I set out in the House the contrast between the intelligence available to the Prime Minister and what he told the country. I did so in the context of what he said on 25 January:

"the issue vis-à-vis my integrity is: did we receive the intelligence and was it properly relayed to people?"

The intelligence he received was seriously flawed. Lord Butler made serious criticisms of the validation process of MI6. It is vital that the weaknesses that he identified are fully remedied. We shall study the decisions that the Prime Minister announced in his remarks earlier and see what assessment to make of the extent to which they are likely to remedy those weaknesses.

The other issue vis à vis the Prime Minister's integrity, in his own words, is: was the intelligence "properly relayed to people"? In March 2002, as has been pointed

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out, the Joint Intelligence Committee said that the intelligence was "sporadic and patchy". In August that year, the Joint Intelligence Committee said that it had "little intelligence". In September, it said that the intelligence was "limited", yet on 24 September 2002 the Prime Minister told the House that the picture painted by the intelligence services was "extensive, detailed and authoritative".

The Prime Minister read out from the conclusions of the reports. The question is: what was the intelligence basis for those conclusions? Was the intelligence on which those conclusions were based patchy, sporadic, limited and little, or was it, as he told the country, "extensive, detailed and authoritative"? There is an enormous difference between the two and he has yet to explain, and he certainly did not explain this afternoon, the basis for his statement. Nowhere in the reports of the Joint Intelligence Committee was there any basis for the Prime Minister's assertion that the intelligence was "extensive, detailed and authoritative".

Several hon. Members *rose—*

Mr. Howard: I have given way very generously and I want—

Several hon. Members *rose—*

Mr. Speaker: Order. The right hon. and learned Gentleman is not giving way.

Mr. Howard: That is why the Prime Minister's credibility is at stake today. As I said last week, I hope that Britain will not face another war in the foreseeable future but, if we do, and the Prime Minister identified the threat, the question remains: would anyone believe him?

Several hon. Members *rose—*

Mr. Speaker: Order. The Leader of the Opposition has said that he is not giving way.

Mr. Howard: We all know now that, when it came to the Iraq war, the qualified judgments of the intelligence services became the unqualified certainties of the Prime Minister. Last week, I asked the Prime Minister to explain exactly why. He studiously failed to answer that question and he has refused to answer it again today. I think that this House and the country deserve an answer. We are entitled to know why the Prime Minister said what he did.

The Prime Minister says that he accepts full personal responsibility for the way in which the issue was presented and for any errors that were made, but what does that actually mean? He still has not told us what errors he thinks he has made. He has not told us why he made them, and he has not told us what steps he has taken to ensure that they will not happen again. Without answers to those vital questions, how can this House be sure that those lessons will be learned and that the things that went wrong will be put right?

Sir Patrick Cormack (South Staffordshire) (Con): I am most grateful to my right hon. and learned Friend for giving way. Is he saying to the House that he believes that he and I, and those who voted as we did on 18 March 2003, were deliberately deceived?

Mr. Howard: I will answer my hon. Friend. I think that the Prime Minister thought throughout that he was acting in the best interests of the country. I have absolutely no doubt about that, but what he told us about the basis for the intelligence was different from what the intelligence told him. Before I can answer my hon. Friend's question, I want to know how that difference came about and why it came about. When the Prime Minister has answered that question—I have put it to him several times and he has yet to answer it—I will be able to answer the question put by my hon. Friend.

It is now clear that, in many ways, the intelligence services got it wrong, but their assessments included serious caveats, qualifications and cautions. When presenting his case to the country, the Prime Minister chose to leave out those caveats, qualifications and cautions, and as a result the country was given a misleading impression of what the intelligence services had said. So why will he not just come clean? Why will he not tell us why he did it? Why will he not just give the country the facts?

The Prime Minister once said that he was a pretty straight kind of guy, but he has not been straight with the British people today. Why is it that, for this Prime Minister, sorry seems to be the hardest word?

3.32 pm

Mr. Charles Kennedy (Ross, Skye and Inverness, West) (LD): The immediate background to both the Butler report and today's debate remains a war that we did not believe was necessary, that we could not support and that we believe has gone on to do lasting international damage to our country's interests. That is our fundamental starting point, however deep, but none the less principled, the disagreements may be with the Government.

Whatever our respective viewpoints were about this war, none of us can ever erase the fact that the lives of brave and loyal British personnel and civilians have been lost—and as we have seen again in the past day or two they continue to be lost, along with the lives of countless and, perhaps most disgracefully of all, uncounted, Iraqi civilians. That legacy will never be forgotten.

Our principal point of disagreement and departure from the Government's position over the war was clear from the outset, and remains clear. Our issue is: were the political judgments involved the correct ones and were we led into the war on what constituted a false prospectus? We believe that those all-important political judgments were the wrong judgments and that the case for war was fatally flawed. The justifications that were presented at the time, and the way in which they were presented, are the fundamental point of dispute. The central core is that issue of political judgment, and in the aftermath of the war we have all witnessed a profound loss of public trust in both the Prime Minister and his Government, very largely as a result.

In so many respects, Lord Butler's report has raised as many questions as it has answered. I do not find that highly surprising, given the very specific, tightly drawn remit that was set for Lord Butler by the Prime Minister. The fact that the Prime Minister specifically excluded a proper public assessment of those political judgments led me and colleagues to conclude, that we should not participate in the work of the report. Indeed, the Prime Minister put it to me across the Floor of the House when he announced the setting up of the Butler inquiry that

"to subcontract to some committee the issue of whether it was right or wrong to go to war is not merely wrong: ultimately it is profoundly undemocratic."—[*Official Report*, 4 February 2004; Vol. 417, c. 755.]

In the absence of Butler and his colleagues being able to make such an assessment, the only outlet for public judgment thus far has been the ballot box. Both last month and in the two parliamentary by-elections last week, people have given their answers. Their verdicts must to a significant extent—although not exclusively—contain a public reflection on the merits of the war.

In the run-up to the war, I repeatedly asked the Prime Minister at Question Time what, if any, circumstances would lead him into support for, or indeed opposition to, a US-led invasion of Iraq that did not have the explicit sanction and mandate of the United Nations. As hon. Members of all parties will recall, he refused ever to address that question directly. Looking back over the events of the past 18 months and the various reports, including the Butler report, that the events have spawned, given the immense and unprecedented lengths to which the Government went to try to win over an understandably worried public, I find it hard to believe that the die for the war had not been cast a considerable time before.

Mr. George Foulkes (Carrick, Cumnock and Doon Valley) (Lab/Co-op): Does the leader of the Liberal party agree that failure to take action against dictators should come under equal scrutiny? Does he agree that if we had failed to take action, Saddam Hussein would still be there, murdering and killing?

Mr. Kennedy: I draw the right hon. Gentleman's attention to the words of his leader on 25 February 2003 in the House of Commons. The Prime Minister spoke of the very regime to which the right hon. Gentleman referred and said of Saddam:

"I detest his regime—I hope most people do—but even now, he could save it by complying with the UN's demand."—[*Official Report*, 25 February 2003; Vol. 400, c. 124.]

That was the Prime Minister's and the Government's position. Saddam Hussein could have remained in place, so all this post-event moral justification does not square with what they were saying beforehand.

Several hon. Members *rose—*

Mr. Kennedy: I shall leave Labour Members to square their own consciences with that of the Prime Minister.

We know from the revealing account given by the distinguished American journalist, Bob Woodward, that for the Bush Administration, the desirability of regime change in Iraq had been in place and much favoured since President Bush took office, so my first question to the Prime Minister is quite simply this: did he advise President Bush privately—long before the United Nations route was formally abandoned—that if the President decided to prosecute an invasion of Iraq, the British would be in active military support, come what may? If he did advise the President to that effect, when did such an exchange take place? That was fundamentally important at the time, and remains so to this day.

At the time, the Prime Minister said that he reached the final conclusion that war had become inevitable only the weekend before the hostilities commenced.

The Secretary of State for Foreign and Commonwealth Affairs (Mr. Jack Straw): That is true.

Mr. Kennedy: The Foreign Secretary says that that is true and I do not doubt him. However, surely the extraordinary and prolonged build-up on all fronts over many months—militarily and diplomatically—must suggest that other considerations were also in mind. Indeed, the Ministry of Defence, with its duty to the Government of the day, in addition to its duty to serving personnel, must calculate for all possible contingencies. It would be illogical, apart from anything else, to suppose that it did not have at the back of its mind the fact that the political die might well have been cast.

The second issue that arises in that context, as the Government moved towards preparing and publishing the dossier on weapons of mass destruction, is the blurring of roles, acknowledged by Butler, that took place between principal advisers to the Prime Minister and the then chairman of the Joint Intelligence Committee, the person who had assumed ownership of the report's contents. As Lord Butler observed, assessment and advocacy became conflated as a result. That should never have happened and, given what the Prime Minister said at the beginning of his speech, one assumes that it will never happen again, either under the new interim chair of the JIC or, indeed, under any of his longer-term successors. I welcome that acknowledgment from the Prime Minister.

Butler goes on to say that all of that was shot through and compounded by the informality of style that is an apparent hallmark of the Prime Minister. That style may have served him well on many occasions, but it cannot have served him or the rest of us well on an issue of such profound importance as the decision to take this country into war. So again I welcome the return, which has been acknowledged, to a more formal, minuted and civil-service driven approach on issues of this nature in future.

We know that critical caveats were removed or altered for the dossier as a result of the interplay between No. 10 and the intelligence chiefs. The effect was to maximise the persuasive force of the dossier itself. At the beginning of his speech, the Prime Minister said that he wanted again to respond to the allegation that the Government had deliberately sought to mislead us. I hope that whatever our differences, as far as my right hon. and learned Friend the Member for North-East Fife (Sir Menzies Campbell), myself and other colleagues are concerned, the Prime Minister, the Foreign Secretary and others will acknowledge that we have never made that allegation, and we do not make it today. Our differences were distinct but open. We did not allege motives that we did not think were there.

[Mr. Kennedy]

On the patchiness and sporadic nature of the intelligence that Butler refers to—frankly, I shall leave the earlier exchanges on that to speak for themselves—it is clear that the ultimate responsibility for the final words in the dossier rest with the Prime Minister, even if, as the Government argue, it was not the case for war, but the case for drawing people's attention to the directness of the threat, although that does not look so direct now.

Mr. Foulkes: Will the right hon. Gentleman give way?

Mr. Kennedy: If the right hon. Gentleman will forgive me, I want to make progress.

Lord Butler was asked to conduct an inquiry into systems. As such, he concludes that the critical failings were of a collective nature, so he does not seek to apportion individual blame. Yet surely the court of public opinion is looking for something more definitive. When the Prime Minister made a statement on the Butler report last week, anyone who watched the evening news bulletins cannot have failed to be moved when they listened to the relatives of the forces personnel who have been killed in Iraq describe how people seem to carry the can in Washington, yet all these mistakes are made in all parts of our system—there is a big question mark over whether we needed to go into this war in the first place—and no one carries the can except those who have paid the ultimate price.

Kevin Brennan: The House is listening carefully to the right hon. Gentleman. He has been careful all along to say that he does not underestimate the good faith shown by the Prime Minister throughout the proceedings. Can I take it from what he says that that is still his position?

Mr. Kennedy: I have just said so, so the answer is yes.

Mr. Kenneth Clarke: The right hon. Gentleman generously accords with the judgment of good faith, and I think that I am persuaded by it. However, does he acknowledge that good faith can involve a certain amount of self-persuasion that what is being done is in the legitimate public interest? Can he suggest what legitimate role Alastair Campbell and Jonathan Powell played when they discussed the presentation of the intelligence to the public, which was nothing other than presenting the world as policy makers would wish it to be, rather than the world as it actually was?

Mr. Kennedy: The right hon. and learned Gentleman, in his various senior incarnations under various Conservative leaders, will have had more experience of the trials and tribulations of such conversations in and around No. 10 Downing street than myself. Where he and I share a direct experience with the Prime Minister, the Chancellor and, going back a number of years, Lord Heseltine, of the omnipresence of Mr. Campbell is in a meeting on the eve of the launch of Britain in Europe. On that occasion, we saw that Mr. Campbell was more than capable of a conflation of assessment and advocacy, which leads me to believe that that could well have fed through to another occasion such as the one we are talking about.

Last Friday, Dr. Blix said of the Butler report:

"My main reflection on reading the Butler report was to share its regret (termed surprise in the report) that the UK and other countries did not reassess their intelligence in the light of the inspection reports of UNMOVIC."

Dr. David Kay, the former head of the Iraq survey group, said of Butler:

"I think the Prime Minister, as I would say the US President, should have been able to tell before the war that the evidence did not exist for drawing the conclusion that Iraq presented a clear, present and imminent threat on the basis of existing weapons of mass destruction. That was not something that required a war."

Those are the considered, impartial assessments of the former head of the Iraq survey group and the former chief weapons inspector, acting with the authority of the United Nations. Their words are crystal clear, whatever the explanations and the spin put on them by those around the Prime Minister.

Mr. Marshall-Andrews: Will the right hon. Gentleman attempt to answer a question that I was going to put to the Prime Minister, who can at least listen to it, even if he cannot answer? The right hon. Gentleman referred to a passage in Lord Butler's report that deals with the assurance given to the Attorney-General that the Prime Minister was certain that Saddam was in breach. The report records its surprise, which is mandarin for shock, that policy makers—or politicians, including the Prime Minister—and the intelligence community did not,

"as the generally negative results of UNMOVIC inspections became increasingly apparent",

re-evaluate in early 2003 the quality of the intelligence. Will the right hon. Gentleman hazard a guess as to why the Prime Minister did not do so?

Mr. Kennedy: Following the surrogate question asked by the right hon. and learned Member for Rushcliffe (Mr. Clarke), I feel that I should send an invoice to the Prime Minister for having to answer on his behalf. The hon. and learned Member for Medway (Mr. Marshall-Andrews) is correct that the jigsaw remains frustratingly incomplete because we do not know what legal opinions were offered to the Government on the basis of the available intelligence. We know from the Butler report that the Attorney-General provided advice on a number of occasions, and it cites three in particular. However, Butler supports the view that publication of all the legal opinions

"might inhibit the provision of full and frank . . . advice."

In normal times, that argument would be extremely persuasive, but these are not normal times, as the unprecedented decision to publish the dossier demonstrated. Such an event had never happened before, and the Government made great play of that.

Given the extent to which a considerable amount of legal opinion is already in the public domain, the case for full disclosure is surely overwhelming. As long as critical pieces of legal advice remain shrouded in secrecy, doubts and suspicions will linger and fester. If I were the Prime Minister, I would bite the bullet and publish in full.

Clare Short: I agree that it would be desirable for the legal opinions to be published, but we get new information in Butler that it was not the Attorney-General who decided that there was legal authority for war. He required the Prime Minister to give an unequivocal finding of fact that there was no way other than war to pursue 1441. Given what Blix was achieving in the Security Council, and the destruction of, for example, 70 ballistic missiles, is that not extraordinary? Does it not come back to the Prime Minister, rather than to the Attorney-General?

Mr. Kennedy: That is extraordinary. The right hon. Lady underlines the point that I have just made. It might appear less extraordinary if we had the evidence and those legal opinions in front of us, but we cannot know. It would be in the best interests of the Prime Minister, let alone the rest of us, to put the lot into the public domain, and the sooner the better.

Hugh Bayley (City of York) (Lab) *rose—*

Mr. Clive Soley (Ealing, Acton and Shepherd's Bush) (Lab) *rose—*

Mr. Kennedy: No, I am sorry.

The dossier—the crucial case of a direct threat to the United Kingdom from Iraqi weapons of mass destruction, which came to underpin the subsequent case for the war—was subject to undue political input. A description was placed before the public to maximise the persuasiveness of the later argument mounted by the Government to pursue that war. At the time of the debate and the vote here in the House of Commons, we were not aware of that entire background. Today, given what we know now, surely it becomes increasingly likely that the Government would have been hard pushed, or would have found it mission impossible, to persuade a majority in the House for war at that time and on the basis of the argument that was advanced.

Several hon. Members *rose—*

Mr. Kennedy: I have made it clear that I am not giving way. I am sorry.

The overwhelming mood would surely have been to allow the authorised weapons inspectors the further period of time that they had sought via the United Nations. There was one other casualty at that point, and my goodness, it would have been a welcome one at the time, given the benefit of hindsight today. I do not believe the House would have acquiesced in endorsing the Bush-led new doctrine, the policy of pre-emptive strike, in quite the way it happened.

Despite what he said last week and this afternoon, and despite the fact that I welcome the practical implications that he acknowledged flow from all this, the Prime Minister should listen and understand—I still honestly believe that he does not quite get it—what people in the country think about the matter. He must demonstrate a genuine contrition for the misjudgments that have undoubtedly taken place. Public confidence must be restored in the process of government generally and in the lessons to be learned from the sequence of events. The people of Iraq need ongoing reassurance, given the volatile and violent situation there.

Not least, the Government should announce the carefully planned and phased withdrawal of our troops from Iraq as a democratically elected Government become established. Other countries, including those in the region, should contribute resources and troops as necessary. Given what the Prime Minister said in his remarks, the existing coalition should account fully for the expenditures of the development fund for Iraq, particularly the unaudited Iraqi oil revenues. The clinching paragraph of the March motion in the House of Commons and the great prize that the Government held up for backing the Bush Administration have not been mentioned today. We must have some meaningful re-engagement with the road map and the wider middle east peace process, which has been an appalling victim of events.

Hugh Bayley: Will the right hon. Gentleman give way?

Mr. Kennedy: No. I have reached the end of my remarks.

In his statement last week, the Prime Minister spoke of his pride in what had been achieved in Iraq. We can all feel pride in the courage and professionalism of our armed forces, particularly when they are asked by Parliament to carry out such a difficult and dangerous task. But we certainly do not feel pride in what they were instructed to do at the behest of the Government and, increasingly, not in the name of our country. In fact, we feel ashamed. I hope that in the years to come, in his most private moments as he reflects on these events and the well-documented litany of failures and political misjudgments that went with them, the Prime Minister might acknowledge a sense of personal shame.

Mr. Deputy Speaker (Sir Michael Lord): Order. I remind the House that Mr. Speaker has placed a limit of eight minutes on all Back-Bench speeches and that that applies from now on.

3.55 pm

Mr. Bruce George (Walsall, South) (Lab): Perhaps I could help the leader of the Liberal party. When the Defence Committee visited the United Nations on the day before Dr. Blix's speech, we asked a very senior person how long Dr. Blix's group would need properly to evaluate whether there were weapons of mass destruction. He replied, "Twelve months if there is full compliance by Saddam Hussein's regime." When he was asked how long it would take if there was obstruction, he said, "For ever." I therefore have some reservations about the idea that Dr. Blix's view was necessarily sacrosanct. Having listened to the two Opposition party leaders, I remain as convinced and supportive as I was when I heard the speeches that the Prime Minister made at the time and subsequently.

However, I am not here to discuss Butler. Others will do that again and again until they eventually get the result that they require—if they ever do, and I suspect that it will take a long time. I want to talk about the report of the Defence Committee that is relevant to the motion.

[Mr. Bruce George]

In 1991, the Defence Committee produced an excellent report on the war. We visited Iraq before and after that war, which was termed Operation Granby. Following Operation Desert Fox, we spent a great deal of time examining the no-fly zones, into which we conducted an inquiry in 2000. We were very much involved in observing the events leading up to the war that we are discussing. We visited Kuwait beforehand. We held an inquiry that resulted in three volumes and 130 conclusions and recommendations. We held 19 public sessions. When British troops returned, we visited them all over the country and in Germany. We went twice to the United States. I believe that our report is well worth reading, and I hope that the Ministry of Defence reads it carefully.

We say in our report that we recognise how much we ask of our soldiers, sailors and airmen. For them, Operation Telic followed deployments to Afghanistan, the Balkans and Sierra Leone. Some of those who fought in the combat phase had already returned as part of the continuing stabilisation operation. We should remember that in Operation Fresco, 19,000 service personnel were committed to firefighting operations. One unit from the Army—16 Air Assault Brigade—was engaged in those responsibilities throughout December 2002, handed them over on 6 January, and began pre-deployment training on 8 January.

That cycle of excess stretch cannot be maintained indefinitely. When the Chief of the Defence Staff appeared before us in March, he said that it would be impossible to mount an operation of a similar scale to Operation Telic until 2008–09. I therefore look forward with great interest to tomorrow's Treasury-inspired Ministry of Defence response on the future size, shape and equipment of our armed forces. We must realise that when British forces go off to fight wars, be they popular or unpopular, they must be provided with the equipment that they need, when they need it. Too often in Operation Telic, equipment arrived late or was lost in theatre.

Those problems are well publicised in our report. However, having considered the deficiencies and strengths of our military effort, we felt on balance that the operation was well conducted by very well motivated personnel.

Iraq demonstrated that winning a war is relatively easy in comparison to what happens afterwards. Clearly, the planning in Iraq was inadequate. That was partly due to differences in the US Administration, but we would be deluding ourselves if we argued that things went wrong solely because the Department of Defence and the State Department fell out. There were many other reasons. First, enough troops to win the war might not be enough to win the peace. Secondly, failures of intelligence meant that we did not identify who our friends or our enemies were. We recall that the person chosen to lead the civilian Administration in Basra turned out to be a former brigadier in the Iraqi army and a Ba'athist, and that his successor was accused of being a confidant of Uday Hussein. Thirdly, language and cultural differences proved harder to overcome than was foreseen. If we contemplate more expeditionary operations further afield, those issues will be essential to the effectiveness of our forces.

The full Defence Committee went to Iraq last July, after the war, and six of its members went out last May. They visited the temporary divisional detention facilities, where those who had been interned by British forces under powers provided to occupying powers by the fourth Geneva convention were held. I am informed that those being held there were generally well treated. Many have now been released but some remain. The Committee is aware of the allegations of misconduct against a number of British personnel, and where there is evidence to support them, they are being investigated. I am confident that, if wrongdoing is found, the guilty will be punished. Some recent answers to parliamentary questions were very helpful in that regard.

A number of cases have already been referred to the prosecuting authorities. These incidents are serious and, if proven, would be a blot on the reputation of our forces, but they must not be allowed to overshadow the vast amount of good work that has been done and is being done. The Committee has requested a memorandum from the Ministry of Defence, and we will inquire into the allegations of misconduct of British forces. I can assure hon. Members and those outside the House that this will be a thorough inquiry.

The war has gone and, yes, there have been recriminations. However, I spoke yesterday to a fellow Defence Committee Chairman—of a NATO country that did not participate in the military action in Iraq. I said, "Now the war is over. There is a UN-endorsed programme to establish a democratic constitution and a properly elected and representative Government of Iraq. We may have had our differences before and during the war, but the situation has now changed." I just hope that those countries will follow UN Security Council resolution 1546, which requests member states to send military forces to assist in Iraq.

I encourage all colleagues to urge those countries that are being intimidated to remove their troops, as well as those that might be thinking of going and those that might not, to understand that our fight is now against the remnants of the Saddam regime, against al-Qaeda, and against all sorts of people who want to do harm to the new Government of Iraq. I very much hope that people will be prepared to—

Mr. Deputy Speaker: Order. The right hon. Gentleman has had his eight minutes.

4.3 pm

Mr. William Hague (Richmond, Yorks) (Con): I am most grateful for the opportunity to take part in this debate. This is the first time that I have sought to speak on these matters since the debate of 18 March 2003, when the House made its principal decision on military action. I supported the Government's case for military action then, and I support it now for exactly the same reasons: that Saddam Hussein was a proven danger who had twice invaded other countries; that the alternative to taking action against him would have been to release him from a great deal of pressure, because sanctions and other measures would have been difficult to maintain; that there was a limit to the number of ultimatums that could pass without action being taken against him; and that international affairs had come to a point of decision at which the issue had to be resolved one way or the

other and it was in the national interest of this country to act in concert with our principal ally, the United States of America. Those were the reasons that I voted in favour of military action, and I believe that they are the genuine reasons that the Prime Minister was in favour of military action. Placing too much weight on the intelligence, which was not his real reason, has led him into so much of this difficulty.

There is now a chance, but only a chance, of a great improvement in Iraqi affairs. One of the most murderous and dangerous dictators in the world has been removed. There is a possibility of democracy, a possibility of an improved quality of life for the people of Iraq, and even the chance of greater prosperity in the years ahead. Therefore, while many observers are sceptical about whether western concepts of freedom can be brought into an Arab state, if they are wrong—and they might be—the politics of the middle east will be transformed, and transformed for the better.

I therefore still believe that it was the right thing to do. The trouble is that that is now a minority view in the country as a whole, as is clear from every survey, and possibly from recent election results. Experimentation with spin and public relations, even from a Government who are so skilled in spin and public relations, has led to a public relations disaster on the case for war.

We are all familiar with public relations disasters—I am familiar with more than most. But here we have a monumental failing of public relations, which now casts doubt on the credibility of the actions of the Government, on the international standing of this country, on the moral justification for the war, and on the basis for any future similar action by this country and the United States. Millions of our fellow citizens will now never believe that there was a good case for the war in Iraq, and millions of them will never believe that there is a good case for action in a comparable situation. To have created that situation is a serious responsibility for the Government.

Many errors in a run-up to war can be forgiven, and much that was in the dossier was moderate in tone, as the Butler report pointed out. But the Government have discredited much of their case for war, and damaged this country through mistakes in presentation that were unnecessary and for which they bear a serious responsibility.

The great mystery to me has always been the business of the infamous 45-minute piece of intelligence. My worry has always been not that it went into the dossier, because there was intelligence that mentioned 45 minutes, but that Ministers, including the Prime Minister, seem to have been consistently ignorant of what it meant, and of whether it was still true many months after it was reported.

Mr. Gordon Prentice: When John Scarlett discovered in July 2003 that the intelligence relating to the 45 minutes was unreliable, should he have told the Hutton inquiry that the intelligence had changed, and should he have told the Prime Minister? Is it right that John Scarlett should now be appointed as director of MI6 in such circumstances?

Mr. Hague: John Scarlett should have told the Hutton inquiry, and he should have told the Prime Minister. I will come to that point in a moment.

Let me take a prior point: it has been reported clearly that the Prime Minister did not know that the 45-minute claim related to battlefield weapons. I find that extraordinary. Ministers ask questions all the time of their civil servants, about all kinds of things. One cannot picture most Ministers being told by their officials that lunch would be ready in 45 minutes without asking searching questions about the menu and by whom it was going to be delivered. The idea that someone can walk into the office or give the Prime Minister a document saying, "Our deadliest enemy has weapons of mass destruction that could be mobilised against us in 45 minutes", and that the Minister or Prime Minister does not say, "What sort of weapons?", is absolutely unimaginable. Can we imagine Baroness Thatcher being told at the time of the Falklands that the Argentines had weapons of mass destruction that could be used in 45 minutes? The official who told her would have been pinned to the wall until he had worked out and told her every last little bit of intelligence and any point of detail about that claim.

So how could this happen? The hon. Member for Pendle (Mr. Prentice), who just intervened, raised a parallel point, which is the incredible sequel, that key evidence identified in the Butler inquiry, possibly including the 45-minute claim, was withdrawn in July 2003—a year ago. And yet it turned out a few days ago, so we were told, that the Prime Minister was only aware of that withdrawal of intelligence as a result of the Butler inquiry—more recently. So on this major item of public controversy, on which the Government's whole credibility is at stake—with controversy raging about the 45 minutes and many other claims, in the press and among the public—MI6, and perhaps Government officials, knew that the evidence had been withdrawn, and no one told the Prime Minister. If it were in a novel, we would all say that it was ludicrous—that it could not happen. Of course they would tell the Prime Minister.

Mr. Salmond: So the first item is unimaginable and the second is ludicrous. What conclusions did the right hon. Gentleman draw?

Mr. Hague: How neat of the hon. Gentleman to lead me to the conclusions—and I am most grateful to him for giving me an extra minute in which to explain them.

One conclusion I would have drawn had I been in the Prime Minister's shoes is that the officials or intelligence officers who had not told me were not doing their job, and should be part of the Chancellor's great redeployment to the regions—probably to the hon. Gentleman's constituency, which is a very long way from Downing street.

There are four possible explanations of how these things could be true. One, which I discount, is that the Prime Minister does not ask questions—that he is indolent or inattentive. Given my knowledge of the Prime Minister, I do not believe that that is the case. Another is that officials do not do their job properly in informing the Prime Minister. Perhaps there is a hint of that in the point that we have just been discussing, but I doubt that it is the case in general, because the British civil service is a fine machine and puts forward its very best cogs to serve the Prime Minister.

[Mr. Hague]

A third theory is that this has something to do with the criticisms of the culture of Government that Lord Butler and his colleagues identified: that informality can mean lack of rigour, that the blurring of the line between officials and political advisers can lead to mistakes—to the elevation of material to the public domain without adequate examination of it—and that people who only know politics dabble in intelligence, and people who only know intelligence dabble in politics, at their peril.

Let me respond to the point made by the hon. Member for Pendle about Mr. Scarlett. I think that he crossed that line at his peril. My personal view is that given the importance of restoring the public credibility of an intelligence service whose officials should never really become public figures, it is important for the senior official not to be someone who has been the subject of public controversy over the publication of intelligence that has subsequently been disproved. I have no doubt that he could serve the public in many continuing ways, but none of us is indispensable, and it should be possible for MI6 to be led by a different person. That is my honest answer to the hon. Gentleman's question.

Part of that culture of Government is that there are never any minutes of key meetings. At the time of the famous Formula 1 tobacco advertising outrage—as I would call it—of a few years ago, there were never any minutes showing who made the decisions. It is a culture of informality, but also a culture of deniability, in which it is hard to pin down who said what to whom.

There is, however, a final explanation. It is that the intelligence was never really an important factor in the Government's decision to wage war; that they waged war for precisely the reasons on which I agree with them, and precisely the reasons that I stated at the beginning of my speech; that they knew the history of Saddam Hussein, and knew that what little they would glean from intelligence on a shifting basis from month to month would not change their case for war. That, I believe, is the Government's central error, and one for which they must bear a heavy responsibility—because it means that they pursued the correct policy, but have ruined the case for doing so.

The Prime Minister says that he takes responsibility, but just shrugs his shoulders. It is a tragedy for him that this has done serious harm to our nation and its allies; and that, having pursued a policy that was essentially correct, the Government have ruined their case in the eyes of the country.

4.14 pm

Mr. Robin Cook (Livingston) (Lab): It is a pleasure to follow the right hon. Member for Richmond, Yorks (Mr. Hague). One of the strengths of a party that experiences a long period in opposition—as his party is discovering—is that it accrues a large number of ex-leaders on its Back Benches. It appears that we shall hear from two of them today.

The only comment I would make on the speech that we heard from the Conservative party's current leader, the right hon. and learned Member for Folkestone and Hythe (Mr. Howard), is that it came a year and a half too late. This place works when the Opposition oppose, but that did not happen in the run-up to the war in Iraq. Indeed, one reason why my right hon. Friend the Prime Minister might not have asked enough tough questions of the intelligence agencies is that he knew perfectly well that when he came to the Chamber, he would never be asked any tough questions from the Opposition Dispatch Box.

I am grateful to the Butler committee—two of its distinguished members are with us today—for asking a lot of tough questions about the intelligence. Out of those tough questions emerged an alarming picture of intelligence that was overwhelmingly based on hearsay and second-hand information, and in one case on third-hand information; indeed, the ultimate sources frequently turned out to be unreliable. The Butler committee says in its report that it was struck by the thinness of the intelligence base. What is puzzling is that it was examining exactly the same intelligence that was available to the Prime Minister and to the Government, which the Prime Minister told us left no doubt about the existence of weapons of mass destruction. Indeed, he repeated that point here today.

Mr. George Osborne (Tatton) (Con): Was the intelligence materially stronger when, as Foreign Secretary, the right hon. Gentleman consented to action in 1998 in Operation Desert Fox?

Mr. Cook: I am not surprised by that question because I noticed that such points were in the hymn sheet that was circulated last week. First, we took that action precisely because there was no co-operation with UN weapons inspectors at that time. If they had received the co-operation that Hans Blix has received, no such action would have been taken. Secondly, such action was a limited air strike against military targets only; I was never daft enough to suggest that we should launch a major armed invasion.

When I left office, we were pursuing a strategy of containment. I am bound to say, given all that we have learned since we went into Iraq, that that strategy was strikingly successful in denying Saddam Hussein a single weapon of mass destruction, without the need to go to war.

Mike Gapes *rose—*

Mr. Cook: I shall give way on this occasion, but it must be the last time.

Mike Gapes: I am very grateful to my right hon. Friend. He talks about containment, but does he not accept that half a million Iraqi children died as a result of that policy, that Saddam was able to suppress his people and that there were 4 million Iraqi exiles? Does he not accept that further pursuing that policy would have led to the continuation of that situation? Was it not better to do something at last to get rid of Saddam?

Mr. Cook: I invite my hon. Friend to read the Butler report, because if he does he will find that it explicitly and correctly states that there is no basis in international law for regime change. Saddam Hussein was undoubtedly a brutal psychopath, and nobody has highlighted the scale of his evils and sins more than I

have. But my hon. Friend has to face the fact that he is making a case for which there is no basis in international law—if one acts without international consensus, as we did on this occasion. If we are to have a doctrine of intervention on humanitarian grounds—of which I am all in favour—it has to be acted on with international authority, not according to a unilateral decision taken by Washington and London. That is what went wrong in this case.

I saw many intelligence assessments when I was at the Foreign Office. Doubt and intelligence assessments go hand in hand; doubt is in the nature of intelligence work. One is trying to guess the secrets that somebody is trying to keep, so it inevitably follows that one is trying to carry out a task even worse than that of the Israelites: to make bricks out of straws in the wind. To be fair to the agencies, they were always absolutely frank about the limitations of their knowledge. That is why I was frankly astonished by the September dossier, which bore no relation in tone to any of the intelligence assessments that I saw. It was one-sided, dogmatic and unqualified.

The root problem is that intelligence was used in order to sell policy, so it was required to be much more firm and definite than intelligence can ever be. Intelligence was not used as the basis on which to make policy. Here, I totally agree with the point made by the right hon. Member for Richmond, Yorks. I find it breathtaking that for six months—from September to March—the Prime Minister believed that he and John Scarlett were talking about long-range systems, while John Scarlett believed that they were talking about battlefield weapons. Apparently, they talked about that subject several times during those six months. I do not blame John Scarlett. I actually asked him whether we were talking only about battlefield weapons and he was quite frank and open in telling me—as he was subsequently in telling Hutton—that that is exactly what we were talking about. I find it strange that No. 10 did not show more curiosity about what those weapons were. The explanation for that absence of curiosity is precisely, of course, that it was not on intelligence that the policy was being formulated.

On that, I have to say, the Butler report is quite conclusive. For me, the most crucial passage in the Butler report is where it sets out the fact that when we took the decision to take stronger action against Iraq

"there was no intelligence that Iraq was of more immediate concern."

In other words, the intelligence did not change; the assessment of the picture inside Iraq did not change. The change that precipitated the movement away from containment to invasion was not a change in Iraq, but a regime change in Washington and the election of a Bush Administration with a commitment to invasion. The most embarrassing conclusion of all is that if those hanging chads in Florida had pointed in the opposite direction and Al Gore had been elected, we would not have ended up committing British troops to military action in Iraq, but would have loyally stood by the transatlantic policy of containment.

We now come to the crux of the problem faced by my right hon. Friends in trying to find closure on Iraq as a controversy. If they are not candid on the reason why we got into the war, they will have a problem convincing the electorate why it will not happen again. The noises currently coming out of Washington about Iran, which sound alarmingly similar to the noises about Iraq two years before the invasion, of course raise public anxieties.

I want to be helpful to my right hon. Friends, so let me make a suggestion about what they might do in order to reassure the public. First, they could formally and loudly ditch the doctrine of the pre-emptive strike, which Washington invented. Perhaps my right hon. Friend the Foreign Secretary could do so in his wind-up speech. I think that he would find it congenial, as I suspect that he never believed in it himself.

If we are to invade a country not because it is an imminent threat, but because—the basis of the doctrine of the pre-emptive strike—we want to pre-empt it from becoming a threat at some unknown and unspecified date in the future, we are placing an enormous weight on the capacity to have reliable and accurate intelligence. Yet what we have learned from the whole saga of Iraq—and what is spelled out in the Butler report—is that intelligence can never be that reliable. It would help if the Front Benchers could now say to the public that one of the key lessons of Iraq is that intelligence alone can never bear the weight of going to a war in which 20,000 people are killed in the carnage.

I will make a second suggestion. This may not be the right moment in history for John Scarlett to take up his post as head of the SIS. In saying that, I do not speak in any spirit of criticism of John Scarlett, whom I always found absolutely professional. He was quite frank and open with me when I asked him questions, and I am sure that he would have been equally frank and open with No. 10 if the Prime Minister had asked him the same questions.

If one looks at what happens in the private sector when a company is faced with corporate and systemic failure—effectively what is described in the Butler report—one finds that someone from outside is sought to come in and take a fresh approach. I do think that the SIS now needs someone from elsewhere in the public sector who can bring that fresh approach and put the difficult questions that the SIS now needs to face up to.

It may be a sign of the approaching general election that this debate has been the most partisan on Iraq that I can yet recall. I am not sure that this grave matter is an appropriate one for party political point scoring. Britain and British troops will have to live with the consequences of our decision for a long time to come. We were told that Iraq would be a victory over terrorism. We are now told that Iraq is the front line in the war against terrorism. The great irony is that it is precisely our intervention that has created the conditions—poor security, open borders and a population with a grievance—in which al-Qaeda is now thriving in Iraq.

My deep worry is that when Osama bin Laden struck the twin towers, he wanted to send the message that the only possible relationship between the west and Islam is one of violent confrontation. I fear that, by invading Iraq, we responded in precisely the way that Osama bin Laden wanted. As a consequence, we and the west will have to live with violent confrontations and the violent consequences of this strategic blunder for a decade to come.

Mr. Tam Dalyell (Linlithgow) (Lab): On a point of order, Mr. Deputy Speaker. May I make a House of

[Mr. Tam Dalyell]

Commons point of order, perhaps as Father of the House? The former Foreign Secretary has made a speech of great importance, whatever one may think about it. Why was not a single member of the Cabinet present to hear what he had to say? I am sure that 20, 30 or 40 years ago there would have been three, four or five Cabinet Ministers listening to him.

Mr. Deputy Speaker: The Father of the House is well experienced in these matters and will understand that who will occupy the Front Bench is for the Government to decide, not a matter for the Chair.

4.25 pm

Sir Teddy Taylor (Rochford and Southend, East) (Con): The general message that I get from reading the Butler report is that the House of Commons, and the people, were misled. We have a duty to the JIC to try to use the material in the report to influence future policy.

I was in the minority of people who did not support the war in Iraq. I explained in the debate at the time that that was because of what I considered to be the near-hypocrisy of the western powers, and in particular of the US. Those powers complained that Saddam Hussein was a threat to the world and to security, even though the Reigle report set out clearly that the US had openly supplied the most horrendous weapons of mass destruction to Saddam Hussein to allow him to invade Iran.

Those weapons included anthrax, clostridium—a source of toxin—and histoplasma, which causes a disease resembling tuberculosis. There was also brucella, which damages major organs, another substance that causes gas gangrene, and seven other materials. People who talk about the threat to democracy that Saddam posed should remember the debt that we owe for the mistakes that we made. When I raised those matters, I was advised that France, Russia and Germany had also provided help for Saddam, but I do not see how that makes things any better.

My second reason for opposing the war was the military action in Afghanistan. Far from restoring peace and democracy, it has created a chaotic situation outside Kabul. The only obvious result has been to transform that sad nation into a massive producer of drugs—as can be seen all over the country. There also appeared to be an appalling lack of humility: far from improving the situation, we have simply helped the growth of extremists.

However, the majority of people supported the war. For them, the wise and sombre words of the Butler report should arouse concern. We should think carefully about three key passages in the report, which admit that an error was made. Paragraph 47 states:

"Intelligence merely provides techniques for improving the basis of knowledge. As with other techniques, it can be a dangerous tool if its limitations are not recognised by those who seek to use it."

Paragraph 464 states that

"the language in the dossier may have left with readers the impression that there was fuller and firmer intelligence behind the judgements than was the case: our view . . . is that judgements in the dossier went to (although not beyond) the outer limits of the intelligence available. The Prime Minister's description . . . of the picture painted by the intelligence services . . . as *'extensive, detailed and authoritative'* may have reinforced this impression."

Finally, paragraph 34 on page 154 states:

"We conclude that it was a serious weakness that the JIC's warnings on the limitations of the intelligence"—

that was provided—

"were not made sufficiently clear in the dossier."

When we add those three factors together, it is obvious that we were misled. Unless we accept that, we will not learn lessons for the future. I hope that this debate will not descend into hon. Members shouting at each other, as we know that the same sort of opinions were held on both sides of the House. We must make up our minds not to make the same mistake again.

I believe that there is a terrible and real danger that we are about to go through exactly same process—of misrepresentation and not telling the truth—in relation to Iran. For a start, a mass of distorted and misleading information has appeared on the front pages of our newspapers. The headline in the most recent edition of *The Sunday Telegraph* asserted that America was accusing Iran of complicity in the attack on the World Trade Centre. The newspaper stated that between eight and 10 hijackers had travelled through Iran, with the help of the Iranian Government, to play a part in the attack. The allegation was that they were to act as muscle.The CIA chief made a statement only yesterday that that was not true. There was no evidence of Iran's participation in that activity. On the other hand, the stories keep being published. Iran has been accused of participation with al-Qaeda, which those who know Iran know is complete nonsense. It was further reported that Bush officials were privately contemplating a possible military strike against Iran's nuclear facilities, allegedly before the Russian fuel rods were delivered.

If we want to make progress with Iran and not to seek a diversion from the embarrassments over Iraq, we should do three things. First, we should recognise, with some humility, that we have a huge responsibility for what has happened, because of the arms we provided to Iraq—all the appalling weapons of mass destruction—when it invaded Iran and inflicted such terrible damage on its people. Secondly, we should appreciate that we have a duty to take meaningful and positive action in relation to the camp of 4,800 Mujaheddin-e-Khalq Organisation terrorists who have been dropping bombs in Iran for many years and killing thousands of people. That camp is in Iraq and is protected by American forces. What are we doing about it and what role do we think Iran should have? Thirdly, we should recognise that far from being an extremist nation, Iran is one in which those of the Christian and Jewish faiths have freedom to worship in their own churches.

Mr. Win Griffiths (Bridgend) (Lab): The hon. Gentleman appears to have exhausted the point about what should happen to Iran and our relations with that country. However, should we not do everything possible to get the Iranian Government to change their minds about their appalling human rights record? We now know that the trial of the person allegedly responsible for the murder of the Canadian photographer has been cut short, and that there has been no publicity about it.

Sir Teddy Taylor: What we should publicise is the truth about Iran. The hon. Gentleman and I were there

together. Does he accept that Iran has freedom of religion? Does he accept that more than half of the students in the universities are women? Does he accept that Iran has a democratic base, as a Muslim country with an elected Parliament and an elected leader? I appeal to him to think about the matter. The one thing that we do not want to do is to spread the same kind of nastiness and untruths about that country, when we should be telling people the facts.

So far as Iran's nuclear activities are concerned, the attitude we are taking is the worst we could take—that Britain, France, the US and Israel have the right to have nuclear weapons, but nobody else has. Surely we want to get agreement on getting rid of nuclear weapons. We should be putting forward a plan under which every country will try to get rid of those dreadful weapons, in the right way.

I say in all sincerity that unless we are willing to treat Iran with courtesy and with dignity, to recognise that it is a democracy with an elected Government within a Muslim state, and that it has a positive role to play, we could end up with a great international tragedy. In the report, we saw how the Government—all Governments can do it—got carried away and tried to justify their policies by stretching things. Surely we should recognise that truth is the best weapon in politics and that we should apply it in all our activities. If we achieve progress in that area of the world, the report that we are debating and the speeches made on it will achieve more than the usual political battles between parties.

I think that a great mistake was made, as I said at the time. Be that as it may, it is desperately important that we avoid similar difficulties in the future. That means ensuring that the truth is told and that we show more understanding of foreign countries. We should not build up the kind of hatred that lasts for years and years and simply will not go away. Many of us in Britain and the US are very nice people, but we are probably not the best people to be emperors of the world. If we want to be emperors of the world, we will have to show the dignity and truthfulness that is desperately important if we are to secure peace in the world and understanding between nations.

4.34 pm

Ann Clwyd (Cynon Valley) (Lab): I am greatly tempted to answer the right hon. Member for Livingston (Mr. Cook) on his point about containment. Containment did not work. Containment never worked and, Robin, if you had read the Select Committee on International Development's report on sanctions you would have known the answer. The Committee concluded that sanctions were not working, that Saddam Hussein was getting exactly what he wanted, that the sanctions were too loose and should be tightened, and that the person mainly responsible for the suffering of the Iraqi people was Saddam Hussein himself. But that is a debate for another time.

Mr. Andrew Turner (Isle of Wight) (Con): If the hon. Lady believes what she said, does she believe that the Prime Minister was right to say on 26 February—as quoted by the right hon. Member for Ross, Skye and Inverness, West (Mr. Kennedy)—that the removal of weapons of mass destruction would permit Saddam Hussein to remain in place?

Ann Clwyd: My view has been expressed often enough in the House: I believed in regime change and I wanted the regime toppled a long time ago. Whatever argument could be used to topple that regime, I would support it. That is still my view. I am certain that the people of Iraq are very pleased that Saddam Hussein has been removed. I do not know anyone who would care to refute that statement. I go often enough to Iraq and talk to enough people to be convinced that that is their view.

Mr. Salmond: The hon. Lady has been consistent in her view throughout. However, I have a certain memory of President Clinton, in a speech to the Labour conference in 2002, making exactly the same point about the success of containment, and every member of the Cabinet sitting behind him nodded vigorously.

Ann Clwyd: I am afraid that the President was wrong as well. Containment did not work, but that is a debate for another time.

Mr. Savidge: Will my hon. Friend give way?

Ann Clwyd: May I move on? I have given only a few lines of my speech. I shall give way later.

A few days ago, I received an e-mail from Baghdad confirming that the evidence collected by Indict over the past seven years would be used in the war crimes trial against Saddam Hussein and his regime, and that genocide is one of the many charges that he will face. For those of us who have campaigned on the issue for more than 20 years, Saddam Hussein's performance in the witness box the other week was predictable. He jabbed his finger at the judge, insisted that he was still President of Iraq and justified the invasion of Kuwait.

As the charges were read out, we were reminded that his was a regime that had complete disregard for human life. In 1987, the Committee against Repression and for Democratic Rights in Iraq, which I chaired, published a pamphlet on torture in Iraq. It included the testimony of an Iraqi doctor, who said that he had been forced to take part in one of the more sinister practices that took place in Abu Ghraib—the forced draining of the blood of political prisoners before their execution, so that the reason for their death could be recorded as heart failure. Only a regime such as Saddam Hussein's could possibly think of turning a life-saving humanitarian practice into a cruel method of murder.

It has become commonplace to argue that the new Interim Government lack legitimacy. The words "quisling" and "puppet" are widely used, while anti-coalition violence is said to represent the real war of liberation. That ignores all the recent polls, which show widespread support for the Interim Government. In the last poll, Prime Minister Ayad Allawi had an approval rating of 73 per cent., while the President received 84 per cent.

I have known and worked with the opposition to Saddam for more than two decades, so I find the description of brave individuals as puppets deeply offensive. In 1978, Dr. Allawi was nearly killed in an axe

[Ann Clwyd]

attack in London. The Deputy Prime Minister, Dr. Barham Salih, whose family are in the House today, was imprisoned at the age of 16 for his political activities. The Deputy Foreign Minister, Dr. Hamid al-Bayati, was imprisoned in Abu Ghraib and five members of his family were killed by Saddam's regime. Some 8,000 members of Foreign Minister Hoshyar Zebari's family disappeared in 1983, and have never been seen since.

Every day, those individuals and others face the knowledge that they are targets for assassination, but they continue to work, just as the policemen return to their jobs every day, despite the suicide bombs targeted at them. One of them told a newspaper:

"Our job is to protect the Iraqi people. There are bombings, but we are not scared of these terrorists. These people are cowards, who are damaging our country."

Those who champion resistance as the real voice of Iraq offer not an alternative political programme, but merely opposition to the existing strategy. They are silent about what they want for Iraq, apart from getting the Americans out. They are opposed by the emerging civil society in Iraq.

On 21 June, Abdullah Mushin of the Iraqi Federation of Workers Trade Unions addressed Unison's national conference. The IFTU had opposed the war. Last December, its Baghdad offices were raided by coalition forces. Despite that, he was clear that solidarity was required to defeat those who would deny Iraqis democracy. He said:

"It is only a few days"—

he was talking just before the end of June—

"and the IFTU and the Iraqis need your support and solidarity to make this happen, and stop attempts by terrorists and Saddam's supporters to derail the transfer of power to Iraqis. That is a crucial step forward to end the occupation, regain full sovereignty and enable the Iraqi people to determine their own political future through democratic elections."

The alternative to the violence of the resistance is already in place. At the end of this week, there will be a national conference in Baghdad. That will be the starting point for a process that will conclude with the agreement of a permanent constitution and national elections. Do we really believe that that would be an option if the so-called resistance won?

Mr. Savidge: Surely, containment worked insofar as it stopped aggression against other countries and much more than most of us would have probably dared to believe in relation to weapons of destruction, but the international community should have given much higher priority to enforcing conditions in relation to human rights. I pay all credit to my hon. Friend for the campaign on that issue that she has run for such a long time.

Ann Clwyd: I am grateful to my hon. Friend for those comments. Clearly, there are lots of points of discussion, but the charge of genocide is very serious. Even in current humanitarian law, genocide calls for action by other countries. That is why the Secretary-General of the UN has started a big debate on the subject of genocide and how we should act when genocide takes place. No one who remembers the events in Rwanda can argue that we should not have taken action. Genocide was an ongoing fact of life in Iraq as well.

Either we support those who offer the chance of a democratic Iraq, with laws that protect the rights of all Iraqis and a civil society that ensures that the country never returns to the days of dictatorship, or we embrace the gunmen and the bombers, who have already demonstrated their contempt for human life.

Although we can still argue about the reasons for the conflict, the more pressing argument is what we do now. Opinion polls have consistently recorded that the vast majority of the Iraqis want democracy. They also want foreign troops to leave. However, when asked what Iraq needs at this time, more than 70 per cent. of those who took part in the Oxford Research International poll said, "We want an Iraqi democracy."

The debate in Britain will be a reflection on us and on our values. Are we capable of the maturity displayed by the Iraqis, who are working in the most difficult circumstances to build a new democracy, or will we be represented by those who despise George Bush and the Prime Minister so much that they are prepared to offer support and succour to the resistance, which offers no alternative or agenda other than bloodshed and chaos?

4.44 pm

Sir John Stanley (Tonbridge and Malling) (Con): I was one of those on 18 March last year who voted for the war, and I feel deeply—I will not use the word "deceived"—let down by the Government. I feel let down not simply because the intelligence assessment has proved probably more wide of the mark than any other major intelligence assessment in recent times, or possibly since well back into the last century, but because the Government's justification for going to war since the war ended is totally different from the justification that was given to the House on 18 March last year.

Since the war, the justification that has been given again and again—it was given by the Prime Minister today—is the benefit of regime change, which I do not for a moment deny, but did he say on 18 March last year that that was one of the reasons that we were going to war? He said:

"I have never put the justification for action as regime change. We have to act within the terms set out in resolution 1441—that is our legal base."—[*Official Report*, 18 March 2003; Vol. 401, c. 772.]

I would have no complaint if he had come to the Dispatch Box on 18 March last year and said, "This is the intelligence that we have, with all the caveats and all the uncertainties, that Saddam Hussein has weapons of mass destruction, but we also are going to war to change the regime because, in human rights terms, it is abominable. Although it is illegal to go to war to change the regime, we ask the House to support our going to war on that basis".

My right hon. Friend the Member for Richmond, Yorks (Mr. Hague) and the right hon. Member for Livingston (Mr. Cook) have raised the key unanswered question: was there a deal between President Bush and our Prime Minister that, come hell or high water, if the Americans decided to go to war to change the regime,

Britain and her armed forces would be there? I am no more clear as to what the answer is today than I have been for months past.

Several hon. Members *rose—*

Sir John Stanley: Let me finish. If that was the deal that was done, that should most emphatically have been disclosed to the House of Commons on 18 March last year.

Mike Gapes: The right hon. Gentleman has said that going to war to change the regime would be illegal. Is he saying that, when this Government went to war in Kosovo, that was illegal without a United Nations resolution, that the Vietnamese intervention in Cambodia was illegal, and that the Tanzanian intervention in Uganda was illegal? Is it not more complicated than is being suggested?

Sir John Stanley: The answer to the hon. Gentleman's specific question on Kosovo is that the war in Kosovo was legal because it was justified in international law to prevent a looming humanitarian disaster—that is how it was justified by the Government. That was not the justification for the intervention in Iraq. I would have no complaint if the Prime Minister had come to the House and said, "We are seeking the House's approval for going to war to change the regime, even though it is not legal. We are seeing whether the House would support us on that basis."

I turn to the issue of the intelligence. The right hon. Member for Livingston said that we should never go to war on the basis of an intelligence assessment, but this is the one war in modern times in which there was no incontrovertible, factual event such as an invasion or looming humanitarian disaster. There was only the basis of an intelligence assessment.

The Government have exposed themselves to some genuine criticism on two scores in particular. First, this Government, for whom the Prime Minister ultimately has to take responsibility, have interleaved the machinery of intelligence with the machinery of presentation in a way that has happened under no previous Government, Labour or Conservative. The Select Committee on Foreign Affairs highlighted that aspect at a relatively early stage, in our report of July last year. We drew attention to the fact that Alastair Campbell was chairing an intelligence committee, and we said that that was quite wrong.

In addition, it is extremely illuminating to see what has emerged from the e-mail traffic between No. 10 and the Joint Intelligence Committee that has now been publicised both in the Hutton report and the Butler report. Although sofa government has all the supposed benefits of no minutes and therefore not too much in the way of personal accountability for decision taking, the e-mail traffic has exposed in a real way how this Government have operated.

One of the most significant e-mails was sent on 11 September 2002 by a member of the JIC assessment staff, who sent the following to the intelligence agencies:

"Dear all

We have now received comments back from No 10 on the first draft of the dossier. Unsurprisingly they have further questions and areas they would like expanded."

Those areas were listed. He then came to item No. 4—and I hope that the House will listen carefully, as this is meant to be a process in which the participation of No. 10 related only to presentation:

"Can we say how many chemical and biological weapons Iraq currently has by type! If we can't give weapons numbers can we give any idea on the quantity of agents available!"

I suggest that that is not presentation, but political pressure for intelligence information. In no circumstances should that be allowed to happen. The e-mail ends by stating:

"No 10 through the chairman want the document to be as strong as possible within the bounds of available intelligence. This is therefore a last (!) call for any items of intelligence that agencies think can and should be included."

When I read those words, they conjured up in my mind a slightly manic intelligence version of the parable of the rich man's feast, in which the intelligence agencies were asked to go out into the highways and byways to search for every available scrap of intelligence to be invited into the September dossier. That is no way to run the interface between Government and the intelligence machine.

I thought that Mr. Michael Herman, former secretary of the JIC, hit the nail on the head in that excellent "Panorama" programme that went out recently:

"I suspect that if the Joint Intelligence Committee gets too close to ministers, then there is this temptation of providing intelligence to please."

I fear that that is what may have happened here.

Finally, on the question of ministerial scrutiny, I agree with my right hon. Friend the Member for Richmond, Yorks. The degree of scrutiny of the intelligence leaves much to be desired, not least on the 45-minute claim. How extraordinary and reprehensible it is that the Prime Minister took this country to war without having asked to which Iraqi weapons system the 45-minute WMD claim related. That is unbelievable, and I would have to say that it is gross negligence. Talking about negligence, that information was known by the chairman of the JIC, Mr. Scarlett, back in September 2002, before the war started, and by the Secretary of State for Defence, and neither of them told the Prime Minister. I believe that that is very serious indeed.

4.54 pm

Mr. Tam Dalyell (Linlithgow) (Lab): On 26 September 2002, Peter Brookes, the cartoonist of *The Times*, depicted me in my place in my Chamber—as I am at the moment—holding up a copy of "Iraq's Weapons of Mass Destruction: The Assessment of the British Government" and exploding:

"Why didn't it make the Booker fiction prize shortlist?"

I say that because there has been a great deal of hindsight. Some of us suspected the dossier from the word go. In my case, that was partly because I had been to Iraq in 1993 and 1998 and thought it impossible that that much run-down and disorganised community could offer any kind of threat.

It is also a matter of fact that I asked 133 questions—mostly attempted orals—of the Prime Minister between 1997 and the present day on Iraq. I say that not because I think that my views or those of my friends should have been accepted, but because surely that should have led

[Mr. Tam Dalyell]

to proper scrutiny. One must ask oneself what is the effect of all the activity of Members of the House of Commons. There are two relatively junior Ministers, and not one member of the Cabinet, in the Chamber for what is billed as a key debate.

I suspect that part of the problem with the ineffectiveness of Parliament is to be found in paragraph 611 of the Butler report—my hon. Friend the Member for Ilford, South (Mike Gapes) read out the first part of it, but did not complete the second part. The second part of the paragraph says:

"However, we are concerned that the informality and circumscribed character of the Government's procedures which we saw in the context of policy-making towards Iraq risks reducing the scope for informed collective political judgement. Such risks are particularly significant in a field like the subject of our Review, where hard facts are inherently difficult to come by and the quality of judgement is accordingly all the more important."

The fact of the matter is that it was the policy objectives that drove the intelligence, whereas the intelligence should have driven the policy objectives—the situation was wrong vice versa. The dossier was really part of a post-decision-making process, and the Prime Minister's statement on its publication simply reinforced the impression of more authoritative intelligence than that which in fact existed.

I fear that the situation in Iraq has become a war of liberation and that, for many, we are the enemy. I wish that I shared the Prime Minister's confidence in Dr. Allawi.

The question is what is to happen now. We cannot go on acting as if nothing has happened. The Butler report is almost like that onion that one peels—the more one looks at it, the more serious it becomes. We simply cannot have business as usual, and even if we wanted it, the daily news from Iraq would not allow it.

Ten years' leadership of the Labour party is enough for any person, so the Prime Minister should really consider making way for someone else in such circumstances, and against the background of Butler, and set in motion the due processes of the party.

I end by recalling when I sat in my place in the Chamber on 17 June 1963 and listened as a very young MP to the then right hon. Member for Flint, West—Nigel Birch was his name—offering Harold Macmillan the words of the poet Browning from "The Lost Leader":

"Let him never come back to us!

There would be doubt, hesitation and pain,

Forced praise on our part—the glimmer of twilight,

Never glad confident morning again!"

That is the consequence of the Butler report.

4.59 pm

Mr. A. J. Beith (Berwick-upon-Tweed) (LD): I shall not go further into the internal Labour party argument that has opened up and been acknowledged by the Father of the House.

I did not serve on the Butler committee because my party rightly took the view that it was not allowed to ask, and therefore would not answer, crucial questions about the political context within which the intelligence was considered and the political decisions that may effectively have been taken. Those decisions go back to neo-Conservative pressures on the Bush Administration, President Bush's false linking of 9/11 to Iraq and the Prime Minister's falsely implied linkage between al-Qaeda and Iraq. In so far as contacts were established, they do not bear the weighty substance put on them. Indeed, the Prime Minister has continued to use the argument that the need to attack Iraq was primarily based on the necessity to deal with a rogue state because of what he described as the

"nexus between terrorism and WMD".

When the Intelligence and Security Committee quoted the JIC's assessment that

"any collapse of the Iraqi regime would increase the risk of chemical and biological warfare technology finding their way into the hands of terrorists",

the Prime Minister said that he was aware of that:

"But he believed that there was an alternative risk of leaving a possible nexus between terrorism and WMD and made his judgment accordingly."

That judgment was wrong, but it was part of the political context.

Let me put it this way: it is impossible to imagine the Prime Minister deciding not to participate when President Bush decided to launch an invasion of Iraq. Can anyone seriously imagine the Prime Minister saying, "No. I dissent. Britain will not join in"? Equally, it is impossible to imagine the Prime Minister deciding that the current threat to British interests which he perceived were such that we would have gone ahead if President Bush had decided not to.

Mr. Robert N. Wareing (Liverpool, West Derby) (Lab): The right hon. Gentleman asked whether a British Prime Minister could say no if an American President decided to go into Iraq. Of course, Harold Wilson did say no over Vietnam. Indeed, Clement Attlee went so far as to see Harry Truman to prevent General MacArthur launching an attack on China way back in 1950.

Mr. Beith: I set great store by Britain's alliance with the United States in many respects. I am in no way anti-American. What I am saying is that our alliance with the United States has survived several fundamental disagreements over, say, Vietnam, Suez and the Falklands. However, I still cannot imagine our Prime Minister taking that course of dissent, which puts into perspective the way in which the intelligence was viewed.

On the intelligence, the Prime Minister wrongly quoted—or at least insufficiently quoted—paragraph 483 of the Butler report.

Mr. Salmond: Will the right hon. Gentleman give way?

Mr. Beith: No, I want to deal with this point.

I interrupted the Prime Minister from a sedentary position and he started to respond to me. He quoted the report as saying:

"senior Al Qaida associate Abu Musab al Zarqawi has established sleeper cells in Baghdad",

but he did not go on to complete the sentence, which concludes:

"to be activated during a US occupation of the city."

The following paragraph states:

"the JIC made clear that, although there were contacts between the Iraqi regime and Al Qaida, there was no evidence of co-operation."

Again, the Prime Minister rested too much on very little evidence to suggest a linkage.

The way in which the Intelligence and Security Committee dealt with some of those matters fed into the Butler report. Indeed, much of what Butler says can be found in two paragraphs of the ISC report of September 2003. It goes into more detail than Butler, including into the intelligence chain. On the weapons of mass destruction and the intelligence that was subsequently withdrawn, intelligence on 11 September was introduced in great haste and provided some confirmation of the dossier already prepared in the minds of Ministers.

It is not necessary to say much about the Leader of the Opposition's contribution because he sowed the seeds of his own destruction, but I want to dissent from a specific point that he made. He said that the Intelligence and Security Committee had not been told that that intelligence had been withdrawn. That is not the case—the ISC was aware that it had been withdrawn, and the careful wording of paragraph 101, which was dictated by security considerations, states:

"We have seen that intelligence and understand the basis on which the CDI and the JIC took the view they did."

That is Mandarin language, but it does not say that we agree with the intelligence, accept it or, indeed, endorse it in any way.

We were therefore told about that withdrawal of intelligence, but we were not told about the withdrawal of intelligence on the 45-minute claim. In the event, that is not terribly significant, because we demolished much of that claim in our report of September 2003, which stated:

"The 45 minutes claim, included four times, was . . . likely to attract attention because it was an arresting detail".

We said, however, that

"the context of the intelligence and any assessment needed to be explained. The fact that it was assessed to refer to battlefield chemical and biological munitions and their movement on the battlefield, not to any other form of chemical or biological attack, should have been highlighted in the dossier. The omission of the context and assessment allowed speculation as to its exact meaning."

It was clear at the time that far too much confusion surrounded the claim, and it certainly did not mean what newspaper headlines suggested it did. I do not think that very much effort was put into discounting or dismissing those reports. Ministers have appeared on the "Today" programme a number of times to dismiss things that they believed were wrong and to stop their dissemination, but I do not remember any direct policy to do so in this instance.

I have some knowledge of, and considerable respect for, the work of the intelligence services, particularly the Secret Intelligence Service. During this saga, however, they were under considerable pressure to produce evidence on a very hard target. In my opinion, they became over-excited by intelligence that seemed to meet that demand from untested sources, some of which were second or third-hand, which is worrying.

Mr. Bercow: I have been listening carefully to the right hon. Gentleman. Given, however, that many Conservative Members believe—this is not intended in a spirit of malice—that naivety and a reluctance to act are defining features of Liberal Democrat foreign policy, does he accept that to many of us the idea that the right hon. Member for Ross, Skye and Inverness, West (Mr. Kennedy) could ever exercise the statesmanship demonstrated by the Prime Minister is quite unimaginable?

Mr. Beith: The hon. Gentleman is trying to make this a partisan debate, unlike a number of hon. Members who have sought to prevent it from becoming such. If he wants the evidence, however, he should look at our support for the no-fly zone and the military action that the right hon. Member for Livingston (Mr. Cook) initiated to ensure that Saddam Hussein could not move into areas where he had previously shown his willingness to poison people with the chemical weapons then in his possession. We were in no doubt about the need for such action. Similarly, we believed that the threat of force was a significant factor, which we needed to retain.

Mr. Salmond: Will the right hon. Gentleman give way?

Mr. Beith: No, I have given way twice, so I have reached the limit for which time is allowed.

I mentioned my concern about where the SIS went wrong, but I have a greater concern that for the Prime Minister the intelligence was only relevant insofar as it appeared to support a policy that did not depend on it but on a commitment already made to combine with the US in taking out Saddam's regime on grounds that could be applied to several dictators, proliferators, rogue states and failed states, including some of more immediate concern than Iraq, even on the information publicly disseminated at the time. Liberal Democrats have never challenged the Prime Minister's good faith or his conviction that what he was doing was right and in the country's interests. When considering whether to go to war, however, one needs more than good faith and self-belief. One needs good judgment and the determination to be as clear as possible about the evidence and the likely consequence. Both of those were lacking, because the Prime Minister had two overriding considerations. First, he did not want to be the person who might subsequently be criticised for not stopping Saddam Hussein in his tracks. That is a reasonable consideration, but it must be set in the context of what the consequences of military attack would be and what the grounds might be on which we would attack his regime, bearing in mind that there are a number of other evil regimes in the world, some of which present a more immediate threat. That was the first and overriding consideration, conscious or not, in his mind.

[Mr. Beith]

The second overriding consideration was that the Prime Minister did not want to go down in history as the Prime Minister who permanently and fatally fractured the alliance between Britain and the United States. That, I think, was a mistaken judgment, on the grounds that I gave earlier: that Britain and the United States have differed on matters of policy over the years, but there are features to the alliance that are so powerful and enduring that it will outlast particular decisions and particular Administrations. The Prime Minister should have taken more account of that.

5.10 pm

Mr. Malcolm Savidge (Aberdeen, North) (Lab): Butler indicates that there was some recent new evidence suggesting an increase in Iraqi weapons of mass destruction, though it suggests that that later proved to be unreliable. However, paragraphs 427 to 428 of the report indicate that any UK policy change did not come about as a result of a new development in the current intelligence on Iraq, and that other countries would have been of more concern from the intelligence. It suggests two reasons for the change of policy.

The first relates to 11 September and views Iraq in a wider international context. That is an argument to which I shall return. The second reason the report suggests is that we were influenced by the concerns of the US Government. That, surely, is the overriding truth. The decisions of the Bush Administration, as so clearly spelled out by my right hon. Friend the Member for Livingston (Mr. Cook), were the decisive factor.

The leadership of both main parties wanted to be close to the United States, partly for honourable reasons—that we should stand by the US after the atrocity of 9/11, and that we should support the US against terrorism and in the action in Afghanistan. I believe there were other factors as well. The right hon. Member for Chingford and Woodford Green (Mr. Duncan Smith), the then Leader of the Opposition, had close personal ties with members of the Bush Administration, and the Government have said repeatedly that they regard it as a major policy endeavour to stay close to the Bush Administration.

In the United States, after the war, Mr. Rumsfeld said that there was no new evidence really, but the Administration saw things differently through the prism of 9/11. I suspect that Condoleezza Rice told the truth rather more clearly when she told *The New Yorker* that after the atrocity she called together senior members of the national security council and said,

"'How do you capitalise on these opportunities to fundamentally change American doctrine and the shape of the world in the wake of September 11?'"

Rumsfeld, Rice, Cheney, Perle and the rest of the hawks had wanted a war with Iraq for years. Some of them had been arguing for it ever since they thought the first Gulf war had ended too early. That built up during the 1990s, with various reasons being given. It started to become part of the campaign to get rid of Bill Clinton, and it started to become an obsession and almost a shibboleth. It was the way one proved one was a good right-wing Republican. They gave many reasons, though human rights in Iraq was not one of them. Wolfowitz told us that they chose one—weapons of mass destruction—because they could all agree on that. Then they produced a lot of false information to support their case. One thinks of the suggestion that Saddam Hussein was responsible for 9/11 or that he was associated with al-Qaeda, or the lunatic suggestion that he had a fleet of unmanned aerial vehicles carrying biological and chemical weapons with which he intended to attack the US. The Senate committee spelled out how false some of those claims were.

In the UK, as I said, there was a desire to be close to the Bush Administration. Hutton and Butler, in their own different ways, suggested that that desire influenced the desire for intelligence that would support a more aggressive policy. The September dossier the February "dodgy" dossier, debates, briefings and press conferences surely reflect what Butler said: the division was broken down between assessment and advocacy. Caveats and cautions were left out and risks were overstated.

In his speech on 18 March, the Prime Minister spelled out the reasons for war, including the breaching of UN resolutions. However, in response to the military threat, the inspectors had said that they were getting much more compliance, although Iraq was probably not, in the words of resolution 1441,

"co-operating actively, unconditionally and immediately".

Nevertheless, surely that co-operation was greater than that which we accepted in relation to decommissioning by the IRA, for example. The WMD threat was overestimated and insufficient weight was given to the inspectors' questioning of British intelligence evidence.

It was suggested that WMD could be given to terrorists. However, the JIC report of 27 November said that there was no intelligence to suggest that Saddam considered using chemical or biological weapons in terrorist attacks. Its report of 10 February said that that threat would only be heightened by an attack on Iraq. I believe that the threat of terrorism has increased as a result of the attack.

Llew Smith (Blaenau Gwent) (Lab): My hon. Friend outlined some of the reasons that the Prime Minister used for going to war, including weapons of mass destruction, terrorism and the breaking of UN resolutions. Could not the same argument be used against Israel? It, too, has weapons of mass destruction. It, too, attacks its neighbours on a daily basis. It, too, is guilty of many humanitarian injustices. It, too, has broken UN resolutions—probably more than any other country in the world.

Mr. Savidge: I agree with my hon. Friend. The answer that people usually give is, "Ah, but Israel does not have chapter VII resolutions against them", but they never mention the fact that the United States has always vetoed any possibility of that occurring.

The UK is probably now much more likely to be a terrorist target. Iraq was a hideous tyranny, but it was not associated with al-Qaeda. There is a risk that it could degenerate into the sort of anarchy in which terrorism could thrive. There is a danger that we have increased the appearance that "the west" is against Islam. The pictures from Abu Ghraib could be recruiting posters for al-Qaeda. I fear that the US neo-conservatives have been Osama bin Laden's useful idiots.

Last week, the Prime Minister said that Iraq is better off without Saddam. However, as the right hon. Member for Tonbridge and Malling (Sir John Stanley) tellingly pointed out, the Prime Minister said in his speech on 18 March:

"I have never put the justification for action as regime change."—[*Official Report*, 18 March 2003; Vol. 401, c. 772.]

There are lessons that should be learned. First and foremost, as my right hon. Friend the Member for Livingston said, containment was working—better, probably, than any of us suspected—in relation to WMD and the prevention of aggression. The neo-conservative agenda is wrong and dangerous. In particular, the concept of pre-emptive war should not set a pattern for the 21st century. We should also learn the lesson that we need more collective and more informed Cabinet government.

I would say to the Prime Minister that although I respect his strong convictions and his good faith, he misled Parliament and the people into war. Last week, he said that he took full personal responsibility. I hope, for the sake of his reputation, for the sake of the Labour party and for the sake of the British Parliament and the British people, that he considers very carefully the full implications of his own words.

5.18 pm

Mr. Andrew Mackay (Bracknell) (Con): I am delighted that the Foreign Secretary has returned to his place. I know that he is extremely busy, but I want to draw his attention to remarks made earlier by the Father of the House, who rightly said that this is a very important debate. It is a pity that no members of the Cabinet have been present for much of it, especially given that there have been outstanding speeches by Members on both sides of the House with deeply held views.

The debate is not only important, but overdue. We would not easily have been forgiven had we broken for the summer recess on Thursday without having a full-scale debate, addressed by the Prime Minister and the Foreign Secretary, that gave Parliament the opportunity to reflect not only on why we went to war, but on what is happening in Iraq and on the implications of our actions for what is happening in the middle east and elsewhere. I shall dwell briefly on all those matters.

Exactly like my right hon. Friend the Member for Tonbridge and Malling (Sir John Stanley), I feel let down by the Prime Minister. I voted for the war and I spoke in the debate before that vote, but I now feel that Parliament and the people have been misled. Like many, I had grave doubts.

Tony Baldry: Is it not a fact that, if hon. Members had known then what they know now, the Prime Minister would have had great difficulty in getting the House's approval for war in the way in which he did?

Mr. Mackay: My hon. Friend, with his considerable experience both as a Minister and as the Chairman of the International Development Committee, is absolutely right. If I may, I shall come back to the issue that he raised in more detail in a moment.

As I was saying, I had grave reservations about the war. In an earlier debate on the middle east, which took place on 16 April 2002, I said:

"But what has happened in the past two, three, six or nine months that requires military intervention to be considered that has not happened before? We are not told what weapons of mass destruction he has now that he did not have then."—[*Official Report*, 16 April 2002; Vol. 383, c. 506.]

Those questions were never satisfactorily answered. In my opening remarks in the debate of 18 March 2003, I said:

"This is also a very close call for many Members."—[*Official Report*, 18 March 2003; Vol. 401, c. 803.]

Many of us entered the Chamber unsure of which way we were going to vote. We could see obvious merit in Saddam Hussein's regime falling; nothing would have pleased us more. Indeed, I do not think that any Member—with the possible exception of the hon. Member for Glasgow, Kelvin (Mr. Galloway), whom we do not see these days—in any way supports Saddam Hussein or condones the dreadful things that he has done to his people.

Mr. Salmond: The right hon. Gentleman is quite right; the hon. Member for Glasgow, Kelvin (Mr. Galloway) is not here. In fairness, I do not think that he has ever condoned the actions of Saddam Hussein.

Mr. Mackay: It is entirely up to the hon. Member for Banff and Buchan (Mr. Salmond) whether he protects the hon. Member for Glasgow, Kelvin. I would not withdraw a word of what I have just said about him.

Mr. Salmond: Why not wait until he is here?

Mr. Mackay: I would have to wait a very long time indeed. With the greatest respect, I do not think that that is a practical option.

Mr. Bercow: Not if my right hon. Friend is to keep within the eight-minute limit, anyway.

Mr. Mackay: Indeed.

Let me return to the serious issue of whether we should have gone to war. I said at the time that it was a very close call. Many of us had serious reservations about doing so to achieve regime change alone. We also noted carefully that Ministers continued to say that in no circumstances would they go to war to achieve regime change. No matter how much I wanted the regime in Iraq to change, if we go to war for that reason alone, where do we stop?

Like many hon. Members, I passionately believe that there should be regime change in Zimbabwe. I equally believe that the world would be a much safer place if there were regime change in North Korea. Like all right hon. and hon. Members, I am following events in Sudan very closely, and I am rapidly coming to the conclusion that regime change would help to avoid a catastrophe in that country. But does that mean that we should go to war every time we passionately believe that it would be in the interests of other people to have regime change? I would need to think long and hard and often before being persuaded of that. Of course, the Prime Minister did not even try to persuade me of that in the debate on 18 March last year.

[Mr. Mackay]

A second, and much more honourable, reason was put forward by my right hon. Friend the Member for Richmond, Yorks (Mr. Hague), which was that the American alliance is hugely important to this country. I believe that my generation has lived in peace because of that alliance. I value it hugely, and I would not wish to undermine it. But I point out to my right hon. Friend the Member for Richmond, Yorks, the Prime Minister and others that when one is a good and close friend, one occasionally says no, and one occasionally says, "You have it wrong." Previous Prime Ministers, both Labour and Conservative, have said that to Presidents to whom they were very close. That was not a sufficient reason alone for going to war.

Mr. Bercow: Will my right hon. Friend give way?

Mr. Mackay: No, because I have taken two interventions and I will lose my time if I do so. I have spotted that.

Another reason given was the link with terrorism. Several Members, including the hon. Member for Aberdeen, North (Mr. Savidge) who spoke immediately before me, have mentioned that 11 September inevitably traumatised our American friends and allies, and perhaps even unduly influenced the American Administration. What I found reprehensible at the time was Ministers saying that there was a direct link between terrorism—*[Interruption.]* Let me say this before the Minister for Trade and Investment, the hon. Member for North Warwickshire (Mr. O'Brien), leaves the Chamber, as I am referring to him. Again and again, I and other Members asked him at Foreign Office questions what links there were, and what proof there was of any links whatever between al-Qaeda and Saddam Hussein. He responded—uncharacteristically petulantly—by asking how I could second-guess our intelligence services, and effectively told me to go away as my point was of no value. Neither he nor any other Member now believes that Saddam Hussein was linked to al-Qaeda. In fact, al-Qaeda only arrived in Iraq—

Madam Deputy Speaker (Sylvia Heal): Order. The right hon. Gentleman's time is up.

5.26 pm

Mrs. Helen Liddell (Airdrie and Shotts) (Lab): Members have done a lot of rewriting of history this afternoon, and none more so than the Leader of the Opposition. Regrettably, he is not in his place. Leadership is about courage, conscience and consistency. What we saw from him this afternoon was opportunism driven by panic. We saw him denying the judgment of his two predecessors, one of whom spoke most eloquently, and we saw him insult the intelligence of the British people.

Four months ago, virtually to the day, the same right hon. and learned Gentleman said:

"What would have been the consequences if we had waited until a direct threat was real and imminent until we acted? Would we have been in a position, militarily as well as politically and diplomatically, to counter it? How could we take the risk that we would find ourselves impotent? The war against Iraq was necessary. It was just. It was, indeed, arguably overdue. And, let us not forget, it was overwhelmingly successful—a judgment which subsequent difficulties do not change."

That is what the leader of the Conservative party said on 19 March to the News Corporation conference in Cancun. That is not the mark of a leader, a statesman or a politician whom we can take seriously.

I make the point about others having taken the opportunity to rewrite history, and I refer the House to the motion that we debated prior to going to war. It was not about intelligence. It was about the breach of United Nations resolutions. It stated that the House

"notes that in the 130 days since Resolution 1441 was adopted Iraq has not co-operated actively, unconditionally and immediately with the weapons inspectors, and has rejected the final opportunity to comply and is in further material breach of its obligations under successive mandatory UN Security Council Resolutions".

The debate that night was about the breach of UN resolutions, which had been going on for 12 years. It was about the intent that Saddam Hussein was known to have, as has been proved in the Butler report, to acquire further weapons of mass destruction, and it was about his history.

Tony Baldry: Is there not a flaw in the right hon. Lady's argument? The Prime Minister and the Foreign Secretary, quite honourably and quite rightly, tried to secure a second resolution from the United Nations. When that failed, they simply sought to return to a previous resolution and say that there had been breaches of it, and to use that as a justification for war. One of the lessons that we must learn from this whole exercise is that we ignore the authority of the United Nations at our peril.

Mrs. Liddell: I reject the first part of what the hon. Gentleman has said. Resolution 1441 was, in itself, clear and unambiguous in the responsibilities that it placed on Saddam Hussein. I wholeheartedly agree with the second part, however. I believe that those who oppose the action taken in relation to Iraq must answer for what the consequences would have been for the United Nations had we yet again allowed Saddam Hussein to prevaricate. The Prime Minister, with the Foreign Secretary, came very close to securing that further resolution—I think it was the 18th, not the second. Another Government said that regardless of what was in that resolution, if there was a deadline they would not support it. Hence there was no chance of proceeding with the resolution.

It is clear and incontrovertible that Saddam Hussein was in breach of the United Nations resolution. In January and again in March, in the famous 173-page document, Dr. Hans Blix set out all that would be required of Saddam Hussein were he to comply. The international community united in resolution 1441—on the basis of broadly similar intelligence throughout the world—in saying that Saddam Hussein was in breach of resolutions, and was known to be seeking to develop his weapons of mass destruction even further.

As Lord Butler has said, it would be a rash person indeed who would conclude that there are no weapons of mass destruction in Iraq. I must admit that for me there is a question mark over what happened between the carrying of resolution 1441 and the action that took

place the following March. What actually happened on the ground? In that connection, intelligence would be important. Much has been done to decry our intelligence services this afternoon, but they do an extremely difficult job in very dangerous circumstances. Those who did obtain intelligence—and it should be remembered that not all of it has been discredited—could have paid for it with their lives.

The reality is that the decisions made by the Government and the House in relation to the situation in Iraq were based on a breach of UN resolutions. At that time, we also debated intention. The Butler report makes clearer than even I had understood—and I was in the Cabinet at the time—the extent of Saddam Hussein's intention further to acquire nuclear weapons. Many of us discounted the whole issue of nuclear weapons because of an allegedly forged document that had originally come from a journalist. That issue went off the boil.

Mr. Edward Leigh (Gainsborough) (Con): Does the right hon. Lady believe that the concept of deterrence would not have worked? Whether Saddam Hussein possessed such weapons or not, if we had had the concept of deterrence he would never have been able to use them against us or our allies. On that basis, this was a wrong war.

Mrs. Liddell: The alleged deterrence had gone on for some 12 years. When would a line be drawn? When would we say that enough was enough?

The right hon. Member for Berwick-upon-Tweed (Mr. Beith) said that the Prime Minister was undoubtedly doing a deal with President Bush. Let me draw his attention to what the Prime Minister said on 24 February 1998:

"We should never forget that if we do not stop Saddam Hussein acting in breach of his agreement on weapons of mass destruction, the losers will be not just those threatened by him, but the authority and standing of the UN itself."

I understand that my right hon. Friend the Member for Livingston (Mr. Cook) was sitting next to the Prime Minister on the Front Bench when he said that. Later in the same speech, the Prime Minister quoted Kofi Annan as saying:

"You can achieve much by diplomacy, but you can achieve a lot more when diplomacy is backed by firmness and force."—[*Official Report*, 24 February 1998; Vol. 307, c. 174–75.]

I believe that if we had succeeded in securing a final resolution—if the international community had had the strength to stick together—Saddam Hussein could have been deposed in a peaceful way. Let me refer the House to what my hon. Friend the Member for Cynon Valley (Ann Clwyd) has said again and again. She said that those who say that containment was working are ignoring its consequences for the people of Iraq on the ground. It is on the collective conscience of this House that year after year, we turned a blind eye to what Saddam Hussein was doing. Now, we have a responsibility to move forward.

We are debating, among other things, the fourth inquiry into the circumstances surrounding our taking action against Iraq. Four inquiries have proved that the Government acted in good faith. Lord Butler, in particular, highlights the extent to which Saddam was in breach, had intention and had the history; and Lord Hutton has made it clear that there were no attempts to embellish the intelligence in the original dossier. I remind the House that when we debated that dossier, the feeling was that it was dull, contained no killer punch and was very low key. The reality was that it was not about proving a case for war, but about proving the arguments that we were taking to the United Nations. I further remind Members that during the discussions that took place in the House that night, the 45 minutes issue was never mentioned.

On that issue, perhaps I might be heretical and say that frankly, I do not care whether the weapons in question were battlefield weapons or long-range weapons. Would those who do care mind saying to the families and friends of those who died in the first world war as a result of the use of mustard gas that it was acceptable to use such a weapon because it was being deployed only on the battlefield? Sir Richard Dearlove, chief of the Secret Intelligence Service, made it clear in giving evidence to the Hutton inquiry that he believed that the evidence in question had come from a credible source. The 45 minutes issue only became an issue after the notorious BBC broadcast.

We are dealing today with very serious issues, and the debate has become partisan, which I regret. *[Interruption.]* I should point out to Conservative Members that the Leader of the Opposition's speech was the speech not of a true leader, but of a man on the run who is seeking a bandwagon to jump on. It was unacceptable and it should not have been made in a debate of this seriousness.

5.37 pm

Mr. Alex Salmond (Banff and Buchan) (SNP): I am sure that the right hon. Member for Airdrie and Shotts (Mrs. Liddell) will acquire some diplomatic skills before she takes up her forthcoming post. She regrets the partisan nature of the debate; none the less, I am sure that that aspect of her speech will stand her in great stead in her new post.

Because of where I am located in the House, I am able to see the Prime Minister's face when he is present. An interesting if not particularly important vignette occurred today that the hon. and learned Member for Medway (Mr. Marshall-Andrews) should perhaps know about. When he tried to intervene to ask the Prime Minister a question earlier today, I looked at the latter's face as he turned down the hon. and learned Gentleman's request. There was a look of exasperation, consternation and dislike on the Prime Minister's face. If I were the hon. and learned Gentleman, I would not wait too long for preferment from this Prime Minister. However, I also detected a look of fear. The Prime Minister did not want to take that intervention because he knew that it would get to the nub of some of the questions that the rest of us want answered.

The hon. Member for South Staffordshire (Sir Patrick Cormack) asked the Leader of the Opposition whether he thought that we had been deliberately deceived. The answer was in no man's land, which is where the Leader of the Opposition spent most of his speech. None the less, I want to answer that question. I believe that we were deliberately deceived, and I shall present the evidence that leads me to that conclusion.

[Mr. Alex Salmond]

On the 45 minutes claim, a week before the dossier was published Jonathan Powell wrote to John Scarlett saying that the dossier

"does nothing to demonstrate a threat",

never mind "an imminent threat". One week later, we had the Prime Minister's foreword to the dossier; and that day's *Standard* ran the headline, "45 Minutes From Attack".

Now the Government, the Foreign Secretary and other Ministers tell us that nobody was bothered about the 45 minutes claim: it was hardly reported at the time. I am sure that Alastair Campbell was on the phone immediately to the editor of the London *Standard* to correct the wrongful impression that somehow had been conveyed by the dossier. I believe that the 45-minute threat was presented in the unqualified way that it was to produce exactly that headline and exactly that result.

Then, of course, there is the "Panorama" programme, hardly spoken about these days, which perhaps touches on the point made by the right hon. Member for Airdrie and Shotts a few minutes ago. It took place in February 2003 in the run-up to the second United Nations resolution. What the Prime Minister told Jeremy Paxman and a studio audience, not once but on four separate occasions, was that the only circumstances in which the country would go to war without a second UN resolution would be if the inspectors concluded that they could not progress their work and one country had an unreasonable veto. The inspectors actually asked for more time and the bulk of the Security Council wanted to continue the process. The Prime Minister somehow forgot his claims of February 2003.

Perhaps more serious are the questions aired by the right hon. Members for Richmond, Yorks (Mr. Hague) and for Livingston (Mr. Cook). We are expected to believe that at no stage did the Prime Minister examine the 45-minute claim and that at no stage did it ever occur to John Scarlett or anyone else that somehow the question of the withdrawal of sources for WMD should be reported to the politicians who were under examination from a variety of Committees of the House. My colleague, the hon. Member for East Carmarthen and Dinefwr (Adam Price), received a parliamentary answer today from the Foreign Secretary on precisely that point. In that answer, the Foreign Secretary said:

"I became aware of the withdrawal of this reporting when I agreed, in response to a request from SIS on 8 September 2003, that the reports in question should be disclosed to the Intelligence and Security Committee."

There is some confusion about that, because the ISC told *The Independent* a few days ago that a senior member was not aware of the withdrawal of the evidence. Can I ask the Foreign Secretary when he was intending to tell the rest of us about that? When was he going to tell the House—the hon. Members who, unfortunately, voted by a majority in favour of this conflict—that the clear, unmistakeable evidence sweeping across the Prime Minister's desk had actually been withdrawn by the Secret Intelligence Service?

Mr. John Gummer (Suffolk, Coastal) (Con): Does not the hon. Gentleman find it very peculiar that most people out there who supported the war thought that the Government knew things that they did not know, but it turned out that the Government did not know things that they ought to have known?

Mr. Salmond: It is not so curious because, as the right hon. Gentleman knows, the Prime Minister kept trying to give the impression that there was a mass of evidence, if only he could disclose it and not jeopardise his sources. The impression was conveyed that if only we were able to see what he had seen, there would be no mistaking the case for war. The reality is that the evidence was, at best, fragmented. As the right hon. Members for Richmond, Yorks and for Livingston both concluded—in a first-time and probably only historic agreement between those two right hon. Gentlemen—the intelligence, of course, had nothing to do with the causes and reasons for going to war. Unfortunately for the conscience of the Labour party, the Prime Minister's reason was not to depose Saddam Hussein either. It was to stay close, shoulder to shoulder, with the United States of America and pay the blood price for that alliance.

I accept that there could be an argument for staying close to a major ally, but not so close as we have reached in the current ridiculous position. The foreign policy of this country will not be decided in the general election next May, but in the American election this coming November. If "President Gore" had acceded to the White House and pursued what we know to be his policy, war in Iraq would have been viewed as a distraction from the war against terrorism. The policy of this Government would then have been fundamentally different. I do not believe in my country right or wrong, but the Government believe in another country right or wrong. It is a ridiculous, humiliating and thoroughly immoral position to be in.

Lastly, we in politics all play games about unemployment figures, health statistics and the rest. However, this is not the normal argy-bargy of politics; it is not about moulding statistics or presenting arguments in the best possible way. This is about 13,000 civilian deaths. Many British soldiers are dead, and American casualties are approaching 1,000. That is the blood price that is being paid for the Prime Minister's actions. He has played with other people's chips, and he has done so in a disastrous fashion.

When people examine the matter, they will know the reality. The vast majority sense the deliberate deception at the heart of the process. *[Interruption.]* Those on the Treasury Bench may laugh, but the people of this country will judge in a much higher court than that of Lords Hutton or Butler, and their judgment on the Prime Minister and his Administration will be much harsher.

5.46 pm

Mr. Marsha Singh (Bradford, West) (Lab): I am grateful to have the opportunity to speak in this most important and serious debate.

Those of us who opposed the war from the very beginning did not need a Hutton or a Butler report. We knew that this country was not under attack or in any imminent danger of attack, and that no ally of ours was either. Therefore, war was wrong.

I shall quote what appeared on the front page of *The Independent* on Thursday 15 July. It summed up the headlines of the Butler report in a most apt and appropriate way. The newspaper stated that the intelligence was flawed, that the dossier was dodgy, that Dr. Brian Jones was vindicated, that Iraqi links to al-Qaeda were unproven, that the public were misled, and that the case for war was exaggerated. The newspaper asked who was to blame: its answer was no one. I shall return to that point later.

However, is it a coincidence that the US Senate Intelligence Committee produced exactly the same findings about the quality of US intelligence as did Butler about UK intelligence? What is going on? Was it agreed on both sides of the Atlantic that the intelligence reports should be spun and beefed up?

If we went to war in good faith, we must accept that that good faith was based on a complete misjudgment about weapons of mass destruction. That much is clear now, but there is a price to pay when a misjudgment is made, and the price for this war has been heavy. House of Commons Library estimates of 16 July show that 885 US and 60 British military personnel have died. There have also been 60 deaths among the other coalition partners.

Estimates of Iraqi casualties are difficult to obtain, because the Americans do not want to know. As a result, they do not know the figures, and the same is true for Britain. However, the website iraqbodycount.net estimated that between 11,164 and 13,118 Iraqi civilians had died up to 16 July. It puts civilian post-war casualties at between 9,015 and 10,503. In addition, there have been 111 deaths among foreign contractors, and nine such people are known to be missing. That is an appalling loss of human life, based on good faith—and on misjudgment.

Mr. Leigh: Does the hon. Gentleman agree that another price has been paid, and it is the devastating loss of confidence in the western world on the part of the Arab and Muslim world? Our Prime Minister was let down by the US Administration: he was promised progress on the road map, but it has not materialised.

Mr. Singh: I shall come to that point shortly. There is another price—the financial cost—although it is obviously much less than the human price. According to the Library, up to the end of March we had spent £2.5 billion, and another £1.3 billion was available from April. The US Congress has appropriated £100 billion to cover the US military operations in Iraq. The cost of operations to this country is £125 million a month. I cannot speak for the Americans, but I can speak for my constituents, who would rather have seen our billions of pounds spent on schools, hospitals or pensioners, not on bombs, bullets and bloodshed.

What about the war on terror? Every morning and every night we see on our screens the complete lack of success that the war had in the war on terror. A recent book by a CIA agent, entitled "Imperial Hubris", says:

"Bin Laden saw the invasion of Iraq as a Christmas gift he never thought he'd get."

It also says that the invasion of Iraq was an

"avaricious, premeditated, unprovoked war against a foe who posed no immediate threat."

We will never win the war on terror by waging war against Muslim countries. The Muslim world is rightly bemused, both in this country and across the world. We have attacked Saddam Hussein for not following UN resolutions—

David Winnick (Walsall, North) (Lab): If the accusation is that we are anti-Muslim, can my hon. Friend explain why we decided, outside of the United Nations, to liberate Kosovo to stop the killing of Muslims? We did not go in for Christians, Jews, Sikhs or Hindus. My hon. Friends the Members for Linlithgow (Mr. Dalyell) and for Halifax (Mrs. Mahon) and my hon. and learned Friend the Member for Medway (Mr. Marshall-Andrews) were so opposed to our action, but it was taken to stop the constant killing of Muslims. If we are anti-Muslim, how does my hon. Friend the Member for Bradford, West (Mr. Singh) explain that?

Mr. Singh: I never said that we were anti-Muslim. I am trying to explain how the Muslim world sees our actions and the American actions. The Muslim world sees the west standing on the sidelines for five and more decades while the Palestinians have been persecuted by the Israeli state. Palestinian land has been under occupation for decades by the Israeli state, and we have turned a blind eye or mouthed platitudes as succour for the Palestinians. That is no succour for the Palestinians or the Muslim community.

Mrs. Lorna Fitzsimons (Rochdale) (Lab): Will my hon. Friend give way?

Mr. Singh: Not now.

For five and a bit decades, we have seen the Kashmiri people denied the right to self-determination, irrespective of UN resolutions. We have seen human rights abuses, murders and rapes in Kashmir, but the Muslim world sees the west standing idly by and turning a blind eye. We have said that we will do our best to promote our dialogue, but we have done nothing for the Kashmiri people.

While the Russians wage savage war against Muslim Chechens, the west and the international community stand idly by and turn a blind eye.

Mr. Straw: It is incorrect for my hon. Friend to say that we have stood idly by in respect of Kashmir. I hope that he welcomes the rapprochement that has now taken place between India and Pakistan over Kashmir, in which we have been actively engaged.

Mr. Singh: I do welcome that rapprochement, but as the Muslim community sees it—and as I see it—there has been talk but no action in all the areas I have mentioned. The way to win the war on terror is to let the Palestinians have their homeland, let the Kashmiri people have the right to self-determination and stop the savagery of the Russians in Chechnya. We have lost the trust of Muslims across the world. That is a heavy price for this country to pay. Indeed, we might have all our contractors in Saudi Arabia chased out by terrorists in months to come.

The war has not made the world a safer place: it has made it immeasurably more dangerous. What has been the cost to my party? Members have left in droves and

[Mr. Singh]

voters have deserted in their thousands. The evidence of that was here today in the person of the new hon. Member for Leicester, South (Mr. Gill). Only the Prime Minister can draw a line under this affair for our party. Many of us who opposed the war believe that it has besmirched our beliefs, compromised our principles and disfigured our souls. The desert sands are stained in crimson, a crimson that will never be washed away. The souls of the dead and the consciences of the living cry out in anguish because of that premeditated, pre-emptive war, based on a lust for revenge by one leader and political vanity in another. Somebody is responsible for the carnage and waste of life. The buck, as we all know, stops at the top. It is time for the buck to stop and it is time for our troops to come home.

5.56 pm

Mr. John Gummer (Suffolk, Coastal) (Con): There is no doubt that Iraq is better off without Saddam Hussein. There is no doubt either that Zimbabwe would be better off without Mugabe and Burma would be better off without its murderous regime. We could change the lives of people in North Korea and the Sudan by regime change. But we have not chosen to do so, because the fundamental issue is that of the just war. Once one takes into one's hands the ability to wage war when it is not the last and only answer when one faces an imminent threat, one offers the opportunity to everyone else to do the same thing. We say we can do it because we are the sort of people who would not do it unless we had a very good reason. That is our argument, but it is not a true argument.

I am ashamed when people say that we could not continue with containment because it takes so long. Actually, that is the message. If we want a peaceful world, we have to go the extra mile. We have to go on and on until there is no alternative to force. Otherwise, we have no moral position to take. The Prime Minister let this nation down when he tried to pretend that his was a moral position. He was opposed by those who know a bit about morality—the Pope, the Archbishop of Canterbury, the Dalai Lama and even the president of the Free Church Federal Council all said that he was wrong—but he had to say that, because otherwise he would not have received the vote of this House.

I voted against the war because I had heard the Prime Minister on such matters before. I pressed him again and again to give me a straight answer on the bombing of the aspirin factory in the Sudan. He never gave me that answer. He constantly refused to answer the direct question and finally told me that there were to be no more questions because it was a matter of national security. He was not willing to be straight, and the people of Britain know that.

We have to remember that the Prime Minister told us that we should judge his integrity not simply on the facts but on whether they were properly relayed. It cannot be said that the facts were properly relayed, nor can it be said that the Government, who took, and take, every opportunity to batter the BBC and the media, took any action whatever to counter the generally understood view that we were 45 minutes from disaster. In other words, there was an immediacy at the heart of their argument that did not exist.

The problem is that once one accepts the theory of the preventive war, one opens the gates for everyone to claim it in every case—India, Pakistan or any country with a long-standing grudge or a serious problem. All can claim that in their own case, although not in that of others, they are acting to prevent war. That is why the problem is fundamental. One of the most dispiriting and miserable moments I can recall was during Prime Minister's questions last week, when the Prime Minister, in a carefully prepared piece of theatricism, refused to answer the comments of my right hon. and learned Friend the Leader of the Opposition and engaged in what can only be described as a knockabout affair. A knockabout affair—when we were talking about something that could lead to more and more cases of people taking into their own hands the decision to wage war on their neighbours.

Mr. Calum MacDonald (Western Isles) (Lab): The right hon. Gentleman refers to the notion that the Prime Minister used the concept of a looming threat as part of the case for war. Other Members have also cited that as part of the 45-minutes argument. However, the right hon. Gentleman will recall that during the debate on the dossier the Prime Minister said:

> "'Why now?', people ask. I agree that I cannot say that this month or next, even this year or next, Saddam will use his weapons."—[*Official Report*, 24 September 2002; Vol. 390, c. 5.]

The notion of a looming threat was never put forward as a case for war—[HON. MEMBERS: "Pull the other one!"] The Prime Minister's statement was that there was no looming threat in that month or the next, nor even in the next year. The case for war was based on the fact that Saddam was in contravention of UN resolutions. Containment was not a harmless or innocuous option to keep him on the hook; it cost much greater loss of life than the war.

Mr. Gummer: But the Prime Minister has now admitted that there was no such threat. That is what he said in answer to questions last Thursday. There was no looming threat and he said that it would have been perfectly possible to continue the policy of containment. Containment policies are long-winded and difficult and it is not easy to keep people on board, but they are the proper action of a nation that believes in peace.

The concept of a just war is crucial in our world, which is why I find it difficult that some of my hon. Friends, who are keen on the moral issue, do not recognise that no moral leader upholds the war as just—only politicians do that—and that should make mere politicians just a little wary of wearing the cope and garb of morality.

Mike Gapes: The right hon. Gentleman is hawking his conscience around and taking a position that implies that people who voted for the war are somehow responsible for an immoral act. Would he have been content for the policy of containment to continue and for half a million more Iraqi children to die? How would that go down with his conscience?

Mr. Gummer: If the hon. Gentleman had said we must launch a battle in Zimbabwe, if he had said that he wanted troops sent to Burma or Rwanda—of course, none of those countries are oil-rich nations—and if he

had said, week in and week out, that it was time we enforced UN resolutions in Israel, perhaps I would accept his words. I do not suggest that the Iraqi regime was anything but horrific. I am merely saying that for a country such as ours not to uphold the historic, moral standards of the just war is to open the gates to the most devastating and continuous use by others of our example for their behaviour in circumstances of which we, as yet, know nothing.

I want to suggest something very simple: everybody knows that we went to war because it was decided a long time ago, perhaps even before the election of President Bush, that the middle east was due for a reorganisation, and 9/11—that horrific occasion—provided, as Rumsfeld so clearly indicated, a new focus for decisions on such matters. The Government were looking for reasons to stand side by side with people who had already decided that, whatever the reasons, they would go to war.

That is why I want to return to the claims about battlefield weapons and 45 minutes. Of course, such weapons are horrific, but that was not the claim; it was that there was an imminent threat of that kind to us and our allies. That is why I think that the Prime Minister is guilty.

Mr. Straw: I know of no occasion when the Prime Minister, or any senior Minister, used the word "imminent".

Hon. Members: What about "current"?

Mr. Gummer: Current is even more imminent than imminent. Current is now; imminent is tomorrow. The Prime Minister did not ask what that meant in the context of WMD. He failed to ask that question. I was a Minister for 16 years and I would not have asked so few questions about a new arrangement for dealing with chickens.

When the chairman of Shell used information that he was given about the company's resources and found subsequently that the information was wrong, he had to go—although he had misled no one in any way. The Prime Minister failed to give us the caveats. He told us that which misled us. That is why he has to go.

6.8 pm

Donald Anderson (Swansea, East) (Lab): It is for theologians to set out the broad principles of a just war, but it is for politicians to make the decisions, often in messy and uncertain circumstances. Even theologians recognise that there can be just wars, when everything else has been exhausted and when there is the capability to do something. It has been said that we will not go into Zimbabwe, but there are questions of capacity, bases and so on. Just war, yes; but the issue is more than a theological one—practical politicians have to do their best in difficult circumstances.

In the Foreign Office, Mandarin is classified as a difficult language. We have seen today that when mandarins speak, there can be very different interpretations, depending on one's starting point.

I was glad that the right hon. Members for Bracknell (Mr. Mackay) and for Tonbridge and Malling (Sir John Stanley) mentioned the work of the Foreign Affairs Committee, because we can at least agree that, by and large, our reports on Iraq have stood the test of time. I shall just give a flavour of some of the reports. Again, on an all-party, unanimous basis, we concluded:

"Iraq remains the greatest threat to a wider peace in the"—

middle east—

"region."

We warned that,

"if military action is to be taken against Iraq . . . the objectives will have to be . . . clearly defined, and a full justification will have to be provided".

We said that the 24 September dossier as a whole

"was probably as complete and accurate as the Joint Intelligence Committee could make it, consistent with protecting sources, but that it contained undue emphasis for a document of its kind."

Clearly, at this interim stage, it is difficult to step aside and consider what future historians will make of the Iraq issue. Much will depend, in my judgment, on the way in which the current situation in Iraq evolves.

Mr. Salmond: Will the right hon. Gentleman give way?

Donald Anderson: No, no. I have hardly started.

Yet the Iraq issue is clearly a defining moment for this Parliament, for our relations with the United States and for the Prime Minister's standing. Judgments had to be made on the basis of intelligence, which is naturally never conclusive; but what many commentators fail to appreciate is that there are consequences of action and consequences of inaction, as we saw in Srebrenica and in Rwanda. If no action had been taken, Saddam Hussein would still be in power. He would still be President. He would still be continuing, as the Butler committee concluded, his strategic intent to pursue banned weapons programmes, his illicit research and development and procurement activities and his development of ballistic missiles. By our action, in my judgment, we have led to certain other positive changes—certainly in Libya, probably in Saudi Arabia and possibly in North Korea.

Mrs. Anne Campbell (Cambridge) (Lab): Has my right hon. Friend's Committee assessed the threat of Iraq against some of the other threats in the world, such as the continuing conflict in Israel and Palestine?

Donald Anderson: There is a very difficult balance to make. I would certainly ask my hon. Friend to await the publication of our next report, on the morning of 29 July, as it covers the Israel-Palestine situation. I look forward to seeing her there, during the recess, to hear our conclusions.

The truth is that the Prime Minister took a strategic decision to side with the US, both in principle and on the basis that the decision bought some influence with the US. That is clearly debatable, yes, in terms of the middle east and the UN course. An isolated and isolationist US would be a much greater danger to our interests than an engaged US.

Mr. Salmond: Will the right hon. Gentleman give way?

Donald Anderson: No.

[Donald Anderson]

That is the background to Butler, whose leitmotiv is clearly that the Government acted in good faith. The Butler committee had access to all the intelligence. It interviewed a large number of witnesses, including six former chairmen of the Joint Intelligence Committee. Of course, it had the benefit of hindsight, which gives 20:20 vision. The key conclusions exonerate the Prime Minister. It said that the dossier was not intended to make the case for war, that it was founded on assessments available at the time and that the intelligence in the dossier was not knowingly embellished. It effectively supported Hutton; it did not support the BBC and Gilligan. However, on page 86, the report says the dossier did not contain the health warnings that related to the limited intelligence that was available.

Mr. Marshall-Andrews: Will my right hon. Friend give way?

Donald Anderson: No, I want to move on.

If the Prime Minister is to be criticised, surely it would be on the basis that he did not sufficiently rigorously question the intelligence that was put to him. The report says that the dossier was an unprecedented exercise in public information, but that, in retrospect, it was probably misconceived and is unlikely to be repeated in that form.

On the intelligence, other countries shared the same broad conclusions. Butler concluded that the JIC assessments were not pulled in any direction to meet policy needs and that there was no deliberate distortion, and so on—save, of course, for the failure of the 45-minute claim—yet there were failures. Dr. Blix said in terms that the best information was given, but nothing was there.

On weapons of mass destruction, perhaps the Prime Minister now regrets putting so much emphasis on WMD, as opposed to the UN resolutions and human rights, but Butler is clear that Saddam Hussein had the strategic intent to pursue banned weapons programmes and was carrying out illicit research and development. Even now, in his judgment, it is premature—or "rash", as he says—to reach conclusions.

All that said, I remain personally puzzled by a number of questions. Why Iraq? Presumably the answer must relate to the UN Security Council resolutions. Was war inevitable? Clearly, if Saddam Hussein had at the last minute seen those forces massing at his frontiers and allowed full co-operation with UNMOVIC, there would not have been war—it would have been wholly impossible for the Government to persuade the British people to have gone in. Where have the weapons gone? Have they been looted or concealed? What is the sufficient explanation? Why did Saddam Hussein not come clean if he had no weapons when the US and the coalition forces were massing at his frontiers and the UN resolution 1441 said that it was his last chance?

Butler's key conclusion was that the Government acted in good faith, and the question for us now, after four reports, is whether we continue to look at the past, turning over stones in the hope that we might find something; or given that Iraq is now on a knife edge and could go either way, do we therefore keep on looking as though, somehow, a silver bullet will be found that will harm the Government's case?

We have toppled a brutal dictator, who had been warned for 12 years by successive UN Security Council resolutions, culminating in resolution 1441, which gave him a last chance. Whatever may have been the decisions and divisions when we came to the vote, surely we now face the biggest historical task. Are we ready to meet the challenge of helping to create and build a better Iraq? That surely is the key question that should now face the House and members of the coalition.

6.17 pm

Sir Patrick Cormack (South Staffordshire) (Con): I hope that we can all at least agree with the concluding sentiments and remarks of the right hon. Member for Swansea, East (Donald Anderson), the Chairman of the Foreign Affairs Committee.

This has been the most sober, sombre debate that I can remember for a very long time. We have heard two members of the Prime Minister's party call explicitly for his resignation and another—the hon. Member for Bradford, West (Mr. Singh), who made a very powerful speech that brought a new dimension to our debate—call implicitly for his resignation.

We have heard Conservative Members, who supported the war with the same degree of steadfastness as I did, regretting their decision and saying that, in fact, if they had known what we now know, they would have voted otherwise. Those of us who did support the war, and who do support the war, have a duty to examine our consciences and decide where we go from here.

I do not regret the vote that I cast on 18 March last year. I voted as I did for the reasons that my right hon. Friend the Member for Richmond, Yorks (Mr. Hague) gave in a very powerful and characteristically witty speech. I voted as I did because I wanted to see the end of a brutal dictatorship. I voted recognising that the fact that I could not ensure the removal of every dictator of whom I disapprove was no reason for not voting to remove one who could be removed.

As one who had ploughed a very lonely furrow over Bosnia, when the Government whom I supported were in power, and who felt deeply ashamed by the pusillanimous attitude of the then British Government, not supported by the then Opposition—save for a few doughty souls, such as the hon. Member for Western Isles (Mr. MacDonald)—I felt that I did not want to repeat that mistake.

I also felt that the Prime Minister acted with extraordinary courage for the leader of the Labour party—a party with a very honourable tradition of pacifism and a less honourable tradition of anti-Americanism. I thought that the leadership that he gave was of a national character and that it deserved support. Nothing that I have heard or read since has persuaded me that I was wrong. Therefore, I still believe that the decision taken on 18 March last year was correct. I regret that there has been on the Conservative Benches a degree of nit-picking, although I absolve my right hon. and learned Friend the Member for Devizes

(Mr. Ancram), who is on the Front Bench. It is important that we now look at what happened and where we should go.

Harry Cohen: Will the hon. Gentleman give way?

Sir Patrick Cormack: I will in a moment.

There can be no hon. Member who voted for the war who is not deeply distressed and ashamed by the inexcusable, brutal treatment of prisoners. That defaces our cause and diminishes our stature. We all should feel a degree of collective shame about that. That most of those incidents appear to have been perpetrated by American troops does not lessen the anguish that we should feel.

We should all feel a degree of regret at the way in which the reconstruction of Iraq was perhaps not thought through as carefully as it might have been, although I believe that there has been much black propaganda and that things in Iraq are better than many would have us believe. However, we also have to address the fundamental ethos of Government in this country and why it is that the Prime Minister, who in my view behaved honourably and did not deceive the House or the country, is now held in much lower esteem than he was.

I offer the House an analogy. A little over a year ago, the Prime Minister, sitting in his room and thinking of his reshuffle, decided to get rid of the office of Lord Chancellor. He thought that he would like to do that because he is a broad brush man—he is not a man for detail. He did not realise the implications of that decision. I fear that, in the lead-up to war, he was perhaps a little careless when it came to the intelligence. He was passionately convinced of the need for war. He was absolutely convinced that it was right for this country to take the action that was taken, and I think that he was right. He was less than careful perhaps in the way in which he studied some of the intelligence that came before him. I believe that it is that cavalier disdain for the facts, that unwillingness to think things through in detail, that has landed him in the position he is in today.

Mr. Salmond: Will the hon. Gentleman give way?

Sir Patrick Cormack: How could I resist?

Mr. Salmond: I understand that the hon. Gentleman thinks that the Prime Minister is a broad brush man, but Jonathan Powell and Alastair Campbell are not broad brush men. What exactly were they doing with their comments and interference in the dossiers with which we were presented?

Sir Patrick Cormack: It is all very well to criticise those below. We should all recognise that every Prime Minister, certainly in my time, has had a kitchen Cabinet or the equivalent thereof. Every Prime Minister has had a few people he or she has trusted rather more than others, and sometimes those people have been a bit strange. I will not give the House a catalogue because we all know what I am talking about, but the point implicit in the hon. Gentleman's remark is that he believes that the Prime Minister was far too informal. Indeed, I believe that Butler does too, but the former head of the civil service would, would he not? We must look at the matter in perspective.

What we face as a House collectively is a serious situation. Our troops are still in Iraq. They have served the country with enormous bravery and distinction. They deserve our united backing. There is an interim regime in Iraq. It may not be perfect but it is infinitely better than what was there before and it deserves our backing. There are elections promised in Iraq. It is in all our interests that they should take place.

I listened with great respect and interest to what the hon. Member for Bradford, West (Mr. Singh) said about his Muslim friends, but as one of those who led the battle to save Muslim friends in Bosnia, I think that I can say this to him: "Please go and talk to your constituents. Neither the British Government in particular nor the House of Commons in general is anti-Muslim, but it is in the interests of all who believe in freedom and democracy and a peaceful world that what is happening in Iraq should succeed and that terrorism should be defeated."

As we rise for the summer recess, I hope that we can exorcise the partisan spirit that has been present, perfectly understandably, for much of the debate. I hope that we can unite in supporting our troops and the people who are struggling towards a better system in Iraq. If we can do that, recognising and respecting the differences that divided us on 18 March last year and which have divided us since, we will not have served ourselves badly.

6.26 pm

Mr. Michael Meacher (Oldham, West and Royton) (Lab): The hon. Member for South Staffordshire (Sir Patrick Cormack) has anguished his conscience before us and has portrayed the process and the leadership that took us to war in a characteristically generous and magnanimous way. I am sure that he is deeply sincere, but we have been taken to war on grounds that many people now regard as deceptive. The issue in this debate more than in any other discussion that has taken place is accountability. That is now paramount.

The most striking characteristic of the Butler report, as many hon. Members have said, is the disjunction between analysis and judgment. It catalogues a litany of failures and then pulls all its punches by declaring that in effect no one is to blame. George Tenet was sacked as head of the CIA for intelligence failures over Iraq, but John Scarlett, who is responsible for exactly the same intelligence failures in this country, is still recommended by the report for promotion, despite all the damning evidence in the report to the contrary. It is a very British establishment charade, but as an exercise in accountability, which is the crux of what is needed, it is completely unacceptable.

The facts, which I think are no longer seriously in dispute, are stark. The United States went to war over Iraq both because of oil and for reasons of American control of the middle east region, set out clearly in a "Project for the New American Century" document published for the Bush election team in September 2000. As we now know from United States Treasury Secretary O'Neill, that war was planned from the first days of the Bush Administration. Then 9/11 provided the pretext for launching it, as the right hon. Member for Suffolk, Coastal (Mr. Gummer) said.

[Mr. Michael Meacher]

The United Kingdom went to war over Iraq because President Bush wanted British support. At the Crawford summit in April 2002, the Prime Minister in effect committed to providing that, publicly pledging to stand shoulder to shoulder with President Bush. From that point on, the assessment of intelligence data conflated analysis into advocacy in order to find a rationale for the war that had already been decided on for other reasons.

David Winnick: If my right hon. Friend whom I respect and he should not take this remark personally—felt so strongly at the time, the inevitable question, which he realises I am going to ask, is: why did he not resign from the Government?

Mr. Meacher: I believed what the Prime Minister said so categorically and authoritatively. I thought that he spoke with great authority, and like so many others in this House and the country, I thought that he had access to a repository of intelligence data to which none of us has access; and that if he was so certain and spoke with such assurance, we had to accept what he said. I am quite prepared to admit that I also supported the war because I have long believed passionately in the principle of military intervention for humanitarian purposes. Yes, I believe in that, but I am deeply uneasy, as I was at the time, that there are no international criteria that give legitimacy for taking such action in many other cases, as has been pointed out.

Paul Flynn (Newport, West) (Lab): The Butler report makes it clear that what are described as excellent papers were prepared with all the caveats in them for the Cabinet Committees and members of the Cabinet to see. Butler says that they did not see those papers, and that that impaired their ability to make a correct judgment. Obviously my right hon. Friend did not see the papers, but was he aware of their existence? Does he think that, if he had read them, he might have come to a different conclusion?

Mr. Meacher: We all have to assume that, if that material had been made available, a different judgment would have been made. There is no doubt about that.

Mr. Gummer: Does the right hon. Gentleman accept that he, like many others, thought that the Prime Minister knew more than he was able to say? Is not the real problem that it all turns out that we knew more than he was able to say?

Mr. Meacher: I think that that is the case. Indeed, if I can develop my argument, I shall go on to say that that is exactly the point to which I think the House needs to give its attention.

The decision having been made to go to war, Whitehall provided a briefing that any rationale depended on being able to show incontrovertible evidence of "large-scale" activity by Iraq in weapons of mass destruction. However, because the UN inspectors left in 1998, the evidence was almost non-existent. That is the root of the problem. The CIA admitted that its resources on Iraq were "thin", and the JIC had already concluded in March 2002, as has been repeated many times in the Chamber, that intelligence on Iraq's WMD and ballistic programmes was "sporadic and patchy".

The key point is that, in the evidence put together over the crucial five months from the Crawford summit until the publication of the September dossier to justify the war, we now know that all the specific data were flawed. As we now know, the inventory of chemical and biological weapons and weapons parts that the Prime Minister presented to the House dealt with weapons unaccounted for since the first Gulf war, 12 years before. They were not presented as weapons unaccounted for, however; they were presented as weapons that were believed definitely to be currently possessed by Saddam.

Mr. Bercow: Will the right hon. Gentleman give way?

Mr. Meacher: I shall not give way any further.

The 45-minute claim referred to battlefield nuclear weapons, but the impression was given that the threat went much wider. Accordingly, when it was reported thus—this was exactly as we saw it presented—no attempt was made to correct the misreporting, despite the belief that it was wrong. The claim that Iraq tried to buy 500 tonnes of yellowcake from Niger was still included in the dossier, despite the fact that it was known that a visit made to Niger by a former US ambassador six months before had confirmed that the claim was completely bogus.

The Prime Minister claimed to the House in February last year—perhaps my hon. Friends will listen to this point, as I think that it is quite important, and it has received virtually no attention—that the defection of Hussein Kamal, Saddam's son in law, in 1995 had revealed

"the offensive biological weapons and the full extent of the nuclear programme".—[*Official Report*, 25 February 2003; Vol. 400, c. 123.]

But as we now know from a *Newsweek* exclusive a few weeks later, what Hussein Kamal actually said in his debriefing was exactly the opposite:

"all weapons—biological, chemical, missile, nuclear—were destroyed."

As Butler has pointed out so poignantly, all the ifs and buts, qualifications and caveats in the raw intelligence data were dropped from the dossier, while the positive allegations were distinctly over-hyped. Sources were treated as reliable when they clearly were not, and they were not checked with the expertise of intelligence staff.

Anyone who reads appendix B of the Butler report, which I think is excellently set out, can see set out step by step how the process of massaging and accretion steadily accumulated, until we were finally told in the September dossier that Saddam's weapons of mass destruction programme was "active, detailed and growing", and that the intelligence on which that judgment was based was "extensive, detailed and authoritative", when in fact, Saddam had no weapons of mass destruction at all.

Nobody—and I think that this is true—is doubting the good faith of the Prime Minister or that he sincerely believed in the policies that he was pursuing. He believed in them passionately, and I think that everyone recognises that, but that is not the issue. The issue is his judgment and his over-eagerness to take us into a war on

grounds that far exceeded the available evidence. The issue now is accountability, and I think that that is now the issue for this House to exorcise. One cannot take this country into a war under false pretences and then proclaim, as Butler does, that nobody can be held responsible.

Over the Gilligan affair, which is utterly trivial by comparison, the Government made it clear that they expected heads to roll—and they did. On this matter, there are two central issues on which I think that those responsible must be held to account. One is the presentation of the evidence that persuaded the House to agree to war. Being sinuous with the truth may not be lying, but it is certainly not open or honest. Presenting a seriously misleading account of the facts may not be lying, but it is not truthful or straightforward either. The second central issue is the framework of governance that allowed the decision to be taken. Those are the key issues, and a debate on a motion for the Adjournment is not an adequate format—

Madam Deputy Speaker (Sylvia Heal): Order. The right hon. Gentleman's time is up.

6.37 pm

Mr. Crispin Blunt (Reigate) (Con): It is a pleasure to follow an extremely important and powerful speech by the right hon. Member for Oldham, West and Royton (Mr. Meacher). I agree with him in a number of respects, including on the importance of the meeting in Crawford, Texas, where I think that the course taken by the United Kingdom was set. I also agree with what he said about accountability, as well as about the Prime Minister's sincerity.

I do not think that there was any doubt about the Prime Minister's sincerity when he made the case for war. In the past seven years, this House and the country generally have been treated to one or two rather stomach-churning thespian performances from the Prime Minister, but anyone who saw his performance on 18 March last year will have known that it was of an entirely different quality. On Iraq, he has usually spoken with simple conviction.

My concern is the same as that of the right hon. Member for Oldham, West and Royton—that it is the Prime Minister's judgment and the strategy that has flowed from the depth of his conviction that have proved flawed. As he was so convinced in the virtues of his actions and the United States was so focused on regime change, the necessary focus on post-Saddam Iraq was missing. A number of speakers have referred to the fact that Iraq was on the Bush Government's agenda before 9/11, as we have heard in comments attributed to Condoleezza Rice in her interview with *The New Yorker*. It was clear to informed observers that, in early 2002, the United States was set on this strategy, which was obviously made explicit to the Prime Minister at that vital meeting in Crawford, Texas. The Defence Committee heard evidence that British officers attached to Centcom were then privy to the planning for the operation in Iraq in early summer 2002. For the United States, Iraq was unfinished business from 1991. For the Prime Minister, it was about weapons of mass destruction—I think that that was his sincere belief—combined with the capacity of the suicide attackers demonstrated on 9/11.

The results of the coalition strategy have been disastrous in many respects. The collapse of the Prime Minister's credibility means that his ability to persuade Parliament and the country about the need for future war, should it arise, has been fatally undermined. Several Labour Members have called on the Prime Minister to consider his position, but if there is a need for the Prime Minister of the United Kingdom to come to the House of Commons to make a similar case to the one that he made—this was the fifth time that the country had gone to pre-emptive war under the right hon. Gentleman's leadership—he will have a serious problem persuading the House and the country. The leader of the United Kingdom should not carry such a handicap.

A further element of the problem is the demolition of the liberal west's moral authority, which is most graphically seen in the pictures that came out of Abu Ghraib prison. A further cause for Osama bin Laden and his zealots to exploit has been created through the collapse of a country that was diametrically opposed to them. Of course, there is a real risk of civil war in Iraq if a satisfactory federal settlement cannot be found, so we might find that statements about how fewer people are now dying in Iraq than was the case under Saddam Hussein could be completely reversed, with appalling consequences, if it falls into civil war during the months and years to come.

If I knew on 18 March 2003 what I know now, I would not have voted for the motion, but that is not because I would have thought that the resolution was unjustified. I agreed with the analysis of my right hon. Friend the Member for Richmond, Yorks (Mr. Hague), who made his case extremely well. However, the problem is the way in which the policy has been acted out in practice and how the coalition has conducted operations because that has meant that the possible benefits of the operation have been overtaken by the costs.

The mistakes that were made have been rehearsed many times. The Pentagon was in charge, yet was not equipped for the more challenging role of rebuilding a state. Insufficient priority was given to the planning of post-conflict operations. Under the Rumsfeld doctrine, a military operation was conducted on the cheap with a lightening strike to take Baghdad—that was a brilliant operation—but insufficient forces were left on the ground to deal with the collapse of the government of Iraq. The army and other security forces were disbanded and, of course, Iraq was used as an experiment for transformative politics, as envisaged by Paul Wolfowitz.

The core strategic mistake was made because we should have been absolutely clear about the outcome at the outset: to remove the regime and produce a replacement Iraqi Government. The very moment at which we had leverage over people such as Ayatollah Sistani, representatives of the Shi'a community—both those in Iraq and in exile—and the Kurdish leaders, all of whom wanted Saddam Hussein to go and were desperate for the coalition powers to intervene, was before we intervened. We should have ensured that the post-war settlement of Iraq was clear because we now have the problem that we have to rely on the wisdom and leadership of Ayatollah Sistani more than anyone else. We need him to reach an agreement with the Kurdish leaders, in particular, that will meet their desire for a satisfactory element of self-government for that

[Mr. Crispin Blunt]

part of Iraq, in addition to the desire of the majority of the Iraqi population for proper influence on the whole country's affairs.

We are now engaged in the difficult process of moving towards democracy in Iraq. Iraqi experts agree that the moderate middle in Iraq is weak and that political parties with appeal to the intelligentsia have neither organisation nor a significant democratic base. Given the way in which the United Nations elections are being set up, it is likely that individuals will be encouraged to run for elections on the basis of not party support, but personality. There is a danger that that process will by default lead to the mass support of demagogues who will attack the whole parliamentary and governmental system and try to sweep away such parties, as has happened all too often in modern Iraqi history.

Our real problem as a coalition is that we will not know what to do if Iraq begins to descend into civil war. If the security situation deteriorates and the interim Government cannot maintain the minimum level of legitimacy and control, what are British and American forces supposed to do? I do not know, and I am not sure that the Government do either.

6.45 pm

Mr. Peter Kilfoyle (Liverpool, Walton) (Lab): Two contemporaneous debates are being conducted as we speak. One is going on in the rather esoteric environment of the House of Commons, but to people inside the House, let alone those outside, it is riddled with pedantry and hyperbole and it often seems futile. A more important debate is going on outside the House in the minds and hearts of the British people and people throughout the world about the extent to which a decision taken long ago was right. I often wonder what people make of these debates—they are bad enough for the British public, so God knows what the international public think.

During today's debate, we heard a lucid and cogent speech from the leader of the Liberal Democrats, who has the added merit of maintaining a consistent position over time. The Leader of the Opposition displayed tautological contortions as he tried increasingly to justify the rather bizarre ambivalence of his position on the war. The Prime Minister's contribution contained elements of defensive sophistry, but it did not really add to the total knowledge of people outside the House, although the same problems keep reoccurring and members of the Government repeatedly maintain things that they know not to be true.

For example, two outstanding arguments were made in the run-up to the war, and they have been rehearsed consistently since. The first argument was about the legality of the war, although I am prepared to accept that a case for a legal war could be made under UN Security Council resolution 1441—I know that hon. Members could have a big argument about that.

Secondly, a political case was made and, to defer to the Foreign Secretary, I shall not claim that it was said that there was an "imminent" threat, but that a clear and present threat emanated from Saddam Hussein. The political argument won over many people in the political class and many outside the House. It was repeated ad nauseam in the newspapers—of course, it was promoted on behalf of the Government because that is what Governments do. Nevertheless, it has been shown that the argument was wholly untrue. There was no threat and there were no weapons of mass destruction. I am not someone such as Lord Butler who cautiously says, "Don't close down the possibility", because we know a threat when a threat exists and know a weapon of mass destruction when it exists. Curiously, when Lord Butler wrote about the background to the weapons of mass destruction, he did not mention where they actually came from. He made a cursory mention of what Iraq had before 1990, but he did not refer to the countries, including the United Kingdom and the United States, that provided the very weapons of mass destruction that would later become politically problematic.

People outside the House realise where we are today. They know that there was no threat, nor any weapons of mass destruction. It would be easy for those of us who voted against the war to say, "We told you so. We were right"—we were right, actually. However, the truth of the matter is that on 18 March 2003, we voted for the simple premise that the case for war was not proven. It is wrong and misleading to suggest that the people who voted for that were somehow condoning Saddam or, as the hon. Member for South Staffordshire (Sir Patrick Cormack) implied, that we were all pacifists, or that we took the view that would not resort to military action when that was appropriate. However, we found the case unconvincing on that occasion. We were able to argue that without the merits of Butler and Hutton because many of us thought that it was evident at the time that the Government's case did not stack up. Nothing has happened to change our view since then, although I hear people who took a different view trying to reconcile their consciences with what they now know. If they did vote for war on the basis of weapons of mass destruction, they did so because of a fallacious argument that should never have been made, but I can say that with hindsight.

People out there will still have a view on whether we should pursue this argument. I have a view on that. My right hon. Friend the Member for Swansea, East (Donald Anderson) again implied that we should draw a line under this and hope that the whole thing goes away. It may be an embarrassment to him and his Committee, the Government and the official Opposition, but the fact remains that many thousands of people have lost their lives, as we heard today, in an illegal and immoral war.

Richard Younger-Ross (Teignbridge) (LD): The hon. Gentleman has spoken eloquently on this subject a number of times and it is a pleasure to hear him speak again. Will he expand on where he believes the evidence did not stack up? People say that the intelligence evidence is now disproved, but we never believed it because when the weapons inspectors went to places identified by the intelligence officers as having weapons, there were none. That undermined the argument that there was any real evidence in the first place.

Mr. Kilfoyle: I could wax eloquent all night on those points, but let me put it simply. On the night of the great debate in the Chamber, I and others made the point that inspectors were in Iraq dismantling the weapons of war that had been found. Hon. Members may recall the

Prime Minister referring to appeasement, as though those who were opposed to war were appeasers, akin to those in 1938—in fact, I think he actually referred to it in that way. I said that we did not have League of Nations inspectors dismantling the Panzers, but UN inspectors dismantling the weapons of mass destruction.

Anyone who knows anything about such things would wonder, as I did at the time, why we had spent so many years missing all the weapons of mass destruction when we had alleged precision-targeted bombing of every military installation in Iraq. Where were they? What about satellite reconnaissance and all the rest of it, which is supposed to tell us the location of a truck or, indeed, the man standing beside the truck? The case clearly needed more evidence than was available. We did not get that evidence and today certain views have been vindicated.

Mr. Bercow: The hon. Gentleman says that the war was immoral. Is he saying that continual breach of United Nations resolutions, massive human rights violations against the people of Iraq and the desire to disable the regime responsible for the latter, could never constitute justification for intervention? If he is not saying that, in what circumstances would he countenance intervention?

Mr. Kilfoyle: I am not saying that at all. We are discussing an entirely separate set of circumstances. Nor do I agree, by the way, with some of my Back-Bench colleagues who would transpose the conditions raised by the hon. Gentleman into another set of geopolitical circumstances.

I am sure that I speak for most of those who were against the war when I say that we did not in any way condone either Saddam personally or the regime that he headed. However, those were not the explicit reasons for going to war. Regime change was never on offer, no matter how repulsive the regime might have been. To return to my theme about the British public, what was certainly on offer was the case that there was a clear and present danger—a threat—emanating from Saddam. That was demonstrably not the case then and is demonstrably not the case now.

Deciding to go to war will be a very difficult sin—to speak in my own terms—for us to eradicate as a party. We will be held to account as a party for this war whether we voted against it or for it. The morality of the case was put eloquently by the right hon. Member for Suffolk, Coastal (Mr. Gummer). My hon. Friend the Member for Bradford, West (Mr. Singh) was more eloquent than I could ever hope to be about the damage that the war has done to my party. More importantly, however, is the damage that has been done to our position in Europe and the United Nations and to our relationships with the Muslim world. I hope that that damage is not irreparable, but it is very great indeed.

6.55 pm

Mrs. Patsy Calton (Cheadle) (LD): In following the hon. Member for Liverpool, Walton (Mr. Kilfoyle), I can only say how much I agree with everything he said.

The Butler report gives a useful overview of the use and role of intelligence, and I suspect that it is as much for the good of the House of Commons as it is for the Government and perhaps the Cabinet. In his overview of the use and role of intelligence, Butler talks about the limitations of intelligence and the various types of intelligence—human, imaging and signals—and says how important corroborative evidence is when human intelligence is involved. It is not enough to have a single source or a single source at third hand who cannot be traced afterwards, which seems to be the case with the Iraq intelligence. He stresses the importance of assessment, a stage that was apparently missed out in the case of the 45-minute claim, which came at a late stage.

Butler also makes the point that it is necessary to challenge at every level. The intelligence services must be challenged. The Joint Intelligence Committee must continue to challenge information. On a political level, both the Prime Minister and the Cabinet must be challenged. It is important that we take all four reports into account. When I looked at the work of the Intelligence and Security Committee, as I did soon after its report came out, I was astonished to find at paragraph 73 of page 24 that of the seven Departments that acknowledged they had received a copy of the first draft of the September dossier, only one, to its credit, made any comment. The Office of the Deputy Prime Minister was, apparently, not sent a draft. The private offices of some Secretaries of State decided that their masters did not need to see it. However, the Foreign Secretary and the Minister for Trade and Investment at the Foreign and Commonwealth Office both commented on it.

Some of those Secretaries of States, some of whom have since left the Government, have commented on how Cabinet work lacks overall Cabinet responsibility because one person makes the decisions, but they did not even look at the draft. If they made it clear to their outer office that they did not want to be troubled with the information, how on earth can they complain afterwards that they were not involved?

I have been fascinated over the past couple of years to watch the Prime Minister. I have been trying to understand why he climbed out further and further on a limb. He clearly genuinely believed what he told us. I could not believe that someone would go so far out on a limb on intelligence that at best had lots of ifs and buts about it. Careful reading of the information issued and the statements made revealed that deniability was written into much of the phrasing. When deniability is put into almost every line, one begins to wonder why that deniability exists.

Butler talks about the backdrop and gives four case studies, including North Korea and Iran. He mentions the creeping tide of terrorism and the concern that the Prime Minister, the Cabinet and the JIC clearly had. In paragraph 285, the Prime Minister is reported as telling the Butler committee that

"the place to start was Iraq"

out of all the various threats across the world

"because you have the history of the United Nations Resolutions and you have the . . . fact that we'd taken action in respect of WMD in the aftermath of the Gulf War, then again in 1998".

The Prime Minister saw Iraq within a context. He did not see it as an isolated case, according to what he told Lord Butler. Yet he was telling the House of Commons something different—

It being Seven o'clock, the debate stood adjourned.

BUSINESS OF THE HOUSE

Motion made, and Question put forthwith, pursuant to Standing Order. No. 15 (Exempted Business),

That, at this day's sitting, the Motion for the Adjournment of the House in the name of the Prime Minister may continue, though opposed, until eight o'clock and that the Asylum and Immigration (Treatment of Claimants, etc.) Bill, Energy Bill [*Lords*] and any Lords Messages and Amendments that may be received may be proceeded with, though opposed, until any hour.—[*Mr. Jim Murphy.*]

Question agreed to.

Iraq

Question again proposed. That this House do now adjourn.—[*Mr. Jim Murphy.*]

Mrs. Calton: The Prime Minister lays great stress on the strengthening of the JIC assessments in 2002. Was he aware, when he made his decision, of the risks of "group think" to which Lord Butler draws attention in paragraph 57 of his report? In paragraph 58, Butler says:

"The assessment process must be informed by an understanding of policy-makers' requirements for information, but must avoid being so captured by policy objectives that it reports the world as policy makers would wish it to be rather than as it is."

The Government have set up machinery whereby everyone from teachers to doctors, policemen and civil servants know that they must see the world as the Government see it or they are out. If they step out of line they pay the price, so naturally the JIC produced the reports that the Government wanted. Commenting on the first draft of the dossier to the Intelligence and Security Committee, the Defence Secretary said that it was "insufficiently dramatic", as if that were its most important feature. It is almost impossible to believe that that comment would not have seeped out.

Today, the Prime Minister quoted selectively from Butler's conclusions, and omitted the conclusion that Iraq did not

"have significant—if any—stocks of chemical or biological weapons in a state fit for deployment, or developed plans for using them."

The Prime Minister made it clear that he believed that Iraq continued to produce biological weapons and their means of delivery.

As I am running out of time, I shall conclude. As a citizen of this country and a Member of Parliament, I expect people with access to material used in the build-up to war to take individual and collective responsibility for it. It is simply not good enough to be left in a position where we do not know whether anybody has asked any questions. There is a sense of public outrage about the war. Governments cannot slide into war using dodgy, unchecked information—

Mr. Deputy Speaker (Sir Michael Lord): Order. The hon. Lady has had her eight minutes.

7.3 pm

Tony Wright (Cannock Chase) (Lab): There has been a certain amount of soul searching today, and I am afraid that I am about to indulge in a little more. Those of us who could not support the Government on military action had a duty to test their case not at its weakest but at its strongest. We had to set the bar as high as possible. Had we set it as low as possible, confining ourselves to details of intelligence, we can easily see why we would have run into trouble. I always wanted to make sure, however, that I tested the Government's case at its strongest. I listened carefully to the Prime Minister many times, as he spoke about the new era and

"the security threat of the 21st century".

The connection between rogue states, proliferation and terrorism meant that one had to draw a line in the sand and take a stand. I took that case seriously and was particularly anxious not to be associated with people who were naturally deemed to be in a different camp. I did not want to be thought anti-American, and certainly did not want to be thought an appeaser who wanted to sustain a vile dictator. The Government's case therefore had to be tested at its strongest.

I read the Butler report to help me to understand the policy considerations that informed the decisions that we were asked to make. Members have found that help in different parts of "What the Butler Saw", and I found it in paragraph 429, which says that in spring 2002 the Government considered two options for future action. One was a toughening of containment and the other was a move towards military action. The report says that regime change would not be lawful, and noted the difficulty in achieving UN acceptance of military action. It says that the UN

"would need to be convinced that Iraq was in breach of its obligations; that such proof would need to be incontrovertible and of large-scale activity; but that the intelligence then available was insufficiently robust to meet that criterion."

It goes on to say that that formed the background to the Prime Minister's meeting with President Bush at Crawford on 6 and 7 April 2002.

I fear that, at that point, a strategic judgment or decision was made, making it necessary to mobilise intelligence to sustain it. As the intelligence became thinner—we know from Butler that that is the case—the advocacy for military action became stronger. Eventually, that contradiction impelled the House of Commons to action, forcing it to take a view. We can see that more clearly now than we did at the time. The Prime Minister did his very best to keep the international community together, and would have liked to resolve the situation without military action. However, President Bush and his Administration could not walk away from Iraq without taking military action. The Prime Minister could have done so—it would have been a kind of victory for him—but for President Bush, it would have been a catastrophic, humiliating defeat, given everything that he had said about the United Nations and international policy on Iraq.

When former President Clinton, who was in the country last week, spoke about those matters, he paid great tribute to the Prime Minister and his efforts to keep the international community together, but he also said that in retrospect it was clear that we should have allowed the inspectors to continue their job so that we could establish beyond peradventure whether Iraq had been successfully disarmed or not. If we had established that the policy had worked, I believe that the Government would not have come back to the House for a decision. There was not a great distance between people holding different positions.

Those of us who took a different view of military action were persuaded that it, or the threat of military action, was required to sustain the United Nations' position, but we believed that that position was working. It now seems that that was the case, and we could have kept the international community intact and disarmed Saddam. Indeed, we could have flooded Iraq with human rights inspectors, as that was rightly a consideration. That is my understanding of the policy considerations.

Mr. MacDonald: That was a key point of dispute between us at the time of the decision to go to war. What makes my hon. Friend think that another two months of inspections would have clarified whether Iraq had disarmed or not, when six years of inspections had not clarified that, one way or the other?

Tony Wright: The answer is that we had embarked upon a process that had that at its centre. What we did not do was to test whether it had worked or not. We now know that it had worked. That is the fundamental conclusion.

I have one more point to make, which came out of my reading of Butler. It is important for the House to reflect on it. As I read the report and many of the things that Butler said, I thought it was a vindication of what we sometimes call the awkward squad. A theme of Butler is that we did not have enough people asking the right questions as the process went along.

Mr. Gordon Prentice: The Cabinet!

Tony Wright: I will do the list, if my hon. Friend does not mind.

We did not have the right people in Cabinet asking the right questions as the process went along. We did not have the right people among the official Opposition asking the right questions as it went along. We did not have the right people in the JIC asking the right questions as it went along. One of the few heroes in the story, by the way, is Dr. Brian Jones, who was a member of the awkward squad and did ask some of the questions.

What Butler says in his recommendations—of course, mandarins do not talk about awkward squads, but I translate the high mandarin into our kind of language—is that not only do we need the awkward squad in those places, but we need to give the awkward squad institutional and constitutional protection to ensure that those considerations are raised at each point in the process. That is embedded in a number of Lord Butler's specific recommendations.

I conclude by saying that we shall never know the answer to some of—

Mrs. Mahon: May I tell my hon. Friend that that was an excellent speech? He spelled out everything I would have wanted to say, had I been called. Will he reflect on this: had we known, about 20,000 Iraqis might still be living, we might not be poised on the verge of a civil war, and the entire huge tragedy might not have unfolded in front of us? I take my hon. Friend's point about flooding Iraq with human rights monitors. We had Saddam on his knees and weakened and we could have done that.

Tony Wright: Yes, I take my hon. Friend's point.

Only the historians will tell us what really happened. It is only they who will get to see the papers. It is only they who will get the real evidence that an inquiry might see, which can tease out the policy considerations, what happened when and who said what to whom. Only they will tell us the origins of the military action and what its real consequences were. All we can do is say that we probably did make a serious mistake in what we did; but having done it, we have an obligation to try to make Iraq a rather better place now than it was before.

7.13 pm

Mr. John Baron (Billericay) (Con): If the Prime Minister's only mistake in this affair is that we went to war even though it is now clear that there are no weapons of mass destruction, it would have been right to question only his wisdom. However, because it is also now clear from the Butler report that there was a very wide margin indeed between the extent to which the intelligence services qualified their remarks when reporting to the Prime Minister and what the Prime Minister told Parliament and the country, it is also right to question his integrity and credibility.

The issue at the time was not whether regime change was desirable; it was whether Iraq's weapons of mass destruction presented a danger. It is now clear to any objective observer that the Prime Minister did not accurately relay the intelligence at his disposal. As a result, the country was duped into a war under false pretences. For it is clear that the Butler report has confirmed that the JIC's intelligence reports during 2002 were full of qualifications and reservations, yet the Prime Minister clearly stated that there was no doubt that Iraq's weapons of mass destruction justified war. But we know that that was not the case.

In justifying the case for war, the Prime Minister excluded those reservations and, with the zeal of a barrister determined to win his case in court, claimed that the facts had been established beyond doubt. Even Lord Butler, operating within the limited remit of his brief, believes that the omission of the intelligence qualifications was "significant".

Richard Younger-Ross: Does the hon. Gentleman believe, however, that perhaps the Prime Minister thought he ought to go down that road because he was being pushed to do so by the official Opposition, who kept accusing the Government and others of being anti-American in any criticism of what George Bush said on the middle east and on Iraq in particular?

Mr. Baron: No, I disagree with that. I think that our Prime Minister, unfortunately, was being pushed by the Americans. That is the centre of the issue. Let us consider the 45-minute claim. That is clear evidence that we as a country were misled by the Prime Minister.

Mr. Deputy Speaker: Order. That is the second time, I think, that the hon. Gentleman has used that word. He should be very careful with the words he uses. We have strict conventions in the House.

Mr. Baron: We all remember that the claim that Saddam Hussein could deploy weapons of mass destruction within 45 minutes was integral, if not

[Mr. Baron]

central, to the Prime Minister's case for war. Like other hon. Members, I find it incredible that the Prime Minister did not ask the basic question whether the chemical and biological weapons that he thought Iraq possessed could be fired at targets outside Iraq or just used on the battlefield.

No, the fact of the matter was that the decision to go to war had been made, regardless of the intelligence. The lesson from that must be, as other hon. Members have highlighted during the debate, that in future there must be much closer questioning of the evidence at hand. Partly because the House was not privy to the intelligence reports, which made its task extremely difficult, the assumption was that the Prime Minister knew more than we did, but that was not the case. There was no shortage of evidence with which to contradict the Prime Minister.

For example, we know that Iraq used to possess weapons of mass destruction. We know that because America and the west supplied Saddam Hussein with those weapons. However, the Iraq of 2003 was a shadow of its 1991 standing. It had been the most watched-over country in the world, yet no concrete evidence could be produced that Iraq possessed WMD. All that could be produced was the dodgy dossier, which was essentially a reworked thesis that was more than 10 years old.

Meanwhile, not enough credence was given to the evidence on the ground. Mr. Scott Ritter, one of the most aggressive UN chief weapons inspectors during the 1990s, repeatedly said that Iraq did not possess weapons of mass destruction. Hans Blix and the other UN inspectors in the period leading up to the war wanted a little more time to complete their task because they, too, could not find WMD.

Mr. Wareing: I have been listening intently to what the hon. Gentleman has been saying and agreeing with almost all of it, but did he vote against the war when many of us were saying those things?

Mr. Baron: I can put the hon. Gentleman's mind at rest. I did vote against the war and I resigned from the Front Bench in order to do so.

There was no shortage of evidence from the US Government to contradict the Prime Minister. That has not been touched on much during the debate. For example, Secretary of State Colin Powell said at a press conference in Cairo in February 2001:

"And frankly, economic sanctions have worked. Saddam Hussein has not developed any significant capability with respect to WMD. He is unable to project conventional power against his neighbours."

On 15 May Powell went further and said that Saddam Hussein had not been able to

"build his military back up or to develop WMD for the last 10 years".

As late as July 2001, Condoleezza Rice also publicly described Iraq as weak and militarily defenceless. Yet soon, the Prime Minister was to tell us all just how dangerous Iraq was. The fact is that the situation on the ground had not changed since 2001; only the political priorities of the US Government, who had decided to invade Iraq regardless of the issue of WMD, had changed.

The collective failure identified by the Butler report also involved the intelligence services, for despite the Prime Minister's exaggeration of the threat, the JIC approved the wording of the dossier. In my view, the JIC was at least subconsciously influenced by its knowledge of the Prime Minister's desire to state the case for war—a fact that was at least acknowledged by the Butler report when it recommended that future JIC chairmen should be experienced in dealing with senior Ministers and demonstrably beyond influence. The intelligence services should be the eyes and ears of the Prime Minister, not his mouthpiece. It is tempting to conclude from this whole episode that policy indeed led intelligence rather than intelligence leading policy. That is another lesson that needs to be taken away from this affair.

We have since heard the Prime Minister justify the war by saying that although WMD might not be found, the world is a much better place without Saddam Hussein. To me, that is very dangerous talk. Civilised nations do not go goose-stepping around the world invading countries because they think that they may be a threat, then, when they find that they are not, justifying it by claiming that the world is a better place. That is the law of the jungle. It is illegal, because article 2 of the United Nations emphasises that member states cannot engage in regime change.

The Government may take refuge behind resolution 1441, as they have in the past and probably will again this evening. However, the countries that signed up to that resolution did so believing that it could justify war only if there were no alternatives. Indeed, the US ambassador to the United Nations at the time was at pains to emphasise that there were no hidden trigger points for war in the resolution. That is one reason why the US and the UK could not muster even a moral majority when it came to the second resolution. In truth, all other approaches had not been exhausted. The threat of force, deterrence and containment of Saddam Hussein were working, as was recognised by the US itself as late as 2001, and as is confirmed by post-war evidence. The same policy had worked during the cold war and when dealing with rogue states such as Libya.

Meanwhile, UN weapons inspectors wanted more time but were denied it, despite some progress being made. There was nothing to be lost by giving them a little more time to complete their task—indeed, there was much to be gained—but instead we were rushing to meet an American military timetable that had only one outcome, namely war. I should add that I am not anti-American—quite the reverse—but I believe that good friends need to point out when bad mistakes are being made.

The simple fact is that war was not justified. War must always be the measure of last resort when all other approaches have been exhausted and are futile. Indeed, war can be justified only when there is no other possibility. If we lose sight of that, we lose the moral high ground that is often a source of strength in challenging times. We will be signing up to the law of the jungle, and the world will be a worse place because of it. We all agree that Saddam Hussein's was a revolting regime, but that was not in itself sufficient justification to go to war.

War is the ultimate responsibility and act of politicians, yet in many respects it also illustrates their ultimate failure. The crime here is that the Prime Minister turned qualified judgments into unqualified certainties. As a result, this country sleepwalked into war and the world took a step backwards as a consequence. That mistake must not be made again. Lord Butler is right to say that there was collective failure, but the Prime Minister's responsibility for that failure is paramount. His credibility, as well as that of the country, will continue to suffer as a result.

7.24 pm

Mike Gapes (Ilford, South) (Lab/Co-op): This will be an eight-minute speech delivered in one and a half minutes. I refer hon. Members to my speech on 4 June last year, which sets out some of the arguments that I am about to make.

The situation that we are in today is fundamental to the future of the Iraqi people. Hon. Members who have argued as though this debate is entirely internal should listen to what the Iraqi people are saying. My right hon. Friend the Foreign Secretary will no doubt respond to the points that they raised. As my hon. Friend the Member for Cynon Valley (Ann Clwyd) made clear, the Iraqi people are glad that they were liberated from Saddam Hussein. When I went to Iraq with the Select Committee on Defence, we flew into Basra in a Puma. Tragically, I fear that some of the people I met there may have been involved in this week's horrific crash.

Our people in Iraq are doing a fantastically important job in rebuilding the infrastructure, supplying clean water, helping with electricity supplies, training the new army and the police, and dealing with many other necessities. We have to finish that job. Let us support them, then help to build a democratic Iraq and self-determination for an Iraqi people who are free from Ba'athist fascism.

7.25 pm

Mr. Michael Ancram (Devizes) (Con): I congratulate the hon. Member for Ilford, South (Mike Gapes) on probably the shortest speech that he will make in the House for a long time.

This has been a most interesting debate, which has partly been about the situation in Iraq but also, crucially, about the Butler report and the information that it disclosed, for which the Government in general and the Prime Minister in particular must answer and be held to account. We have heard many fine speeches. I will not have time to deal with them all, but I should like to mention a few.

I shall start, if I may, with the typically humorous but percipient contribution by my right hon. Friend the Member for Richmond, Yorks (Mr. Hague), who rightly described the whole saga as a monumental PR failure and asked whether, in the end, the intelligence mattered to the Government. I hope that the Foreign Secretary will answer that question.

As I expected, several different views have been expressed, as in the debate on 18 March. Once again, I listened to them with great respect. We have conducted our debates accepting that we have differences of opinion, and we have dealt with those differences in an exemplary way.

I listened to my right hon. Friend the Member for Suffolk, Coastal (Mr. Gummer), whose position is not new. He has always made a powerful moral argument, and did so again today. I listened to my hon. Friend the Member for Rochford and Southend, East (Sir Teddy Taylor)—he, too, has always held to his position. I listened to the Father of the House, who has been consistent in the position that he has taken, as has the hon. Member for Liverpool, Walton (Mr. Kilfoyle).

The hon. Member for Bradford, West (Mr. Singh) made some important observations about the impact that this has had on Muslim opinion, not only in this country but abroad. It is important that we consider his comments very carefully and take action to address the situation that he identified.

My right hon. Friend the Member for Tonbridge and Malling (Sir John Stanley) asked—it has been asked before—whether there was a deal between the President of the United States and the Prime Minister to back a war against Iraq and if that was why the intelligence ultimately matched the policy instead of the policy being made on the basis of the intelligence. The right hon. Member for Livingston (Mr. Cook) made the same point.

I repeat those points because they go to the heart of the confidence that we have in the way that the system has operated. I hope that the Foreign Secretary will give us unequivocal answers.

I turn to the situation in Iraq. I welcome the handover of power to the Interim Government. Given yet another spate of car bombings, they are having to operate in a very grim situation. Their task is not easy, and my party and I wish them well.

Although we inevitably view the security situation with concern, I want to join the Prime Minister and my right hon. and learned Friend the Member for Folkestone and Hythe (Mr. Howard) in once again paying tribute to the magnificent work that is being carried out by our armed forces. Their dedication and professionalism remains a matter of great pride.

It is worth recalling why they are serving their country in this way. They went out there to deal with a United Nations-recognised threat to international peace and security. As a result of coalition action, Saddam Hussein and the international threat that he posed are gone. That is why we supported the war and were right to do so. I still believe that, as I said in the debate on 18 March last year, had we not gone to war then, we would have had to do so in future when it might have been much more dangerous and difficult. After the war, our servicemen and women remained there to help to give Iraq the chance of democracy, freedom and prosperity. That could make it a force for stability and good within the region as a whole. Completion of that objective may still be some way off, but we do Iraq no favours by talking only about the bad side and never about the good.

The first good news is that Saddam Hussein has gone. As the hon. Member for Cynon Valley (Ann Clwyd) reminded us, the people of Iraq are delighted by that. I have always taken the view that regime change was not a reason to go to war. I have always doubted the legality of regime change, but I believe that we can all rejoice in the fact that the people of Iraq are now free from that reign of terror.

[Mr. Michael Ancram]

Other things are improving on the ground in Iraq. The health budget is now US$948 million, compared with US$16 million under Saddam Hussein in 2002. In education, 2,500 schools have been rehabilitated and 32,000 teachers and education workers have been trained. In terms of the utilities, which were a matter of such concern when I was in Iraq last autumn, there is still much work to be done. However, water quality has been improved for 1.6 million people, and electricity generation is at last improving. Progress towards our post-war objective is therefore real and welcome, but there is still a long way to go.

Too much of the current instability is caused by unemployment. There is not enough investment, there are not enough jobs and, in too many cases, having no wages leads people to believe that they have little or nothing to lose through unrest. The Government must accept a good degree of blame for this situation. Before the war, I pressed them for assurances that a comprehensive plan for the reconstruction and rehabilitation of Iraq was ready to be put in hand. I was assured that there was such a plan. I also asked for assurances that the Government had made adequate provision for the swift delivery of humanitarian aid and, again, I was assured that they had. It was only after the successful military action that we discovered, as my hon. Friend the Member for Reigate (Mr. Blunt) reminded us, that those assurances were not worth the breath that they were given with, because there were no comprehensive post-war plans in place.

Only now are many of the things that should have been happening then beginning to happen. I believe that, in time, Iraq will come good. Unlike the leader of the Liberal Democrats, I think that we have a duty to stay there and to help the Iraqi people until it does. It would be a sign of good faith to those people if the Government at least acknowledged their failure to plan and acknowledged the time that has been lost. Perhaps that is too much to expect, however, from a Government and a Prime Minister who have never acknowledged their failures in the run-up to the war and in its aftermath.

The Prime Minister has been in denial again today. This is not some party political game. This is about a decision to go to war; it is about grave issues. These are matters in which confidence in the Prime Minister, and in what he tells Parliament and the country, is central. Yet, once again, he brushes aside the issues of trust and confidence—issues that even Alastair Campbell, in his notorious diaries, described as "huge stuff". Once again, the Prime Minister seems to assume that, because we supported—and continue to support—the war, he should somehow be beyond our criticism. Let me tell him: he is not.

The fact that the war was justified does not mean that the manipulation or enhancement of intelligence is beyond reproach; it is not. Even if I did not need the Prime Minister's rhetoric to persuade me of the justification for war, I still have the right to believe that his interpretation of the intelligence was accurate. At moments of national or international crisis, the Prime Minister is the conduit to the public and to Parliament on matters of intelligence. Great care must be taken to ensure that what the public are given is the unvarnished truth, the whole truth and nothing but the truth. The Butler report clearly demonstrates that, in relation to WMD, those standards were not met. As my hon. Friend the Member for Billericay (Mr. Baron) pointed out, the emphatic picture of their current and threatening existence that the Prime Minister painted at the time quite simply ignored the caveats, warnings and qualifications on the quality of the intelligence on which his assertions were based.

We have asked the Prime Minister why he failed to disclose those crucial caveats and why he did not temper his certainty as a result of them. We have received no answer. Let me remind him again of the speech that he made on 24 September 2002, when he said that the intelligence

"concludes that Iraq has"—

not "had", but "has"—

"chemical and biological weapons, that Saddam has continued to produce them".—[*Official Report*, 24 September 2002; Vol. 390, c. 3.]

When I asked the Foreign Secretary in the debate on the Intelligence and Security Committee on 8 July whether, in the light of that statement by the Prime Minister, the intelligence had shown that Saddam had weapons of mass destruction at that stage, the Foreign Secretary replied that

"the analysis of that question is the focus of the Butler inquiry, which will be subject to full parliamentary consideration."—[*Official Report*, 8 July 2003; Vol. 423, c. 1099.]

Yet another clear and informative answer from the Foreign Secretary. This debate is the only parliamentary consideration that has been made available and, so far, we have not had an answer. The Foreign Secretary owes the House one.

The JIC report talks about capability. It does not talk about the existence of the weapons themselves. That is a crucial difference. We know from Butler that the intelligence was flawed; in his own words, it was "sporadic", "patchy" and "limited". We now know that it could not have supported the statements of the Prime Minister that the current existence of the WMD was "beyond doubt". The Prime Minister is a lawyer, and he knows that the words "beyond doubt" have a particular significance. He used them then, he has used them again today, and he used them in an interview that he gave to Sky more than a year ago. We now know that the judgments in the dossier of 24 September 2002 were not "beyond doubt". Butler said that they

"went to . . . the outer limits of the intelligence available."

We already knew that the second "dodgy" dossier of 3 February 2003, which the Prime Minister told the House was "further intelligence", simply could not justify that description. There may be explanations for these discrepancies. If so, we have not been given them. As a result, we are left with the conclusion that there was a conscious attempt to enhance the intelligence in order to minimise dissent in the House and the country.

For democracies, war must always be a serious option. It should never be a matter for spin, but tonight we are left with the conclusion that in this case it was. It has been argued that the decision to go to war was taken with our support, that the war is over and that none of this really matters any more. I totally disagree. What is at issue is not only the judgment of the Prime Minister but his credibility, and that is crucial. This is a matter of

trust, and once that trust is breached, it is gone. The next time the Prime Minister purports to advise the House and the country on matters arising from intelligence, on what basis can we be confident that the intelligence has not once again been enhanced? As a number of my colleagues have already pointed out, that is a situation that this country cannot afford.

That is why the questions posed to the Prime Minister today have been of such importance. So what answers have we had? What has happened to the WMD? We did not hear anything about that today. I remind the Prime Minister that, in his interview for Sky on 31 May last year, he said:

"I certainly do know some of the stuff that has been already accumulated . . . What we are going to do is assemble that evidence"—

again, he knows the importance of the word "evidence"—

"and present it properly to people . . . I have no doubt whatever that the evidence of Iraqi weapons of mass destruction will be there."

Well, a year and a half later, where is that evidence of which he was so certain? Why did he ignore the caveats? He has admitted today that they existed; why did he not qualify his language as a result of them? Butler criticised the way in which the Downing street team worked. The Prime Minister told us that he accepted the findings of Butler, yet we have heard nothing today about changes being made in that regard.

Of course, we have still to hear from the Foreign Secretary, who may yet provide us with the answers to some of these questions. Indeed, one strange feature of the run-up to the war was the difference of tone struck by the Foreign Secretary throughout, in relation to weapons of mass destruction, compared with the categorical assertions of the Prime Minister. The Foreign Secretary was always careful to found the case for war on the United Nations resolutions and Hans Blix's reports, rather than on direct assertions of the existence of weapons of mass destruction. Perhaps he took the caveats more seriously. Perhaps he could explain to the House what he knew at that time.

I would like the Foreign Secretary to explain something else as well. We have heard today about the intelligence that was withdrawn, which we read about in the Butler report. The Foreign Secretary knew about that intelligence as long ago as last September. Is it not the case that the head of MI6 informed him of the withdrawal of that intelligence on 8 September 2003? If so, will the Foreign Secretary explain to the House why the Prime Minister was not told about it? If it was important enough for the Foreign Secretary to know about, I would have expected him to tell the Prime Minister. Perhaps he will tell us why he did not.

Butler shows what a sorry mess the run-up to the war was. Many misjudgments were made at many levels. Some people have paid for those misjudgments with their jobs, among them the chairman and director-general of the BBC. Butler speaks of "collective blame" at Government level, yet no one here pays the price—indeed, one person gets promotion. In the end, the responsibility rests with the Prime Minister—not just theoretically or semantically, but in a very real way. The buck stops with him. Today he has failed to restore his credibility, and it is unlikely that he will be trusted in the future, when that trust may be crucial. That is the reality that he must face up to; that is the dangerous vacuum that he should urgently be seeking to mend.

7.39 pm

The Secretary of State for Foreign and Commonwealth Affairs (Mr. Jack Straw): As the right hon. and learned Member for Devizes (Mr. Ancram) has said, this has been a wide-ranging debate with some very good speeches. With apologies to those whose speeches I do not mention, I want to mention particularly those of the right hon. Member for Richmond, Yorks (Mr. Hague), my right hon. Friend the Member for Livingston (Mr. Cook), my hon. Friend the Member for Cynon Valley (Ann Clwyd) and the hon. Member for South Staffordshire (Sir Patrick Cormack).

Since a point of order was raised by my hon. Friend the Member for Linlithgow (Mr. Dalyell), I should apologise for the fact that I was absent for some of the speeches. I am afraid that one has to blame Cabinet Government for that, and, I might add, without approval from the Cabinet, the new hours—[HON. MEMBERS: "Hear, hear."] On that, I speak entirely in a personal capacity. I had to chair an important Cabinet Committee, the timing of which had been rearranged twice to accommodate changes in the order of speeches and the timing of this debate. I apologise to those right hon. and hon. Members whose speeches I missed.

I want to begin this wind-up by paying tributes to two groups of people. The first group are our armed forces and civilians who have been working in Iraq over many months and who continue to do so. The reputation of British forces is second to none in the world: I do not happen to believe that that is a cliché; I happen to believe that it is true. All that I have seen of the British forces confirms the truth of that—they are the finest and bravest forces anywhere in the world. I have also had the privilege of going to Iraq three times and seeing the extraordinary work by civilians, too. Although they were not putting themselves directly in harm's way as our forces were, they too showed great courage in working in Baghdad, Basra and elsewhere. Our colleagues in the armed forces and civilian British officials are still there helping to rebuild a better Iraq.

The second group to whom I want to pay tribute are those who work in our intelligence and security agencies. Over the past seven years, I have had the privilege first of being responsible for the Security Service—MI5—and, for the past few years, for the Secret Intelligence Service and GCHQ. From my direct, day-to-day, comprehensive dealings with all three agencies, I have been profoundly impressed by their professionalism, by their commitment and, as questions have been raised about this, by their complete integrity.

As we spelled out in the dossier, intelligence rarely offers a complete account of activities, which, by definition, are designed to remain concealed. My right hon. Friend the Prime Minister spelled out in his foreword that gathering intelligence—in this case, inside Iraq, but, I might add, almost anywhere—is not easy. Certainly, that is absolutely true. But in chapter 2 of the Butler report, the Butler committee spells out details of intelligence-led operations in respect of A.Q. Khan, the nuclear proliferator, Libya, North Korea and Iran. I

[Mr. Jack Straw]

have been familiar over the past three years, and my right hon. Friend the Prime Minister has been familiar over the past seven years, with the nature of those operations. We have had an opportunity more recently, certainly in respect of A.Q. Khan and Libya, and to a degree, in respect of North Korea, to make an assessment about whether that intelligence has turned out to be right or wrong. Butler and his committee say in terms that they have been very impressed by the quality of the intelligence and by its provenance.

In many circumstances, the only defect of that intelligence has been that it has underestimated the scale of what we have subsequently found, rather than overestimated that. I say that because Ministers and the intelligence services' assessment of the intelligence and developments needs to be seen in that context: it was the very same people who were supervising, and in some cases obtaining, the good intelligence in respect of Iran, Libya, North Korea and A.Q. Khan who were also doing the very careful assessment in respect of intelligence in the case of Iraq. They were doing their best, we had every reason to believe that they were doing their best, and their track record is one of the best.

Lynne Jones: Could my right hon. Friend explain why GCHQ intercept information, which we are told by the Intelligence and Security Committee existed, was not passed on to the International Atomic Energy Agency, as was required under Security Council Resolution 1441, whereby member states should pass on all relevant information?

Mr. Straw: My hon. Friend knows very well that we never, ever, give details of interception, and I would not begin to do so. As she also knows, or at least I hope that she does, I wrote to her and signed off this morning—so that she would get it in time for this debate—a detailed letter replying to her specific concerns. Her specific concerns related to uranium yellowcake, which has been the cause of controversy. As I set out in the letter, I invite her to examine the conclusions of the Butler inquiry in respect of uranium yellowcake from Niger. As to whether the claims made by British intelligence—not those made elsewhere—were well founded, as Butler points out, they were indeed well founded.

Mr. Salmond: What about the withdrawal by the Secret Intelligence Service in July last year of two reports, because the sources had been discredited, on WMD generally and on the 45-minute claim specifically? When were the Foreign Secretary and the Prime Minister informed of that withdrawal, and whom did they then tell?

Mr. Straw: The withdrawal about which I was informed in September, which took place in July, did not relate to the 45-minute claim but to other intelligence to which Butler refers in the body of his report, which had not been directly included in the dossier or the JIC assessment but, as he spells out, gave some comfort and backing to the assessments that had been made. I was informed about that on 8 September last year. On the next day, the intelligence reports were passed on to the Intelligence and Security Committee. The Intelligence and Security Committee had been told orally by the head of the Secret Intelligence Service in July about the nature of that intelligence and the fact that it was being withdrawn. What I was asked, on 8 September, was whether I agreed, as I am required to do by law, to authorise the passing of the intelligence to the ISC, and I duly did so.

Mr. Mackay *rose—*

Andrew Mackinlay (Thurrock) (Lab) *rose—*

Mr. Straw: I want to answer some of the other points that have been made in this debate.

I have mentioned Iran. My right hon. Friend the Member for Livingston raised two key issues. First, he raised an issue about Iran and referred to an interesting report that appeared in the *The Times* on Saturday. All that I can say to him is that I do not believe that what is suggested in that is United States policy, but that is a matter for the United States Administration. Certainly, it is not the policy of Her Majesty's Government.

My right hon. Friend also raised the wider and critical issue of pre-emption. He asked for a commitment that we would never again agree to pre-emptive action. We did not, in my judgment, agree on 18 March last year to a pre-emptive action. Pre-emption implies rushing to judgment—I do not believe that 12 years involves rushing to judgment, and it took us 12 years in respect of Iraq. The truth is that since the United Nations charter and chapter VII—which is the chapter authorising military action—were drafted, circumstances have changed, and we in the House, and the international community, must take account of those changed circumstances. We faced that over Rwanda and Bosnia in the mid-1990s, and we did nothing. I applaud my right hon. Friend for the fact that by 1999, when we faced similar genocide and ethnic cleansing in Kosovo, he took the lead—in the international community and the House—in arguing for action, although we did not have a Security Council resolution and could not get one because we knew that one country would veto it. Let me also say that the action that we authorised in the House on 18 March was no more pre-emptive than Operation Desert Fox in 1998, and was based in part on non-compliance with the same resolutions.

Many of my right hon. and hon. Friends who have taken a different view from the Government—and many Conservative Members—in respect of Iraq have said that containment and sanctions were working. It is extremely important—because it goes to the heart of whether there was a real alternative in March last year—to spell out the truth of that situation. Operation Desert Fox took place shortly after the inspectors had effectively been kicked out at the end of 1998. In 1999, we finally secured Security Council resolution 1284 to get the inspectors back in, but that resolution was not unanimous. Some of those who had said they would support it in the UN failed to do so. The resolution was wholly defective, in that it watered down previous requirements on the Saddam regime in respect of the

admission of inspectors. The inspectors, for example, had no power to enter various key sites in Iraq, including vast presidential palaces, without the permission of Saddam Hussein himself.

Not only was the resolution defective, it simply had no effect. Despite the fine words of resolution 1284, Saddam simply thumbed his nose at the resolution and at the international community and refused to comply with any of the terms. In the intervening period, containment absolutely failed to work. Containment required at least some element of co-operation from Saddam, and he absolutely refused to co-operate at all.

Alongside that, it is said that sanctions were working. Sanctions were not working in terms of the objective set for them. Sanctions were hitting the poor of Iraq, making them poorer and less well. Sixty per cent. of Iraqis were on food aid. Sanctions were not working to hit the regime or to undermine its own capabilities and prominence. They did not hurt the rich and the powerful, who continued to be able to divert huge resources—which should have gone to the poor of Iraq—for their own ends.

A number of Members have referred to 11 September—

Mr. Gordon Prentice: Before my right hon. Friend deals with that, may I take him forward to the period between January and February 2003? Hans Blix had told us that he had visited the sites most likely to harbour weapons of mass destruction. He did not find any, and he had a telephone conversation with our right hon. Friend the Prime Minister on 20 February. Why was there no re-evaluation of the intelligence following Hans Blix's statement?

Mr. Straw: I shall deal with that in a second. I was not listening in to the telephone conversation with my right hon. Friend the Prime Minister—just to reassure my hon. Friend the Member for Birmingham, Selly Oak (Lynne Jones)—but my right hon. Friend had many conversations with Dr. Blix. So did I. I went to the Security Council five times in 10 weeks over that period, but we did not require a telephone conversation with the Prime Minister to let us know what Dr. Blix thought; nor did we require any intelligence about Iraq. What we did have were Dr. Blix's reports on the Security Council table—on 27 January 2003, on 14 February 2003, on 28 February 2003 and on 7 March 2003. Each of those statements from Dr. Blix made it clear that the Iraqi regime was simply not co-operating.

Gregory Barker (Bexhill and Battle) (Con) *rose*—

Mr. Marshall-Andrews *rose*—

Lynne Jones *rose*—

Mr. Straw: No, I will not give way. I have already given way to my hon. Friend the Member for Birmingham, Selly Oak. What I will do—as my hon. Friend the Member for Pendle (Mr. Prentice) has raised the issue of non-compliance—is refer the House to pages 188 to 196 of the Butler report, which explain how Iraq had failed to comply with resolution 1441.

I respect most of those who disagreed with the House's decision on 18 March to go to war, but I ask colleagues to remember that—as my right hon. Friend the Prime Minister pointed out so eloquently earlier today—once resolution 1441 had been passed, the argument was not about intelligence. Once the resolution had been passed, the argument about intelligence fell away. I scarcely, if at all, remember referring to intelligence of any kind, still less to 45 minutes.

Mr. Marshall-Andrews *rose*—

Lynne Jones *rose*—

Mr. Straw: I have already given way to my hon. Friend the Member for Birmingham, Selly Oak.

The issue was whether there had been compliance with resolution 1441. Resolution 1441 laid down, in very specific terms, very clear obligations on Saddam Hussein—first, for a full, complete and accurate disclosure of everything he had by 9 December. Saddam failed to make that full, complete and accurate disclosure by 9 December. So that the House understands the transparency with which we dealt with the issue before it, let me say that I submitted to the House a lengthy statement about Iraqi non-compliance with resolution 1441, giving chapter and verse of how Iraq had failed to comply.

There is only one respect, in this document, in which what I said was based on intelligence. It is contained in 10 pages. It concerns the requirement for Saddam Hussein to allow scientists to be interviewed—without tape recorders, without bugs in walls, without five minders turning up with the scientists, which was what happened to begin with—and in certain circumstances to allow them to be interviewed outside as well as inside Iraq. We said that that requirement had not been met. That was patent to everyone: intelligence was not needed. However—I own up to this—we went on to say

> "There is evidence that Iraqi scientists have been intimidated into refusing interviews outside Iraq. They—and their families—have been threatened with execution if they deviate from the official line."

The other 10 pages arose from facts that were known publicly. I do not think anyone would seriously dispute that Saddam was a murderer, ready to threaten execution for far lesser crimes than he would have had in mind—and he most certainly would have done so.

Moreover, what is absolutely the case is that Saddam did refuse to allow scientists to be properly interviewed. He did refuse compliance. As I told my hon. Friend the Member for Pendle, I was in the Security Council five times, and on none of those occasions—not on 20 January, not on 27 January, not on 5 February, not on 14 February, not on 7 March—did one of the other 14 members of the Security Council ever say that Saddam was in compliance with the terms of resolution 1441. That is what we need to remember. That was the basis on which we put a motion to the House on 18 March, and the basis on which we went to war.

Mr. Dalyell *rose in his place and claimed to move*, That the Question be now put.

[Mr. Dalyell]

Question put, That the Question be now put:—

The House divided: Ayes 41, Noes 255.

Division No. 234] **[7:59 pm**

AYES

Abbott, Ms Diane
Barnes, Harry
Berry, Roger
Campbell, Ronnie *(Blyth V)*
Clarke, Tony *(Northampton S)*
Cohen, Harry
Corbyn, Jeremy
Cryer, John *(Hornchurch)*
Dalyell, Tam
Davies, rh Denzil *(Llanelli)*
Doughty, Sue
Drew, David *(Stroud)*
Efford, Clive
Ewing, Annabelle
Fisher, Mark
Flynn, Paul *(Newport W)*
Gerrard, Neil
Gibson, Dr. Ian
Hancock, Mike
Heathcoat-Amory, rh David
Jones, Lynne *(Selly Oak)*
McDonnell, John
Mahon, Mrs Alice
Marshall-Andrews, Robert
Organ, Diana
Prentice, Gordon *(Pendle)*
Price, Adam *(E Carmarthen & Dinefwr)*
Robertson, Angus *(Moray)*
Salmond, Alex
Sawford, Phil
Sedgemore, Brian
Shepherd, Richard
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Llew *(Blaenau Gwent)*
Thomas, Simon *(Ceredigion)*
Trickett, Jon
Wareing, Robert N.
Weir, Michael
Wishart, Pete

Tellers for the Ayes:
Mr. Kelvin Hopkins and David Taylor

NOES

Ainger, Nick
Ainsworth, Bob *(Cov'try NE)*
Alexander, Douglas
Allen, Graham
Anderson, rh Donald *(Swansea E)*
Anderson, Janet *(Rossendale & Darwen)*
Armstrong, rh Ms Hilary
Atherton, Ms Candy
Atkins, Charlotte
Bailey, Adrian
Baird, Vera
Barron, rh Kevin
Bayley, Hugh
Beard, Nigel
Beckett, rh Margaret
Begg, Miss Anne
Beggs, Roy *(E Antrim)*
Bell, Sir Stuart
Benn, rh Hilary
Best, Harold
Betts, Clive
Blears, Ms Hazel
Blizzard, Bob
Blunkett, rh David
Borrow, David
Bradley, Peter *(The Wrekin)*
Brennan, Kevin
Brown, Russell *(Dumfries)*
Browne, Desmond
Buck, Ms Karen
Burnham, Andy
Byers, rh Stephen
Byrne, Liam *(B'ham Hodge H)*
Cairns, David
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell, Gregory *(E Lond'y)*
Caplin, Ivor
Casale, Roger
Caton, Martin
Cawsey, Ian *(Brigg)*
Challen, Colin
Chapman, Ben *(Wirral S)*
Clark, Mrs Helen *(Peterborough)*
Clark, Dr. Lynda *(Edinburgh Pentlands)*
Clark, Paul *(Gillingham)*
Clelland, David
Clwyd, Ann *(Cynon V)*
Coaker, Vernon
Coffey, Ms Ann
Corston, Jean
Crausby, David
Cruddas, Jon
Cunningham, Jim *(Coventry S)*
Cunningham, Tony *(Workington)*
Curtis-Thomas, Mrs Claire
Darling, rh Alistair
Davey, Valerie *(Bristol W)*
David, Wayne
Davidson, Ian
Dawson, Hilton
Denham, rh John
Dhanda, Parmjit
Dismore, Andrew
Dobbin, Jim *(Heywood)*
Dodds, Nigel
Donaldson, Jeffrey M.
Dowd, Jim *(Lewisham W)*
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Ellman, Mrs Louise
Field, rh Frank *(Birkenhead)*
Fitzpatrick, Jim
Fitzsimons, Mrs Lorna
Flint, Caroline
Foster, Michael *(Worcester)*
Foster, Michael Jabez *(Hastings & Rye)*
Foulkes, rh George
Francis, Dr. Hywel
Gapes, Mike *(Ilford S)*
George, rh Bruce *(Walsall S)*
Gilroy, Linda
Godsiff, Roger
Goggins, Paul
Griffiths, Jane *(Reading E)*
Griffiths, Win *(Bridgend)*
Hain, rh Peter
Hall, Mike *(Weaver Vale)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Harman, rh Ms Harriet
Healey, John
Henderson, Ivan *(Harwich)*
Hendrick, Mark
Hepburn, Stephen
Heppell, John
Hewitt, rh Ms Patricia
Heyes, David
Hill, Keith *(Streatham)*
Hoon, rh Geoffrey
Hope, Phil *(Corby)*
Howarth, rh Alan *(Newport E)*
Howarth, George *(Knowsley N & Sefton E)*
Hoyle, Lindsay
Hughes, Beverley *(Stretford & Urmston)*
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hurst, Alan *(Braintree)*
Iddon, Dr. Brian
Illsley, Eric
Ingram, rh Adam
Iranca-Davies, Huw
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Alan *(Hull W)*
Jones, Helen *(Warrington N)*
Jones, Jon Owen *(Cardiff C)*
Jones, Kevan *(N Durham)*
Jones, Martyn *(Clwyd S)*
Jowell, rh Tessa
Joyce, Eric *(Falkirk W)*
Keeble, Ms Sally
Kemp, Fraser
Khabra, Piara S.
Kidney, David
King, Andy *(Rugby)*
King, Ms Oona *(Bethnal Green & Bow)*
Knight, Jim *(S Dorset)*
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, David
Laxton, Bob *(Derby N)*
Lepper, David
Levitt, Tom *(High Peak)*
Lewis, Ivan *(Bury S)*
Liddell, rh Mrs Helen
Linton, Martin
Lucas, Ian *(Wrexham)*
Luke, Iain *(Dundee E)*
Lyons, John *(Strathkelvin)*
McAvoy, Thomas
McCabe, Stephen
McDonagh, Siobhain
MacDonald, Calum
MacDougall, John
McFall, rh John
McGuire, Mrs Anne
McIsaac, Shona
McKechin, Ann
Mackinlay, Andrew
McNulty, Tony
Mactaggart, Fiona
McWalter, Tony
McWilliam, John
Mallaber, Judy
Mann, John *(Bassetlaw)*
Marris, Rob *(Wolverh'ton SW)*
Marsden, Gordon *(Blackpool S)*
Martlew, Eric
Meale, Alan *(Mansfield)*
Michael, rh Alun
Milburn, rh Alan
Miliband, David
Miller, Andrew
Moffatt, Laura
Mole, Chris
Moran, Margaret
Morley, Elliot
Morris, rh Estelle
Mountford, Kali
Mullin, Chris
Munn, Ms Meg
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Naysmith, Dr. Doug
Norris, Dan *(Wansdyke)*
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
O'Hara, Edward
Olner, Bill
Owen, Albert
Palmer, Dr. Nick
Parham, Linda
Picking, Anne
Pike, Peter *(Burnley)*
Plaskitt, James
Pollard, Kerry
Pope, Greg *(Hyndburn)*
Prentice, Ms Bridget *(Lewisham E)*
Prescott, rh John
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Ken
Purnell, James
Quin, rh Joyce
Quinn, Lawrie
Rammell, Bill
Rapson, Syd *(Portsmouth N)*
Raynsford, rh Nick
Reed, Andy *(Loughborough)*
Reid, rh Dr. John *(Hamilton N & Bellshill)*
Robertson, John *(Glasgow Anniesland)*
Robinson, Geoffrey *(Coventry NW)*
Roche, Mrs Barbara
Rooney, Terry
Ross, Ernie *(Dundee W)*
Roy, Frank *(Motherwell)*
Ruane, Chris
Ruddock, Joan
Russell, Ms Christine *(City of Chester)*
Salter, Martin
Shaw, Jonathan
Sheerman, Barry
Smith, rh Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, Jacqui *(Redditch)*
Smyth, Rev. Martin *(Belfast S)*
Soley, Clive
Southworth, Helen
Squire, Rachel
Stewart, David *(Inverness E & Lochaber)*
Stewart, Ian *(Eccles)*

Stoate, Dr. Howard
Straw, rh Jack
Sutcliffe, Gerry
Tami, Mark *(Alyn)*
Taylor, rh Ann *(Dewsbury)*
Taylor, Dari *(Stockton S)*
Thomas, Gareth *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark *(S Derbyshire)*
Touhig, Don *(Islwyn)*
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr. Desmond *(Brighton Kemptown)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Tynan, Bill *(Hamilton S)*
Vaz, Keith *(Leicester E)*
Vis, Dr. Rudi
Ward, Claire
Watson, Tom *(W Bromwich E)*
Watts, David
White, Brian
Whitehead, Dr. Alan
Wicks, Malcolm
Wills, Michael
Winnick, David
Woodward, Shaun
Woolas, Phil
Wright, Anthony D. *(Gt Yarmouth)*
Wright, Tony *(Cannock)*

Tellers for the Noes:
Joan Ryan and
Gillian Merron

Question accordingly negatived.

It being after Eight o'clock, the motion for the Adjournment of the House lapsed, without Question put.

Asylum and Immigration (Treatment of Claimants, etc.) Bill

Lords message considered.

Mr. Deputy Speaker (Sir Michael Lord): I inform the House that privilege is involved in Lords amendment No. 28H. If the House agrees to the amendment, I will arrange for the necessary entry to be made in the Journal.

Lords amendment No. 28DA

8.8 pm

The Parliamentary Under-Secretary of State for Constitutional Affairs (Mr. David Lammy): I beg to move, That this House agrees with the Lords in the said amendment.

Mr. Deputy Speaker: With this we may consider Lords amendment No. 28H.

Mr. Lammy: Last week, the other place agreed to the amendments proposed by this House, but proposed that two further consequential amendments be made. Amendment No. 28DA is consequential on amendments Nos. 28C and 28D, already agreed by this House. These amendments introduce an additional flexibility to the procedure for the review process in the High Court. That will be after a case has been considered by the new asylum and immigration tribunal—*[Interruption.]*

Mr. Deputy Speaker: Order. Could hon. Members leaving the Chamber do so quickly and quietly, so that we can make progress with the next business?

Mr. Lammy: That process will be after a case has been considered by the new asylum and immigration tribunal and a party to the appeal has claimed that the tribunal has made an error of law.

In the majority of cases, the judge in the High Court will simply look at the applicant's papers to decide whether or not there may have been an error of law. However, in some circumstances, it may be appropriate for other submissions to be considered. For example, it might be helpful for the respondent to file submissions in fast-track cases. Where speed is key, allowing respondents' submissions would enable the reconsideration to take place more quickly.

Amendments Nos. 28C and 28D allowed rules of court to make provision for that flexibility. Amendment No. 28DA introduces a similar flexibility while the filter is in place. For a transitional period, the tribunal will first consider the review application. The amendment means that the rules of procedure for the AIT can similarly allow the tribunal to consider additional papers.

Mr. Dominic Grieve (Beaconsfield) (Con): How long is it intended that the transitional period will last?

Mr. Lammy: The hon. Gentleman will know that the transitional period has very much been devised in consultation with the judges themselves, who are

[Mr. Lammy]

conscious that asylum levels remain, as we move to a new system, at a level that they can handle. I cannot tell the hon. Gentleman exactly how long the transitional period will be in place, but it is right to give the tribunal the opportunity to consider the application before it goes up, as it were, to the High Court.

8.15 pm

Mr. Neil Gerrard (Walthamstow) (Lab): On the transitional period, one matter on which people will want to be clear is which cases will be caught by it and whether it will then fall into the new system. Will the Minister confirm exactly how that will work?

Mr. Lammy: All cases that are appealed from the initial determination by the tribunal will be caught within the transitional net and within the proximity of the tribunal's being able to make the initial determination as to whether it needs to be reconsidered or the High Court should look into it again. All cases that are appealed beyond that tribunal determination—or at least all cases in which the parties chose to make the application—would be caught by it. It would be surprising if they did not want the tribunal to look further into the case before it goes to the High Court.

I will now turn briefly to amendment No. 28H. Members will recall that when we considered the Bill last week, the Government brought forward amendments to provisions for new legal aid arrangements for the review and reconsideration process. Those amendments responded to concerns expressed in the other place that the focus of the scheme should be on merit and not just on success. That has always been the Government's intention and we recognised that the Bill was perhaps not clear on that point.

Amendments Nos. 28F and 28G met many of the concerns raised, but clearly not all, which is why, following discussions, we tabled amendment No. 28H in the other place. The amendment is designed to enable the High Court to award legal aid for the review application even if no reconsideration order or Court of Appeal referral has been made. Examples of when the power might be used include when a reference to the Court of Appeal is made or when a review application is made with good prospects of success, but is then rendered unsuccessful because a lead case on the subject was decided after the application had been lodged. It is clear that that might arise in exceptional cases. In the vast majority of cases, however, the tribunal will be best placed to take the decision on funding at the reconsideration.

On that basis, I ask hon. Members to agree to amendments Nos. 28DA and 28H.

Mr. Dominic Grieve (Beaconsfield) (Con): I agree that Lords amendment No. 28DA is a tidying-up amendment, and I accept that the filter procedure is necessary while the courts continue to be burdened. The Minister is therefore to be commended for making sure that the rules governing the filter system and the review by the tribunal follow the approach taken by the High Court. The amendment is therefore quite unexceptionable and we are happy to support it.

Lords amendment No. 28H concerns legal aid. When this matter was before the House on Monday last week, it was clear that Lord Filkin had assured my noble Friend Lord Kingsland that conditional fee agreements would not be imposed in respect of asylum claims. The Minister was kind enough then to give a number of assurances that the Bill would be amended, but it was clear that there had been a lacuna in respect of review, as opposed to reconsideration. The amendment remedies that and I am grateful to the Minister for dealing with that matter. I am happy to accept this amendment as well.

That disposes of this extremely complex Bill. In conclusion, I shall only say that I am delighted that the official Opposition have been able to set the pace and to rewrite and restructure the Bill as it has passed through both Houses. It bodes well when one sees a Government following the Opposition and dancing to their tune.

Mr. Alistair Carmichael (Orkney and Shetland) (LD): Today appears to be a day for the Conservatives to start rewriting very recent history. I suspect that the hon. Member for Beaconsfield (Mr. Grieve) has just given us the most recent example of that. However, today also seems to be a day for the Liberal Democrats to outdo the Conservatives. I suspect that I can outdo the hon. Gentleman in terms of brevity as well.

We still have some concerns about the procedures contained in the Lords amendments. We are especially worried about the lack of flexibility associated with written determinations at this stage in the appeal procedures. Time will tell whether that can be made to work.

I have one final question for the Minister, in connection with the legal aid provisions. The Bill, quite properly, is silent about legal aid in Scotland, which is a matter for the Scottish Executive. However, there is no doubt that the provision of legal aid is an important part of the deal that has been struck. Will the Minister say whether any discussions have been held with the Scottish Executive about the provision of legal aid for cases before the Court of Session? What response has been received from the Scottish Executive?

Mr. Lammy: Discussions have been held and they are ongoing.

Lords amendment No. 28DA agreed to.

Lords amendment No. 28H agreed to [Special Entry.]

ENERGY BILL *[LORDS]* (PROGRAMME) (NO. 2)

Motion made, and Question put forthwith, pursuant to Orders [28 June 2001 and 6 November 2003],

That the following provisions shall apply to the Energy Bill [*Lords*] for the purpose of supplementing the Order of 10th May 2004:

Consideration of Lords Message of 15th July

1. Proceedings on consideration of the Lords Message of 15th July relating to the Bill shall (so far as not previously concluded) be brought to a conclusion one hour after their commencement at this day's sitting.

Subsequent stages

2. Any further Message from the Lords may be considered forthwith without any Question put.

3. Proceedings on any further Message from the Lords shall (so far as not previously concluded) be brought to a conclusion one hour after their commencement.—*[Ms Bridget Prentice.]*

The House divided: Ayes 311, Noes 46.

Division No. 235] **[8:23 pm**

AYES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, Bob *(Cov'try NE)*
Alexander, Douglas
Allan, Richard
Anderson, rh Donald *(Swansea E)*
Anderson, Janet *(Rossendale & Darwen)*
Armstrong, rh Ms Hilary
Atkins, Charlotte
Austin, John
Bailey, Adrian
Baird, Vera
Barnes, Harry
Barrett, John
Battle, John
Bayley, Hugh
Beard, Nigel
Beckett, rh Margaret
Begg, Miss Anne
Beith, rh A. J.
Bell, Sir Stuart
Benn, rh Hilary
Bennett, Andrew
Benton, Joe *(Bootle)*
Berry, Roger
Best, Harold
Betts, Clive
Blizzard, Bob
Borrow, David
Bradley, Peter *(The Wrekin)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Byers, rh Stephen
Byrne, Liam *(B'ham Hodge H)*
Cairns, David
Calton, Mrs Patsy
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell, rh Sir Menzies *(NE Fife)*
Carmichael, Alistair
Casale, Roger
Caton, Martin
Challen, Colin
Chapman, Ben *(Wirral S)*
Chaytor, David
Clapham, Michael
Clark, Mrs Helen *(Peterborough)*
Clark, Dr. Lynda *(Edinburgh Pentlands)*
Clark, Paul *(Gillingham)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann *(Cynon V)*
Coaker, Vernon
Cohen, Harry
Corbyn, Jeremy
Corston, Jean
Cotter, Brian
Cousins, Jim
Cox, Tom *(Tooting)*
Crausby, David
Cruddas, Jon
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Jim *(Coventry S)*
Cunningham, Tony *(Workington)*
Curtis-Thomas, Mrs Claire
Dalyell, Tam
Davey, Edward *(Kingston)*
Davey, Valerie *(Bristol W)*
David, Wayne
Davidson, Ian
Denham, rh John
Dhanda, Parmjit
Dismore, Andrew
Dobbin, Jim *(Heywood)*
Doughty, Sue
Dowd, Jim *(Lewisham W)*
Drew, David *(Stroud)*
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Eliman, Mrs Louise
Field, rh Frank *(Birkenhead)*
Fisher, Mark
Fitzpatrick, Jim
Flynn, Paul *(Newport W)*
Foster, Michael *(Worcester)*
Foster, Michael Jabez *(Hastings & Rye)*
Foulkes, rh George
Francis, Dr. Hywel
Gapes, Mike *(Ilford S)*
George, rh Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr. Ian
Gidley, Sandra
Gilroy, Linda
Godsiff, Roger
Green, Matthew *(Ludlow)*
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grogan, John
Hain, rh Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, David *(Midlothian)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Harvey, Nick
Havard, Dai *(Merthyr Tydfil & Rhymney)*
Healey, John
Henderson, Ivan *(Harwich)*
Hendrick, Mark
Hepburn, Stephen
Heppell, John
Hesford, Stephen
Heyes, David
Hill, Keith *(Streatham)*
Hinchliffe, David
Hope, Phil *(Corby)*
Hopkins, Kelvin
Howarth, rh Alan *(Newport E)*
Howarth, George *(Knowsley N & Sefton E)*
Hoyle, Lindsay
Humble, Mrs Joan
Hurst, Alan *(Braintree)*
Iddon, Dr. Brian
Illsley, Eric
Ingram, rh Adam
Irranca-Davies, Huw
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Alan *(Hull W)*
Jones, Helen *(Warrington N)*
Jones, Jon Owen *(Cardiff C)*
Jones, Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Jones, Nigel *(Cheltenham)*
Joyce, Eric *(Falkirk W)*
Keeble, Ms Sally
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Khabra, Piara S.
Kidney, David
Kilfoyle, Peter
King, Andy *(Rugby)*
King, Ms Oona *(Bethnal Green & Bow)*
Kirkwood, Sir Archy
Knight, Jim *(S Dorset)*
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, David
Laxton, Bob *(Derby N)*
Lazarowicz, Mark
Lepper, David
Leslie, Christopher
Levitt, Tom *(High Peak)*
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Linton, Martin
Love, Andrew
Lucas, Ian *(Wrexham)*
Luke, Iain *(Dundee E)*
Lyons, John *(Strathkelvin)*
McAvoy, Thomas
McCabe, Stephen
McCafferty, Chris
McDonagh, Siobhain
MacDonald, Calum
McFall, rh John
McGuire, Mrs Anne
McIsaac, Shona
McKechin, Ann
Mackinlay, Andrew
McNamara, Kevin
McNulty, Tony
McWalter, Tony
McWilliam, John
Mahmood, Khalid
Mahon, Mrs Alice
Mallaber, Judy
Mann, John *(Bassetlaw)*
Marris, Rob *(Wolverh'ton SW)*
Marsden, Gordon *(Blackpool S)*
Marshall-Andrews, Robert
Martlew, Eric
Meacher, rh Michael
Meale, Alan *(Mansfield)*
Merron, Gillian
Michael, rh Alun
Milburn, rh Alan
Miliband, David
Miller, Andrew
Moffatt, Laura
Mole, Chris
Moore, Michael
Moran, Margaret
Morgan, Julie
Morley, Elliot
Morris, rh Estelle
Mountford, Kali
Mullin, Chris
Munn, Ms Meg
Murphy, Denis *(Wansbeck)*
Norris, Dan *(Wansdyke)*
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
O'Hara, Edward
Oliver, Bill
Organ, Diana
Owen, Albert
Palmer, Dr. Nick
Perham, Linda
Picking, Anne
Pike, Peter *(Burnley)*
Plaskitt, James
Pollard, Kerry
Pope, Greg *(Hyndburn)*
Prentice, Gordon *(Pendle)*
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Ken
Purnell, James
Quin, rh Joyce
Quinn, Lawrie
Rammell, Bill
Rapson, Syd *(Portsmouth N)*
Raynsford, rh Nick
Reed, Andy *(Loughborough)*
Rendel, David
Robertson, John *(Glasgow Anniesland)*
Robinson, Geoffrey *(Coventry NW)*
Roche, Mrs Barbara
Rooney, Terry
Ross, Ernie *(Dundee W)*
Roy, Frank *(Motherwell)*
Ruane, Chris
Ruddock, Joan
Russell, Bob *(Colchester)*
Russell, Ms Christine *(City of Chester)*
Ryan, Joan *(Enfield N)*
Salter, Martin
Sarwar, Mohammad
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Sheridan, Jim
Short, rh Clare
Singh, Marsha
Skinner, Dennis
Smith, rh Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, Geraldine *(Morecambe & Lunesdale)*
Smith, Jacqui *(Redditch)*
Smith, Llew *(Blaenau Gwent)*
Smith, Sir Robert *(W Ab'd'ns & Kincardine)*
Soley, Clive
Southworth, Helen
Squire, Rachel
Stewart, David *(Inverness E & Lochaber)*
Stewart, Ian *(Eccles)*
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Jack
Stunell, Andrew
Sutcliffe, Gerry

Taylor, rh Ann *(Dewsbury)*
Taylor, Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Taylor, Dr. Richard *(Wyre F)*
Teather, Sarah
Thomas, Gareth *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark *(S Derbyshire)*
Tonge, Dr. Jenny
Touhig, Don *(Islwyn)*
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr. Desmond *(Brighton Kemptown)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Tynan, Bill *(Hamilton S)*
Vaz, Keith *(Leicester E)*
Vis, Dr. Rudi
Wareing, Robert N.
Watts, David
Webb, Steve *(Northavon)*
White, Brian
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, Betty *(Conwy)*
Willis, Phil
Wills, Michael
Winnick, David
Woodward, Shaun
Woolas, Phil
Worthington, Tony
Wray, James *(Glasgow Baillieston)*
Wright, Anthony D. *(Gt Yarmouth)*
Wright, Tony *(Cannock)*
Younger-Ross, Richard

Tellers for the Ayes:
Mr. Jim Murphy and
Ms Bridget Prentice

NOES

Atkinson, Peter *(Hexham)*
Baldry, Tony
Beggs, Roy *(E Antrim)*
Bottomley, rh Virginia *(SW Surrey)*
Brady, Graham
Burt, Alistair
Campbell, Gregory *(E Lond'y)*
Chapman, Sir Sydney *(Chipping Barnet)*
Clifton-Brown, Geoffrey
Dodds, Nigel
Donaldson, Jeffrey M.
Duncan, Alan *(Rutland)*
Duncan, Peter *(Galloway)*
Ewing, Annabelle
Forth, rh Eric
Grayling, Chris
Grieve, Dominic
Gummer, rh John
Heathcoat-Amory, rh David
Hoban, Mark *(Fareham)*
Hogg, rh Douglas
Lewis, Dr. Julian *(New Forest E)*
Liddell-Grainger, Ian
Lidington, David
Lilley, rh Peter
McIntosh, Miss Anne
McLoughlin, Patrick
Murrison, Dr. Andrew
Ottaway, Richard
Paterson, Owen
Price, Adam *(E Carmarthen & Dinefwr)*
Randall, John
Redwood, rh John
Robathan, Andrew
Robertson, Angus *(Moray)*
Robertson, Hugh *(Faversham & M-Kent)*
Robertson, Laurence *(Tewk'b'ry)*
Rosindell, Andrew
Salmond, Alex
Shepherd, Richard
Stanley, rh Sir John
Taylor, Sir Teddy
Turner, Andrew *(Isle of Wight)*
Weir, Michael
Whittingdale, John
Winterton, Sir Nicholas *(Macclesfield)*

Tellers for the Noes:
Mr. Simon Thomas and
Pete Wishart

Question accordingly agreed to.

Energy Bill

Lords message considered.

Lords amendment: No. 10A.

8.35 pm

The Minister for Energy, E-Commerce and Postal Services (Mr. Stephen Timms): I beg to move, That this House does not insist on Commons amendment No. 10 to which the Lords have disagreed, and agrees to their amendments to the words so restored to the Bill.

We argued in both Houses that the three pillars of sustainable development—economic, social and environmental—are already covered by legislation. However, not everybody was convinced by the persuasive arguments that I advanced. We have listened closely to views from both Houses. I was especially impressed by the strong feelings expressed on Report by my hon. Friends. I am also aware that the sustainability duty has considerable cross-party support and that it has support outside the House, including from industry.

There is a widespread view that the current arrangements leave a gap. My hon. Friends have argued that if the duty can be made to work for the water regulator, why not for energy? The proposed amendment thus closely follows provisions in the Water Act 2003 and, for consistency, we are amending the Gas Act 1986 so that there is a similar duty in respect of gas and electricity.

I am pleased and relieved finally to be arguing that a sustainable development duty be added to those already imposed on the Secretary of State and the Gas and Electricity Markets Authority under the Gas and Electricity Acts, reflecting our strong commitment to sustainable development.

Mr. Laurence Robertson (Tewkesbury) (Con): I am amazed that the Minister's eloquence failed to persuade everybody. We support the amendment.

The Bill, which we support, has been greatly improved by work in another place; in particular, Lady Miller of Hendon, Earl Attlee and Lord Jenkin have done an incredible amount of work and have added provisions that have made the Bill even better. I do not intend to detain the House, so I will say only that the Government have our support for the amendment.

Brian White (Milton Keynes, North-East) (Lab): As I have been arguing for such a provision since the passage of the Utilities Act 2000, I am grateful to the Minister for proposing the amendment, which will be key to Ofgem's response to the Bill. Ofgem responded well to the regulatory impact assessment provisions of the Sustainable Energy Act 2003, so I am sure that it will respond equally well to the new duty set out in the Energy Bill.

I thank the Minister again for listening and for taking on board the views of his Back Benchers.

Mr. Andrew Stunell (Hazel Grove) (LD): We, too, welcome this very important step back from the Minister's original position. We need to remember that a majority in Committee believed that the clause should stay in the Bill and that the Government insisted that it should come out. I am delighted that they have had

second thoughts and that they are taking a much more rational approach to gas, water, electricity and, of course, sustainability, which is the key element of the strategy that was missing before. We very much welcome the Government's change of heart.

Mr. Colin Challen (Morley and Rothwell) (Lab): I echo the words of my hon. Friend the Member for Milton Keynes, North-East (Brian White) and thank my hon. Friend the Minister for his consideration of the words "sustainable development", which are very important because they are more concise and define more clearly what some of us who sit on the Labour Back Benches were always seeking: the proposed extra duty. That is to his credit. Indeed, I praise how he took us through the Committee, clearly showing a very good grasp of the brief, which has persuaded us in the end that we are now pursuing the right course.

Mr. Michael Weir (Angus) (SNP): I am sorry to break the love-in over the clause. I support the aspect relating to sustainability, but it seems to point to a contradiction in relation to sustainability that lies at the very heart of the Bill—a contradiction that my colleagues and I have mentioned on numerous opportunities.

This amendment relates to the duty of the Secretary of State and the Gas and Electricity Market Authority in relation to sustainability. That is fine in so far as it goes, but a large part of the argument about sustainability relates to renewable energy, particularly in the north of Scotland. The amendment would give GEMA a role in achieving sustainability, but I have serious concerns about the role of Ofgem, which has been mentioned already.

In Committee and on Report, I referred to transmission charges in the north of Scotland. The Minister may not be surprised to learn that that issue is at the heart of my concerns because those charges will have a huge impact on sustainability. As part of our preparation for the debates on Report, my hon. Friend the Member for Banff and Buchan (Mr. Salmond) and I met representatives of Ofgem to press our concerns about their policy on transmission charges. Three times during that meeting Ofgem's representatives were asked whether they supported the Government's targets for renewable energy; three times they refused to answer.

I can only conclude therefore that Ofgem is not interested in pursuing policies that would assist in establishing those targets. I ask the Minister just what effect the amendment would have on dealing with the regulators? How will GEMA

"contribute to the achievement of sustainable development",

as the amendment states, when the regulator seems to be acting in direct contradiction to the policy that is supposedly being pursued by the Government and, presumably, by the Secretary of State?

The problem goes further than that, however, because what Ofgem and the National Grid Company wish to pursue by means of locational charges will lead to a huge increase in transmission charges in northern Scotland. Given that clause 177 provides a sunset provision solely to help renewable generators with those charges, the economic viability of future renewable energy projects in the north of Scotland will be completely undermined, thus seriously damaging the only existing conventional generator there—the most efficient combined gas cycle plant in Europe.

At that meeting with Ofgem's representatives, I asked why they thought that the charges should be higher in the north of Scotland. They replied that they felt that generation capacity should be located nearer to centres of population because of the large number of applications for generating capacity in Scotland. I ask hon. Members to think about that for a moment in the light of the fact that, under the amendment, the sustainability objective will be imposed on the Secretary of State and GEMA.

I would put it to Ofgem that there were so many applications in northern Scotland because they were for renewable energy development and that it was the obvious and most appropriate area for such projects, as the Government recognise in clause 177. Ofgem, to be fair, agreed with that. The regulators accepted that renewable generators were seeking to set up in the area, which the Government recognise as suitable for such generation, but in pursuance of their own madcap economic theory, those regulators were seeking effectively to price the generators out of the market by imposing substantial transmission charges.

8.45 pm

Brian White: Does the hon. Gentleman accept that this was not included in Ofgem's terms of reference, so Ofgem was right to look at economic interests? With the amendment, it will have to take into account renewables and his argument will be completely different in future.

Mr. Weir: I do not accept that. Throughout the passage of the Bill there have been arguments about Ofgem in particular. My meeting with Ofgem left me extremely depressed. I do not think that it has any idea about the realities of renewable energy, that there is any support for renewable energy within Ofgem, or that the provision will make much difference. It will mean that projects will be sabotaged.

Paddy Tipping (Sherwood) (Lab): The hon. Gentleman makes an important point. Does he believe that Ofgem should be disestablished?

Mr. Weir: In its present form, Ofgem is not serving the move towards renewable energy well. In my discussions with its representatives, it seems to be intent on sabotaging that. Hon. Members may draw their own conclusions from that. If someone is going to set up a renewable energy generation system in the north of Scotland they will, at best, face a massive increase in transmission charges halfway through the life of that project. That would mean that Ofgem—if there is anyone on the Tory Benches, perhaps they should listen to this—wanted to see a massive expansion of energy production not in Scotland but in southern England. Perhaps we can envisage large wind farms across the Sussex downs, or tidal barrages in the English channel.

The amendment seeks to impose on both the Secretary of State and GEMA a duty to pursue sustainability, yet other provisions in the Bill and the work of Ofgem in particular will undermine that. That

[Mr. Weir]

contradiction is at the heart of the Bill. Even with the amendment, I do not think that the clause will contribute to the achievement of sustainable development.

Dr. Desmond Turner (Brighton, Kemptown) (Lab): I add my gratitude to my hon. Friend the Minister for the amendment. We had several quite intense debates about the role of the Secretary of State and Ofgem in relation to renewable and sustainable energy. It is a matter of great joy to me that the will of the populace has prevailed. The Minister has recognised not only that Ofgem is a pivotal player in determining future growth of renewable and sustainable energy, but that it has been seen as something of a barrier and has operated on neo-liberal economic principles that were not compatible with some of the difficulties of renewable energy. That recognition is now in the Bill and it is totally consistent with the Government's intentions. I always think that that is what legislation should be like—it should say what it means on the tin. Now that we have the amendment, I am very glad.

On the point that was made by the hon. Member for Angus (Mr. Weir) concerning the effect of locational charges on renewable generators, I still have some difficulties with the locational charges argument. After all, wave heights and tidal streams are not very strong at the notional centre of consumption just north of Birmingham. The system disfavoured renewable energy and therefore needed the protection of clause 177, or clause 181, depending on which version of the printed Bill one looks at.

Unfortunately, the Bill contains sunset clauses. I still cannot understand why they are there. It is slightly sad that we ran out of time on Report in the House and did not get to the amendments seeking to delete those sunset clauses. It is important, if we are going to make the best use of the magnificent natural resources off the north-west coast of Scotland, that we give investors the confidence to tackle the big challenges that they face over and above the straight commercial challenge. On the face of it, the sunset clauses introduce a note of unpredictability and uncertainty, and a lack of protection.

Mr. Weir: Does the hon. Gentleman agree that more is at stake? The time scale for the projects is very long—it will probably be about 25 years—but there is a maximum of 10 years relating to investment. Not all projects will necessarily start at the beginning of that 10-year period.

Dr. Turner: The hon. Gentleman is right; I was about to make the same point, and he has saved me the labour of doing so.

I suggest to my hon. Friend the Minister that the Government will have to address that issue and give some assurance to investors in renewable energy that there will be consistency of approach over a time span sufficient to match the development and investment time scale that is involved.

We have made a significant step forward with the amendment. I am grateful to the Minister and I do not think that anyone will oppose it.

Mr. Timms: With the leave of the House, Mr. Deputy Speaker.

I am grateful to my hon. Friends the Members for Milton Keynes, North-East (Brian White), for Morley and Rothwell (Mr. Challen) and for Brighton, Kemptown (Dr. Turner) for their kind remarks. I am also grateful to the hon. Members for Tewkesbury (Mr. Robertson) and for Hazel Grove (Mr. Stunell), who both played a very constructive part in our debates in Committee and in the House, as have hon. Friends of theirs who have had the opportunity to speak in this debate. I agree with what the hon. Member for Tewkesbury said about the constructive contribution that has been made in the other place as well.

I think that the hon. Member for Angus (Mr. Weir) spoke in favour of the amendment. I was not entirely sure, but I believe that that was the import of his speech. I understand the point that he raised, which has been drawn to my attention by others as well. There is a process that will lead to a decision on transmission charging later in the year, and it will be for the independent regulator to make that decision in the light of the duties that have been imposed on it. I would not want to anticipate at this stage precisely what the outcome will be, but I understand the concerns that he has raised.

I hope that my hon. Friend the Member for Brighton, Kemptown is right and that the amendment will command universal approval.

Lords amendment No. 10A agreed to.

Lords amendment No. 10B agreed to.

Lords amendment No. 17A to Commons amendment No. 17 agreed to.

DELEGATED LEGISLATION

Mr. Deputy Speaker (Sir Michael Lord): With the permission of the House, we shall take motions 6, 7 and 8 together.

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Standing Committees on Delegated Legislation),

DEVOLUTION

That the draft Regional Assembly and Local Government Referendums (Date of Referendums, Referendum Question and Explanatory Material) (North West Region) Order 2004, which was laid before this House on 8th July, be approved.

That the draft Regional Assembly and Local Government Referendums (Date of Referendums, Referendum Question and Explanatory Material) (North East Region) Order 2004, which was laid before this House on 8th July, be approved.

That the draft Regional Assembly and Local Government Referendums (Date of Referendums, Referendum Question and Explanatory Material) (Yorkshire and the Humber Region) Order 2004, which was laid before this House on 8th July, be approved.—*[Gillian Merron.]*

Question agreed to.

DRAFT MENTAL HEALTH BILL (JOINT COMMITTEE)

Ordered,

That the Lords Message of 15th July relating to a Joint Committee of both Houses to consider and report on any draft Mental Health Bill presented to both Houses by a Minister of the Crown, be now considered.

That this House concurs with the Lords that it is expedient that a Joint Committee of Lords and Commons be appointed to consider and report on any draft Mental Health Bill presented to both Houses by a Minister of the Crown, and that the Committee should report on the draft Bill by 31st March 2005.

That a Select Committee of 12 honourable Members be appointed to join with the Committee appointed by the Lords to consider the draft Mental Health Bill.

That the Committee shall have power—

(i) to send for persons, papers and records;

(ii) to sit notwithstanding any adjournment of the House;

(iii) to report from time to time;

(iv) to appoint specialist advisers;

(v) to adjourn from place to place within the United Kingdom.

That the quorum of the Committee shall be two; and

That Mrs Liz Blackman, Mrs Angela Browning, Mr David Hinchliffe, Mr George Howarth, Tim Loughton, Mr Paul Marsden, Laura Moffatt, Ms Meg Munn, Dr Doug Naysmith, Mr Gwyn Prosser, Dr Howard Stoate and Hywel Williams be members of the Committee.—*[Gillian Merron.]*

Message to the Lords to acquaint them therewith.

PETITIONS

Fuel Duty

8.53 pm

Mr. Peter Duncan (Galloway and Upper Nithsdale) (Con): The voice of rural Dumfries and Galloway has not always been heard by this Government, but wind of this petition has clearly blown across Parliament square to the Treasury. Faced with the signatures of thousands of my constituents, the Chancellor announced late today another postponement in the proposed 2p a litre rise in tax on petrol and diesel. That increase displays callous disregard for rural motorists and their anger on this issue cannot be put aside; it must be acted on.

The petition states:

To the House of Commons,

The petition of residents of Dumfries and Galloway,

Declares that further increases in tax on petrol will have an adverse effect on the livelihoods of those living and working in Dumfries and Galloway.

The Petitioners therefore request that the House of Commons urge the Chancellor of the Exchequer to reverse his decision to impose the increase in tax on petrol due to be implemented in September 2004.

And the petitioners remain, etc.

To lie upon the Table.

Victoria Road Post Office

8.54 pm

Mr. Andrew Rosindell (Romford) (Con): I rise this evening to present a petition of no fewer than 731 of my constituents of Romford who are deeply concerned by the prospect that one of their local post offices could be closed under the current review being conducted by Post Office Ltd. The petitioners are concerned that the Victoria road post office could be yet another victim of the review and the policy that has led to post office closures throughout the country.

The Victoria road post office serves the area of my constituency between Victoria road in central Romford and the Brentwood road, which borders the constituency of Hornchurch. It serves a large community, and many elderly people live in the area and depend heavily on the services that it provides. It is a focal point in the community and if it were to close, it would have a damaging effect on the local area.

The petition is supported by all shopkeepers in Victoria road and the surrounding area of central Romford. It is strongly supported by St. Alban's church in Princes road in Romford, together with the parents of children at local schools, including Manor primary school. It is also supported by members of the local residents association—the New Century residents association—and has the backing of the three local councillors for the Romford Town ward: Wendy Brice-Thompson, Frederic Thompson and Andrew Curtin. The main signatory to the petition is Mr. Ajit Chaterjee, a former teacher of mine at Marshalls Park school.

The petition reads as follows:

To the House of Commons

The Petition of the People of the Victoria Road area of Romford

Declares that Victoria Road Post Office is threatened with closure. The Petitioners therefore request that the House of Commons does all in its power to keep Victoria Road Post Office open.

And the Petitioners Remain, etc.

To lie upon the Table.

Mr. Ross Donovan

Motion made, and Question proposed, That this House do now adjourn.—*[Gillian Merron.]*

8.57 pm

Alistair Burt (North-East Bedfordshire) (Con): I am grateful to you, Mr. Deputy Speaker, for the opportunity to raise in the House the case of my constituent, Ross Donovan, who I believe has lost his business as a result of negligence and carelessness by the Environment Agency and the Department for Environment, Food and Rural Affairs. I am pleased that the Minister for the Environment and Agri-environment is in the Chamber because he has taken a personal interest in the matter and has met my constituent and me. I hope that he will be in a position to shed some light on my remarks.

Ross Donovan is a chartered engineer by profession and he is 45 years old. He has a degree in mechanical engineering, a masters degree in manufacturing management and is a member of his professional body, the Institution of Mechanical Engineers. I suggest, therefore, that he is a man of some competence and reliability.

Ross Donovan's work in industry has taken him to several different businesses, but some years ago he worked for Silver Spoon on an energy recovery system and developed a specialty in such matters. Aware of legislation such as the Producer Responsibility Obligations (Packaging Waste) Regulations 1997, the climate change levy and landfill tax, together with the rising cost—in all senses of the word—of fossil fuels, he was persuaded that a new market existed for alternative heating systems. He believed that some businesses with heating needs could use their cardboard packaging, otherwise treated as waste, as a fuel. As many businesses used baling machines to achieve volume minimisation of their cardboard waste, it made sense to design a system that could process such standard sized bales. The system would not be a substantial size, but modest and small scale.

In simple terms, Ross Donovan set out to design a machine that would burn bales of cardboard and use the heat generated to warm a space that required it. Accordingly, he raised money from sponsors to back up his idea and constructed a prototype.

Aware of the regulatory nature of incineration issues, Mr. Donovan sought the advice of the Environment Agency in Brampton, Cambridgeshire. On 14 February 2001, he wrote to it and said:

"Further to our recent conversations I wish to confirm that it is our intention to site a prototype"

waste-to-energy

"plant at the above location. The plant is fuelled by packaging waste such as paper, cardboard and possibly wood and is designed to have a maximum net thermal input of 395 kW. I have now studied Statutory Instrument 2000 . . . The Pollution Prevention and Control (England and Wales) Regulations 2000 and believe that the above plant is outside the scope of this document. Please can you confirm this is true?"

He concluded:

"Additionally is there any other legislation that the"

waste-to-energy plant

"is required to comply with? Your prompt attention to this matter would be appreciated."

On 28 February 2001, Mr. Donovan received a reply. It mentioned the need to comply with the Environmental Protection Act 1990, the Pollution Prevention and Control (England and Wales) Regulations 2000 and the Waste Management Licensing Regulations 1994, and Mr. Donovan was invited to complete a form to return to Brampton under the latter regulations so that

"The Agency will note your details on the public register".

There was no mention of something called the waste incineration directive. Based on the letter and the legislative requirements of which he was aware, Mr. Donovan constructed a prototype system. It burned bales of cardboard and provided cheap heating for about 6,000 sq m of glasshouses in a horticultural nursery.

The Environment Agency was approached a number of times to seek guidance on different issues regarding the operation of the system. Mr. Donovan keeps meticulous notes, as we would expect from his background and qualifications, and believed the Environment Agency was well aware of what he was testing and developing—after all, he was on a register. Indeed, in June 2002 the system was consuming so much cardboard that he needed a new source of supply and he approached the Environment Agency, as it was likely to be aware of where he could source it, and it duly obliged.

In November 2002, Mr. Donovan visited a trade show at Olympia and met a Scottish company dealing in woodchip-based energy systems. During their conversation, the company raised the waste incineration directive. Mr. Donovan looked at the website of the Scottish Environment Protection Agency. From that site, he felt reassured that the waste incineration directive applied only to larger incinerators than his, but he decided to double check and spoke to the Environment Agency. He was told not to worry as his system was below the threshold limit—in effect, too small.

By July 2003, the system was good enough to be marketed and after all the time and effort Mr. Donovan put in, after applying for and being granted five patents, he received firm orders for two machines, but only, said the purchasers, if the system was waste incineration directive approved. On 24 July 2003, he had a meeting with Environment Agency officials. He took with him all the specifications and technical details and the matter was discussed between experts in some detail. He left that meeting with a verbal assurance that, as previously advised, his system was outside the scope of the directive because it was too small. As his purchaser wanted that advice in writing, the Environment Agency said that it would write, checking with its policy unit based in Bristol.

On 13 August 2003, the Environment Agency wrote the letter that has cost Mr. Donovan his job, his savings and his business. It said that directive 2000/76/EC on the incineration of waste did indeed apply. What were the practical consequences of that? In effect, it required modifications to be made of such scope that the economics of his small-scale business went out the window. For example, the system used a manual firing process. Colloquially put, someone put their hand in, lit a handful of waste paper and, when up and going, the cardboard fuel could be fed in. The regulations

indicated that that was not possible and that an expensive gas-firing system should be fitted instead. There were other such modifications.

Compliance with the directive would make Mr. Donovan's small-scale incinerator uneconomic and he faced ruin. He contacted the Environment Agency again, trying to seek clarification. Was this true? How far did he have to comply? Was there any leeway for this system, so much smaller than the major incineration systems, presumably the target of the regulations? The Environment Agency in Cambridge, with which he had been in contact throughout, had little firm knowledge of the situation and was unsure whether the regulations were in place, but the policy unit had told it that there was no de minimis rule, so no system was too small to be covered.

My constituent came to see me. He could not understand why the Environment Agency had given him no notice of the likely impact of the directive. After all, he was on a register at its insistence. He was also keen to discover whether there was a way out. Were the rules final, and was there anything that the Government could do for him? He sought help from the Environment Agency and the Department for Environment, Food and Rural Affairs, which had become involved as it had issued the guidance on applying the policy. However, he did not receive any; he was simply told that the directive must apply.

The de minimis issue, however, remained open, as no one was prepared to confirm that it was completely out of the question. That gave him hope, and he made repeated requests for DEFRA or Environment Agency officials to come and see his system. They did not do so until November, and Mr. Donovan tells me that that was only after I had made some phone calls on his behalf. He says that the officials seemed unaware of the commercial implications of their delay. While they equivocated about advice on a directive to which he had drawn their attention, he was trying to sell an energy system that was flawed, although no one could tell him just how badly. Regrettably, I can confirm my constituent's complaint. I spoke to officials, and afterwards understood why he was concerned as they could neither give a clear answer as to whether his system was covered by the regulations, nor tell him when they might be certain.

I wrote to the Minister for the Environment and Agri-environment on 23 October 2003 questioning what had happened and looking forward to efforts to find a way out for my constituent. I received a holding reply, then a further reply on 16 November saying that a full reply would follow once officials had visited the site. The Minister finally gave a reply on 1 January 2004. This is not a case in which time did not matter. Mr. Donovan's business was at stake, and I was regularly in touch with the Minister's office seeking a reply. I think that they could all have moved faster.

The Minister was good enough to agree to a meeting with my constituent and officials on 29 January 2004. To his credit, Mr. Donovan was less concerned about how we had reached the current position than with trying to find a way forward. We expected the Minister and his officials to be as helpful as possible. Could UK officials for once interpret a directive as helpfully as possible for UK manufacturers, rather than find reasons to say no? Mr. Donovan took with him an environmental consultant, Simon James, who asked if virgin cardboard could be used as a fuel without being subject to the regulations. He was informed by officials and the Minister that it could. He then asked whether, if that same cardboard had been previously used or if virgin cardboard was unsuitable for its intended use, it would be allowable as a fuel outside the regulations. He was told that if the intention was to discard the cardboard, it would be waste and thus subject to the regulations. Mr. James suggested that there may be no intention to discard the cardboard, but to segregate it specifically for the alternative use of energy production. As it was intended to be used for energy production, it should fall outside the definition of waste. The Minister agreed to look at the proposal and said that he would seek advice. To reinforce the case, on 27 February Ross Donovan sent the Minister a copy of a letter from Simon James restating his argument.

We heard nothing from officials or the Minister for a month. On 26 February, I tabled a series of written questions; on 3 March, I wrote to the Minister again, forwarding a copy of Simon James's letter. On 15 March I faxed to the Minister a copy of a letter from Caroline Jackson, MEP, with an idea on the subject. I was faxed a copy of the Minister's reply to her, but I did not receive a reply to my own letters. To date, Simon James has not received a considered opinion on his proposed solution, and Ross Donovan has not received a reply to his letter of 27 February. Yesterday, four and a half months after my letter of 3 March, I received a faxed copy of the Minister's reply—conveniently, a day before this Adjournment debate, and after the Minister had been notified of it.

During that official silence, Mr. Donovan could not sell his system. Sponsors withdrew funding and took the intellectual patents from Mr. Donovan. He lost his business, his idea and his savings. It is now time to ask the hard questions that have been avoided while my constituent struggled to keep his business going. Why was he not told by the Environment Agency at the earliest possible stage that the directive might affect him? His letter of February 2001 was a clear request for information from those who might have been expected to hold it. It was not as if they did not have such information. According to the Minister's letter to me of 1 January 2004, the consultation on the directive was launched in July 2002. We know that those consultations do not come out of thin air. The directive in draft had been around a good length of time, and the Environment Agency knew of Mr. Donovan's interest and had registered it.

As for the de minimis point, the Government, according to the Minister at our meeting in January 2004, were discussing de minimis with Commission officials in 2001, and arguing for it, I believe. If that was the case, why was my constituent not made aware of the issue under discussion when he raised a general query in February 2001 or when he made a more specific inquiry in November 2002? Why were such high hopes placed on the argument?

I spoke last week to Karl Heinz Zirrock in Directorate C, Environment and Health, of the European Commission. He told me that the discussion had gone on for years. There had never been any intention of a threshold, small incinerators had always been a target of the regulations, and the Commission wanted to close

[Alistair Burt]

them, leaving open for research only experimental testers burning less than 50 tonnes of material a year—a long way from even Mr. Donovan's small-scale commercial system. Mr. Zirrock said that all officials in member countries should have been well aware of those discussions. So why was my constituent not told?

There are three aspects to this shambles. First, there is clear evidence to suggest that the Environment Agency or DEFRA or both were at fault in not informing my constituent of the likely impact of the waste incineration directive at a time when he could have taken a completely different course of action from the one that he took. Secondly, when he tried to get information from officials to help him move forward, or even some clear decision when the problem of the directive had been made clear, he did not receive it. He found officials slow, indecisive and unhelpful.

Thirdly, when matters came to the Minister, there were extraordinary delays in letters, despite faxed messages emphasising the need for speed of response as a family's livelihood depended on it. There was a failure to reply to suggestions on a way forward and a general lack of enthusiasm from DEFRA or the EA even to try something sensible as a way forward, in terms of a redefinition of waste and fuel, which might have been of benefit to Mr. Donovan and would have made a difference to the way in which cardboard packaging is dealt with in an environmentally advantageous manner.

I am not arguing for special dispensation for my constituent or, tonight, for a redefinition of the directive that would have suited his system, although I think there is more than common sense in the proposal from Simon James. There may have been nothing that could be done to amend the directive, but my constituent, fatally, was not told until it was too late. The impact on him has been dreadful and unacceptable. It is with some regret that I initiate this debate. I have been a Minister and I know that errors and problems can occur, but this appalling catalogue of error, delay and indifference, which has cost a professional man dearly, cannot be swept under the carpet without explanation or apology. I call on the Minister to provide both.

9.13 pm

The Minister for the Environment and Agri-environment (Mr. Elliot Morley): The hon. Member for North-East Bedfordshire (Alistair Burt) has made a comprehensive case on behalf of his constituent. He knows that at our meeting I made a genuine attempt to address his constituent's concerns. As he said, Mr. Donovan proposed an innovative design for burning bales of cardboard. We in the Department for Environment, Food and Rural Affairs recognise that energy from waste has a role in the waste hierarchy. It comes below recycling, but we recognise the role that it can play in waste disposal.

I shall try to deal with the detail of the hon. Gentleman's argument. He is certainly entitled to an explanation and I hope that I can provide that tonight. If there have been any failings on the part of DEFRA, he is owed an apology. I am not sure that there have been any failings on the part of DEFRA, although the hon. Gentleman is free to pursue the detail of my remarks at the end of the debate.

I am informed that Mr. Donovan wrote to the Environment Agency in February 2001. He sought confirmation that his proposed plant fell outside the scope of the Pollution Prevention and Control Regulations 2000, as the hon. Gentleman stated. The agency confirmed that the plant would not need a permit from the agency under those regulations because it fell below the 1 tonne-per-hour capacity threshold.

Mr. Donovan also asked in his letter whether his proposed plant would need to comply with any other legislation. He was informed that it would need registration as an exempt activity under the Waste Management Licensing Regulations 1994. The advice that he received was in direct response to his questions and was consistent with national legislation as it then stood.

On 4 November 2002, Mr. Donovan phoned the Environment Agency to ask whether its technical guidance documents on waste incineration covered his proposed plant. He was told that the agency's technical guidance documents on waste incineration did not because his plant was below the 1 tonne-per-hour capacity threshold above which agency regulation would apply under the pollution prevention and control regulations as they then stood.

Directive 2000/76/EC on the incineration of waste was finalised on 4 December 2000, and member states had until 28 December 2002 to transpose it into national legislation. The waste incineration directive places stringent design, operational and monitoring requirements on the incineration plant that it covers, together with stringent emission limit values for a range of pollutants. The directive has the stated aim of preventing or limiting, as far as is practicable, negative effects on the environment and resulting risks to human health from the incineration of waste.

In June 2002, my Department issued a consultation paper on the implementation, asking for responses by 9 September 2002. The waste incineration regulations for England and Wales were finalised in the light of those responses and came into force on 28 December 2002. They have the effect of applying the waste incineration directive's requirements to all incineration plant as defined in the directive, regardless of capacity—so there was no de minimus.

On 16 January 2003, my predecessor gave a news conference to publicise the transposition of the directive. Draft guidance on the directive and its requirements was published by my Department on 7 February 2003. The consultation document and draft guidance were placed on my Department's website and sent in hard copy to organisations that were known to have an interest. Unfortunately, as my officials were not at that time aware of Asgard Systems Ltd., those documents were not sent direct to that company.

Alistair Burt: The Minister is explaining where the legislation was at each particular stage, but he has not explained this: even though the directive was not in force, it was known about. The agency officials with whom Mr. Donovan was dealing must have known about that directive, so they must have been able to connect what they knew that he was doing, because he had given them full information about it in 2001, with

the proposed directive that had been sealed in 2000 but had not yet come into effect. Mr. Donovan and I have never understood why that connection was not made. The agency answered his questions, but did not go wider when he asked for guidance on what other legislation might affect him. That is not good enough.

Mr. Morley: The hon. Gentleman will understand that I cannot speak for the agency. All I know is that Mr. Donovan asked several questions of the agency and was given answers in line with the legislation that applied at the time.

On 24 July 2003, Mr. Donovan met Environment Agency officials to talk about regulatory requirements applicable to his plant. As the waste incineration regulations had by then come into force, he was informed that the plant was likely to be subject to those requirements. That was confirmed in a letter from the agency dated 13 August.

Incidentally, the agency has a complaints procedure by which any complaint from Mr. Donovan about the advice that he received would be investigated if he chose to make one. The hon. Gentleman might like to bear that in mind.

Following my receipt in October 2003 of a letter from the hon. Gentleman about Asgard, my officials, accompanied by an official from the Environment Agency, visited Mr Donovan's premises to examine the plant. At the beginning of January 2004, I wrote to the hon. Gentleman to explain that the plant is considered to be an incineration plant and is therefore subject to the waste incineration directive's requirements. My officials had already written to Mr. Donovan on 16 December informing him of that. They reached that conclusion because of the presence of design features, such as an ash screw and a primary air fan, that are consistent with the description of a technical unit included in the directive's definition of incineration plant.

I understand the point that the hon. Gentleman made about the definition of waste. The cardboard for which Mr. Donovan's plant was intended does not arise as a by-product from a manufacturing process. As the hon. Gentleman rightly said, if it were such a by-product, it might be treated somewhat differently. It comes, however, from the use of cardboard as packaging. Once the cardboard has served its purpose, the holder discards it and it is therefore considered to be waste under the definition in the waste incineration directive, which in turn is taken from the waste framework directive of 1975 as amended in 1991. The European Commission is currently developing a thematic strategy on the prevention and recycling of waste. We and others have raised the issue of the definition of waste, although the basic definition, as it applied to Mr. Donovan, is unlikely to change.

The hon. Gentleman wrote a letter to me in March, in which he passed on some of Mr. Donovan's comments about the definition of waste. I wrote back to the hon. Gentleman in April on this matter. As I said in my letter, the ruling of the European Court of Justice in April 2003 deals with the determination of whether a process used for dealing with waste is disposal or recovery, rather than whether a material is waste according to the definition of waste. Indeed, that was something that Christopher Booker, in his comments in *The Sunday Telegraph*, got completely wrong.

Mr. Eric Martlew (Carlisle) (Lab): That is not unusual.

Mr. Morley: As my hon. Friend says, that is not unusual at all. Indeed, there is a great deal of inaccuracy in most things that that gentleman says in his column.

Alistair Burt: The Minister referred to a letter that he wrote to me in April. I have here a copy of the letter that I was faxed yesterday, and it is dated July. It begins:

"Thank you for your letter of 3 March 2004 which followed my meeting with you on 29 January 2004. Please accept my apologies for the delay in responding to you."

It makes no mention of a further letter in April.

Mr. Morley: I noticed that the copy letter that the hon. Gentleman received was dated July. July was the date on which it was sent from the office in the past few days, in response to a query from his own office as to whether it had received a letter. It is not impossible that that letter might have gone astray. All I know is that I remember signing that letter around April, and its being processed at that time. Mistakes happen, however. I do not know the circumstances here, but it might be possible that that letter has gone astray. That would be very unfortunate in the circumstances, but these things happen.

The ECJ case, which was mentioned by the environmental adviser that Mr. Donovan brought with him, is not relevant to whether cardboard packaging is waste: it is, and the waste incineration directive therefore applies. Mr. Donovan also drew attention to an ECJ case in 2002 known as Palin Granit. Again, my advice is that it is not correct to interpret that as meaning that cardboard packaging segregated for use as a fuel should not be regarded as waste. The ECJ Palin Granit case referred to materials produced in a manufacturing or extraction process. While the Court held that in certain circumstances such materials could be regarded as by-products rather than waste, in Mr. Donovan's case the cardboard has come from the activity of using cardboard as packaging, not from a manufacturing or extraction process. So that is a completely different ruling in a completely different case. The plant's intended use therefore brings it within the scope of the waste incineration directive, which applies regardless of the capacity of the incinerator.

Mr. Donovan was informed, when he came to talk to my officials and me, that his plant could burn certain vegetable wastes from forestry, agriculture and food production, because those are exempt from control under the directive. Wood chipping is a case in point, for example. It may be that the plant has a niche for use in those circumstances, although other regulatory controls may still apply. The burning of fibrous vegetable waste from the production of paper from pulp is also exempt. However, I am afraid that that exemption does not extend to burning waste cardboard. Although recent

[Mr. Morley]

developments in European legislation allow the incineration of packaging waste with energy recovery to count towards packaging waste recovery targets, recycling is our preferred means of dealing with waste cardboard. We encourage and welcome innovatory ways of dealing with waste, but it is essential that such approaches are capable of meeting regulatory requirements. I am genuinely sorry that Mr. Donovan's innovation apparently was not.

I asked officials to do all that they could to examine whether there were ways of assisting Mr. Donovan, which might account for some of the delays—there were complicated legal issues in terms of interpretation—and I am sorry that, in the end, that was not the case. Obviously, I will be only too happy to respond to the hon. Gentleman if he has any further queries in relation to this case. I very much hope that he will accept that while I cannot speak for the Environment Agency in terms of all those procedures, I do not believe that there was any form of deliberate attempt to obstruct Mr. Donovan. As far as my office is concerned, I genuinely believe that when I asked officials to do all that they could to see whether they could assist, they did so. In the end, the regulations were clear, and no more could be done in this case.

Question put and agreed to.

Adjourned accordingly at twenty-six minutes past Nine o'clock.

House of Commons

Wednesday 21 July 2004

The House met at half-past Eleven o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

DEPUTY PRIME MINISTER

The Deputy Prime Minister was asked—

Post Offices (Deprived Urban Areas)

1. **Ms Meg Munn** (Sheffield, Heeley): What help he is giving to post offices in deprived urban areas. [185307]

The Parliamentary Under-Secretary of State, Office of the Deputy Prime Minister (Phil Hope): Among a range of Government measures to support post offices, the Office of the Deputy Prime Minister has set up a £15 million fund for 2002 to 2005 to support post offices at risk of closure in deprived urban areas. To date, 194 post offices in the most deprived 10 per cent. of wards have been supported. We anticipate that this number will rise to 350 on completion of the fund. A further £210 million is available from the Department of Trade and Industry for managing the long-term sustainable future of the urban post office network.

Ms Munn: I thank my hon. Friend for his answer and welcome the fund. However, Jordanthorpe post office, in a deprived area of my constituency, was assessed for the fund and met the criteria, but was told that there were insufficient funds for it to benefit from the scheme. That post office is enormously important in supporting a whole community and shopping area. Will he give me further advice on what Jordanthorpe post office should do to keep providing the service that it does?

Phil Hope: My hon. Friend is a strong champion of the residents of her constituency. I fully understand her concern for ensuring that her urban post offices stay open and I shall listen carefully to her representations. She may not know that since 1997 the Government have invested £2 billion in the post office network. I urge her, as a specific action, to encourage the Jordanthorpe post office to investigate the option of gaining access to the additional funding for the urban post office network that has been made available by the DTI.

Mr. Roy Beggs (East Antrim) (UUP): Consultation on the closure of post offices in Northern Ireland has become a farce. There is obviously a clear policy on closures. Waterloo road post office in Larne in my constituency was signalled for closure. A neighbouring business man was prepared to provide new post office accommodation and to buy out Waterloo road post office's rights and interests with the full support of his community. That was refused and he received no support from Postwatch. Is any appeal open to my constituents as we had accepted the closure of several other small post offices?

Phil Hope: The ODPM does not provide support for post office networks in Northern Ireland. I appreciate the hon. Gentleman's concerns, which I shall convey to my ministerial colleagues in the Northern Ireland Office and ensure that he, his constituents and the business he describes get the fullest possible reply to those concerns.

Tony Lloyd (Manchester, Central) (Lab): Some farce is also associated with the closure programme in England. In my constituency—one of the most genuinely deprived inner-city communities in the land—more than 40 per cent. of the post offices will be closed. It would help enormously if the Post Office came clean about how the process works and opened up the books so that when people tell me that post offices are viable yet the Post Office still closes them, we know whether it is the Post Office that is abusing the rules or simply a misunderstanding of the position. I think that the Post Office is abusing the rules.

Phil Hope: I understand my hon. Friend's concerns and I will certainly convey them to my ministerial colleagues in the DTI who have responsibility for the post office network. It is true to say that the previous Government presided over 3,500 unstructured closures, with no plans for the long-term sustainability of the network. This Government are providing a huge investment in both the rural and the urban network to ensure that there is a planned process and a sustainable future for post offices in both urban and rural areas.

Ms Karen Buck (Regent's Park and Kensington, North) (Lab): I have recently been told that 50 per cent. of my post office network faces closure by this time next year. Although I fully understand the economic necessity for a reduction in the network, does my hon. Friend realise the impact that that has on urban communities as well as rural communities? Will he urge the Post Office to think carefully about what it does, especially in the complex social situation of London, where rich and poor areas jostle side by side, and ensure that it accepts that post offices are part of the lifeblood of local communities in urban villages, as they are in rural communities?

Phil Hope: My hon. Friend is absolutely right: the urban post office network is essential. That is why the Government are investing over £180 million to fund compensation payments to sub-postmasters whose offices close, and we are investing substantial extra resources through the urban reinvention programme that I mentioned earlier. Post offices play an important part in community life, and without a rational approach the unplanned closures that occurred under the last Conservative Administration would continue, leaving damaging gaps in the network. The DTI is working hard to ensure that there is a planned process for ensuring the long-term sustainability of post offices in urban as well as rural areas.

Decent Homes

2. **David Taylor** (North-West Leicestershire) (Lab/Co-op): What Government policy is in relation to the rights of local authority tenants to have homes which meet the decent standard criteria by 2010; and if he will make a statement. [185308]

The Minister for Housing and Planning (Keith Hill): We are determined to make good the appalling neglect of council homes by the last Tory Government, who left us with a colossal £19 billion backlog in repairs and modernisation, and 2 million substandard homes. We have now reduced the number of substandard homes by 1 million and are on target to bring a further 600,000 homes up to the decent homes standard by 2008. Where councils can achieve the decent homes standard through mainstream funding they are perfectly entitled to do so; otherwise the most effective and efficient way to secure the extra funding and better standard of management required to deliver decent homes will be through a choice of public finance initiative, stock transfer or arm's length management organisation.

David Taylor: Many on these Benches benefited from an affordable, well maintained home rented from an accountable local authority, and we welcomed the reassurance of the then Minister, my right hon. Friend the Member for Tyneside, North (Mr. Byers), that the right to a decent home would be extended even to those who retained their local authority landlord. Why has this Minister torn up that commitment, allowing home investment only through the PFI, ALMOs or stock transfer even where tenants prefer direct investment from their local authority to coerced privatisation? Does not the modernisers' mantra of "a right to choose" apply to our core supporters?

Keith Hill: Well, if my hon. Friend wants to put it in those terms, he can, but I believe that the decent homes programme is precisely designed to deliver to our core supporters. My hon. Friend misuses language when he talks about privatisation. Under the PFI and ALMO arrangements the stock remains council-owned stock and the tenants remain council tenants. The housing associations, which are a key lever for bringing in the huge new sums to deliver the decent homes programme, are not-for-profit organisations. Fifty per cent. of all tenants are in housing associations, which on the whole deliver homes that are of a higher standard and afford tenants greater satisfaction.

Mr. Robert Key (Salisbury) (Con): Has the Minister seen yesterday's report from the UK Noise Association, called "Antisocial Housing"? Why do the Government continue to refuse to include noise insulation in their decent homes-plus standard?

Keith Hill: Ambient noise is included in the decent homes standard.

Mr. Ken Purchase (Wolverhampton, North-East) (Lab/Co-op): I welcome and understand the Minister's concern about the disrepair of our stock and that which we inherited, but the solutions that he proposes are seen as departmental proposals that are mean and spiteful—bad-tempered, even—and almost a betrayal of the wishes of many tenants who want to remain with their local council. For a Labour Minister to be denying them that right seems to me perverse.

Keith Hill: But I put it to my hon. Friend that we have so far had some 130 ballots on various aspects of the decent homes programme, and in over 80 per cent. of cases tenants have voted for the various forms of PFI, stock transfer or ALMO on offer; they have gone for what my hon. Friend seems to regard as a spiteful option. Where a ballot fails the Government are anxious to work with the local authority to examine the ways forward. That is occurring in Birmingham, close to my hon. Friend's constituency, where good progress is being made.

Mrs. Caroline Spelman (Meriden) (Con): Birmingham, Hodge Hill borders my constituency, and in an effort to help my neighbour—*[Laughter.]* I might remind Labour Members that their party was in charge of Birmingham city council during the time to which I am referring, and it still is. No one could fail to have been struck by the number of homes and shops boarded up in that constituency. Take, for example, the parade of shops in Shard End, over which all the flats were boarded up. *[Interruption.]* Perhaps the new hon. Member for Birmingham, Hodge Hill (Mr. Byrne) might like to take note.

Mr. Speaker: Order. First of all, if the hon. Lady intended to raise matters relating to another constituency, she should have notified the hon. Gentleman. Secondly, I know we are near the end of term and I like to give some leeway, but the supplementary question must be short.

Mrs. Spelman: For all the worthy aspirations of the decent homes standard, does the Office of the Deputy Prime Minister accept that the Government have failed to get to grips with the problem of empty flats over shops, which could be made into perfectly decent homes and be an asset rather than a liability?

Keith Hill: I suppose that after her long sojourn in Hodge Hill I ought to welcome the hon. Lady back to the Dispatch Box, but in the light of her singular lack of success in Hodge Hill, it might be a good idea for her to repair to her own constituency, Meriden, at the earliest opportunity. She raised a number of issues, one of which was the decline in neighbourhood shops. I want to encourage Birmingham city council's programme of flourishing neighbourhoods, which is designed to deal with those issues. With regard to flats above shops, the Government have already set up a taskforce to deal with that problem. We are making progress there. The hon. Lady ought to at least acknowledge the Government's addition to the current Housing Bill of a proposition to bring empty homes in cities back into rented accommodation.

Mr. Dennis Skinner (Bolsover) (Lab): What is the philosophical objection of my right hon. Friend to the idea that councils like Bolsover—which does not have social services, does not deal in education, and deals

only with housing—should be able to keep control of the housing stock and build even more? What is the philosophical objection to that, even in new Labour?

Keith Hill: Well, I do not know. I am not always described as new Labour, nor, for that matter, is my Department invariably categorised in that fashion. As I understand it, my hon. Friend's local authority, Bolsover, is in the process of carrying out the stock options appraisal, which will be completed in January. At that stage we can have a look to see what is the appropriate way forward. As I have already indicated, mainstream funding by Bolsover may well be the appropriate way forward.

Mrs. Spelman: As Shelter's report on homeless households, "Living in Limbo", reveals, the number of people living in temporary accommodation has hit record levels at 94,000 and is still rising. Does the Office of the Deputy Prime Minister accept that temporary accommodation, by definition, is the antithesis of a decent home, and that a doubling of the length of time that people have to wait for a permanent home is an indictment of the Government's policy? Is not the truth of the matter that although the decent homes standard is a laudable ambition, for 94,000 people the Government have made it irrelevant?

Keith Hill: The hon. Lady makes a fair point. It is an issue about which the Government and hon. Members on both sides of the House are deeply concerned. But while she has been away in Hodge Hill, she obviously missed the Chancellor's excellent statement, which will accord huge new levels of investment for social housing in the next spending review period. It is our expectation that as a result of those high levels of investment, which will yield no fewer than 75,000 new homes for social renting in that period, by 2008 we shall have turned round the increase in homelessness.

Mr. Clive Betts (Sheffield, Attercliffe) (Lab): Can my right hon. Friend confirm that of the three options that he says are available to tenants now to achieve decent homes—stock transfer, PFIs and ALMOs—ALMOs are different in that their borrowing counts against Government borrowing? Will he give an assurance to tenants in Sheffield who are working with the local authority towards ALMOs that no artificial limit will be placed on the amount they can borrow, so that even where tenants of local authorities choose the ALMO route, in practice it will not be available to them?

Keith Hill: We hope to work with Sheffield to deliver on the ALMO programme, for which funding is available. The new arrangements for housing capital finance were introduced in April, and they allow local authorities to determine how much they can afford to borrow beyond borrowing supported by central Government—the matter is linked to increases in the management and maintenance allowance. We hope that a number of authorities will be enabled to deliver decent homes under the so-called prudential code.

Mr. Edward Davey (Kingston and Surbiton) (LD): The Office of the Deputy Prime Minister: Housing, Planning and Local Government Committee recently released a critical report on progress towards the decent homes standard. Why are Ministers now the only people who believe that the decent homes standard will be met by 2010? The spending review provided new money for housing in growth areas and low-demand areas, but it provided no money for the decent homes programme. Given the tough efficiency savings that Ministers demand from the housing sector and the recent trend for tenants to vote against stock transfer, which of these will be dropped first—the decent homes target or the Government's ideological obsession against local authority borrowing for housing investment?

Keith Hill: The hon. Gentleman is wrong on all counts. Funding is available for the decent homes programme. We acknowledge that the decent homes target for 2010 is challenging, but I reiterate that we are on target to bring 1.6 million homes up to the decent homes standard by 2008.

Northern Way Growth Strategy

3. **Mrs. Lorna Fitzsimons** (Rochdale) (Lab): What assessment he has made of the effects of the Northern Way growth strategy on growth in the north. [185309]

The Deputy Prime Minister (Mr. John Prescott): In February, I invited the three northern regional development agencies to produce a joint plan for driving up sustainable economic growth in the north, and I expect to receive that report shortly. The three northern regions, which are home to 15 million people, have excellent prospects for economic growth. To help boost the economic revival in the north and elsewhere, the spending review has increased the funding of RDAs from the current £1.8 billion to £2.3 billion in 2007–08.

Mrs. Fitzsimons: I thank my right hon. Friend, whose personal commitment to regeneration in the north is welcome, for that answer. Is he aware that the fastest economic growth in Britain is in south Manchester? He might miss a trick by not joining up the huge pools of Government investment in the regeneration of north Manchester around Rochdale and Oldham with organisations such as the Knowledge Capital Group, which maximises research and development in universities. Will he do everything in his power to make sure that we maximise public investment in north and south Manchester to make sure that we are the engine in the Northern Way?

The Deputy Prime Minister: I agree with my hon. Friend. I recently visited her constituency, where we have made a substantial investment in housing in low-demand areas through the pathfinder programme. The Northern Way is not taking over cities' roles, and it co-ordinates the economic assets and advantages that exist in the three regions. Rochdale has an extremely important part to play, and I was pleased to learn about its development plans, which fit into the Northern Way. The Northern Way will not replace the RDAs, which will work together for the benefit of north Manchester and Rochdale.

Miss Anne McIntosh (Vale of York) (Con): Will the right hon. Gentleman join me in expressing disappointment that the RDAs in the north failed to deliver a rural-proofing policy in the Countryside Agency report? What progress can he make through the Northern Way growth strategy to answer that criticism?

The Deputy Prime Minister: The hon. Lady makes an important point. We develop not only urban areas but rural areas, and we have given that objective to the RDAs. I recently attended a meeting in Cumbria, where the representative from the rural board, which was the set-up before the RDAs took over, was keen to point out the increase in resources for rural areas in Cumbria. Rural areas are important parts of the region; we will not ignore them and the RDAs are directly responsible for implementing the plans that we have given them.

Mr. Peter Pike (Burnley) (Lab): This afternoon the Northwest Development Agency will announce decisions on the aerospace innovation centre that is to be sited in Lancashire. Is that not an important part of the Northern Way policy, along with the housing renewal pathfinder project? Will it not eventually make the north-west the place to be, and make Burnley a good place for people to live and work in?

The Deputy Prime Minister: I agree with my hon. Friend, whose area benefits from the pathfinder proposals. We have also given new powers to the regional development agency to ensure that decisions on jobs, housing and infrastructure are brought together. I think the RDA has done well in that regard. The Northern Way will unite all those decisions across the three regions, and will begin to develop the assets of the north rather than allowing them to become liabilities. It is really a matter of the sum of the parts.

Mr. Bernard Jenkin (North Essex) (Con): Does not the Northern Way strategy underline two huge conflicts at the heart of the Government's entire policy? First, whatever the Deputy Prime Minister is planning to spend in the north of England, will it not be utterly dwarfed by investment in the massive 1 million homes that he plans to build in the south, east and south-east of England? Secondly, what is the purpose of setting up elected regional assemblies in the north if the Deputy Prime Minister is going to impose a strategy of his own? What is the point of the cost of all those extra politicians and bureaucrats if he is going to stick his own strategy on them and tell them what to do? That is not devolution; it is fake devolution.

The Deputy Prime Minister: The hon. Gentleman often reveals his ignorance of what is actually going on. He needs to recognise that housing problems in the north are different from those in the south. We have a lot of empty houses in the north, because there is less demand. The opposite is true in the south. If we have to deal with different problems at different costs, we must make the appropriate decisions. More resources may be used in the south, but we have made it clear that the distribution will be balanced fairly.

The Northern Way is a very imaginative idea, which came from the north itself. It was not imposed by the Government; it was presented by the three regions. We now await the taskforce report.

The regional development agency has played an important role in all this. A week ago, the hon. Gentleman said in the House that he had no intention of abolishing the RDAs. He said:

"We have not said that we will scrap the regional development agencies."—[*Official Report*, 13 July 2004; Vol. 423, c. 1262.]

I do not know whether he was using the royal "we". The Tory party manifesto stated that the party would "abolish Regional Development Agencies". Is that the position of the Tory party?

Antisocial Behaviour

4. **Mr. Henry Bellingham** (North-West Norfolk) (Con): What plans he has for reducing the level of antisocial behaviour on housing estates. [185310]

The Minister for Local and Regional Government (Mr. Nick Raynsford): The Government have increased the powers available to local authorities, the police and other agencies to tackle antisocial behaviour no matter where people live. Antisocial behaviour orders are available regardless of the perpetrator's or the victim's housing status. There are also a number of powers available specifically to social landlords to protect both their tenants and the wider community.Those have recently been strengthened in a number of ways, including the commencement on 30 June of new powers under the Anti-social Behaviour Act 2003. The Housing Bill also provides new powers applying to both the social and private rented sectors. On Monday the Home Secretary launched his strategic plan reinforcing the Government's commitment to tackling antisocial behaviour. *[Interruption.]*

Mr. Speaker: Order. The House must come to order.

Mr. Bellingham: I am grateful for the Minister's reply, but is he aware that a very small number of tenants in my constituency, through blatant antisocial behaviour, are making the life of many tenants of council and housing association homes a complete misery? That is doing untold harm to the victims. It can lead to the break-up of marriages, depression and illness, and many good tenants are being forced out of their homes. Will the Minister come up to my constituency so that I can take him out canvassing, and we can view the problem at first hand?

Mr. Raynsford: I am well aware of the specific problems that have been identified on the Gaywood South ward, the Reffley Lane estate and the South Lynn estate. I understand that the council is aware of the problems, but may not have been able to pursue the antisocial behaviour orders as expeditiously as people would like because of capacity constraints due to staff absence. It will be taking action, however, and I assure the hon. Gentleman that we will support that wholeheartedly. I am not sure, though, that he really wants me to come and canvass for the Labour party in his constituency.

Ms Christine Russell (City of Chester) (Lab): Does my right hon. Friend agree that one of the best ways of tackling antisocial behaviour on estates has been the introduction of neighbourhood wardens, who can be a

uniformed presence on the street and the eyes and ears of local communities? Will he join me in congratulating the Chester community rangers, who have just been awarded the neighbourhood renewal unit quality standard for their excellent work? Following the comprehensive spending review, can he assure me that their work will continue?

Mr. Raynsford: I very much endorse my hon. Friend's views about the importance of neighbourhood wardens and the significant role of community support officers working with the police to ensure a far more active presence in many of the areas where antisocial behaviour and criminal activity pose a challenge to communities. We are determined as a Government to extend those initiatives and to help to reinforce the sense of security and safety in communities, so that they can work together to tackle that appalling problem.

PRIME MINISTER

The Prime Minister was asked—

Engagements

Q1. [185292] **Mr. Edward Leigh** (Gainsborough) (Con): If he will list his official engagements for Wednesday 21 July.

The Prime Minister (Mr. Tony Blair): Before listing my engagements, I am sure the whole House will join me in paying tribute to the two firefighters killed tackling a fire in east London yesterday. They died doing an extraordinary and heroic job and our thoughts are with their families at this time.

This morning, I had meetings with ministerial colleagues and others. In addition to my duties in the House, I will have further such meetings later today.

Mr. Leigh: On behalf of all his colleagues, may I warmly congratulate the Prime Minister on the 10th anniversary of his election as leader of the Labour party today? [HON. MEMBERS: "Hear, hear!"] Does the Prime Minister recall that, in those halcyon days in 1994, he said that it was wrong that we were wasting millions of pounds on accountants and bureaucrats in the NHS instead of spending it on doctors and nurses? Is it not a shame that, 10 years on, the National Audit Office still does not have a detailed cost breakdown of how much of the £61 billion extra investment is reaching the front line? Can we please have detailed cost breakdowns between spending and overheads on the front line? Will he provide Parliament with the information that we need?

The Prime Minister: Administration costs as a proportion of overall expenditure in the health service are falling, but since the hon. Gentleman wants the figures, what we have been able to achieve in the national health service over the past few years are 67,000 more nurses, 19,000 more doctors, and reductions in every single part of waiting times and waiting lists, including in his own constituency.

Q2. [185293] **Mr. Michael Jabez Foster** (Hastings and Rye) (Lab): May I with sincerity congratulate my right hon. Friend on his 10 years as party leader, in consequence of which Hastings and Rye are now Labour towns, benefiting from around 2,000 fewer victims of crime? Will he join me in congratulating the Hastings crime reduction partnership on that success, which is due in large measure to the 37 street wardens and community support officers who are now walking the streets and making them safer?

Mr. Speaker: Order. Supplementaries should be brief.

The Prime Minister: I know that it takes my hon. Friend some time to go through the achievements. It is correct that we are putting more support officers and neighbourhood wardens into operation on our streets. That is important because people welcome them where they have been in operation. We should not forget either that we have 12,500 more police officers since 1997, and it is this Government who are going to carry on increasing the police budget—unlike the Conservative party, which is going to impose a cut in the police budget by the cash freeze announced by the shadow Chancellor.

Mr. Michael Howard (Folkestone and Hythe) (Con): I join the Prime Minister in paying tribute to the firefighters who lost their lives yesterday and in expressing our sincere sympathy to their families.

I, too, would like to congratulate the Prime Minister on his 10th anniversary as Labour leader. They have been 10 years of deep frustration for the ambitions of my party and for the ambitions of the Chancellor of the Exchequer, who is not here today.

In his acceptance speech 10 years ago, the Prime Minister said that he would be tough on crime and tough on the causes of crime. Can he tell us what has happened to violent crime since he became Prime Minister?

The Prime Minister: Under the British crime survey, violent crime is down, not up, since we took office. It is true that recorded violent crime is up, but overall, crime is down since we came to power. As I have just said, we have increased the number of police officers by 12,500. That contrasts with the right hon. and learned Gentleman's record, as he cut the number of police officers serving on Britain's streets.

Mr. Howard: The British crime survey figures do not include murder, rape, drugs offences or crimes against children, which is why the Prime Minister never mentioned them when he was Leader of the Opposition and why he then used the recorded crime figures only. On the recorded crime figures, violent crime has gone up by 64 per cent. since 1998. For the first time in this country, 1 million violent crimes were committed in a single year. The Prime Minister has also said that too many of the guilty are going free. Can he tell us how many people guilty of these violent crimes are brought to book?

The Prime Minister: First, in respect of violent crime, the British crime survey is calculated in exactly the same way as it was when the right hon. and learned

Gentleman was in office, and the figures indicate that violent crime is down. Secondly, crime overall has fallen but, yes, there are real problems with violent crime. That is why we have the new Criminal Justice Act 2003 coming into force, which will make a big difference in many parts of the country. It is also why we have more police officers and new measures on antisocial behaviour. None of this would be improved by his plans to cut the police budget in real terms.

Mr. Howard: I am not going to cut the police budget; that is absolute nonsense. The Prime Minister was also talking nonsense when he said that overall crime had fallen. On the recorded crime figures, crime has gone up by 15.5 per cent. since 1998. The Prime Minister did not answer my question. He certainly has been good at very many things over the last 10 years, but answering questions is not one of them. Clear-up rates for violent crime have fallen by nearly a third. Over 500,000 violent crimes were not cleared up, which is one of the reasons why too many of the guilty are going free. Let us look at another issue. Will he tell the House how many criminals he has let out of prison under his early release scheme who have committed more crimes when they should still have been in prison?

The Prime Minister: First, we have increased the number of prison places in this country. Yes, it is true that some let out under early release—who would, of course, have been released later in any event—have committed crimes, but it is a small percentage of the overall figures. *[Interruption.]* Two per cent., I am told. Let us go back to the essential question. Crime has actually fallen under this Government, not risen. The Leader of the Opposition said a moment ago that he does not intend to freeze the law and order budget. Let me read what the shadow Chancellor has said:

"I have agreed with my shadow Cabinet colleagues that the baseline for spending across all of these departmental budgets—

that is, outside the NHS and schools budgets—

will be 0 per cent. growth for the first two years."

That is in cash terms and it includes the law and order budget, does it not?

Mr. Howard: No, it does not, because we have also explained how we will save over £1 billion a year on the paying of benefits to asylum seekers. Let us get back to crime. On the recorded crime figures, about which the Prime Minister always talked when he was in opposition, there have been 800,000 more crimes committed a year than in 1998. That is an increase of 15.5 per cent. Since his early release scheme was introduced, nearly 2,000 prisoners have committed crimes when they should have been in prison. They have been responsible for nine serious sexual crimes, 163 burglaries, 47 robberies and 462 other violent crimes, whose victims will not have been comforted by the Prime Minister's assurance that that is a small percentage. What is tough on crime about that?

The Prime Minister: Tough on crime means making sure that we toughen up the penalties for serious offenders and for drug pushers, which we have done. It also means making sure that we increase the number of police on the streets and that we back that up with community support officers, which we have done. It further means getting crime down overall, which we have also done.

The right hon. and learned Gentleman says that he is going to save £1 billion through the reduction of asylum costs, but that is going back to his fantasy island, is it not? We have been doing a little research on this. Apparently, the shadow Chancellor actually says that he is going to save £1.8 billion on asylum costs; unfortunately, that is the whole of the immigration budget. *[Laughter.]* So perhaps the right hon. and learned Gentleman will explain, given his proposed freeze on the law and order budget, how he would maintain police numbers, improve investment in the criminal justice system and carry on getting crime to fall.

Mr. Howard: Anyone who thinks that I would not make sure that the Home Office gets the resources that it needs is living in fantasy land. This week, the Prime Minister launched another of his five-year plans full of gimmicks and schemes, like the ones he has had before. Can he tell us how many people have been marched to a cash point, how many have had their housing benefit docked, and how many are appearing before night courts? Is any one of the gimmicks that he has previously announced still in operation?

The Prime Minister: Certainly. Thousands of fixed penalty notices have been given up and down this country. *[Interruption.]* They are on-the-spot fines and they have been welcomed by police throughout the country. The right hon. and learned Gentleman actually opposed fixed penalty notices, and incidentally he also opposed the introduction of community support officers; perhaps he will tell us whether that is still his position? As for it being fantasy that he would cut the Home Office budget, perhaps he will now accept that when he was Home Secretary, having promised to raise police numbers, he actually cut them.

Mr. Howard: Everybody knows that crime fell by 18 per cent. while I was Home Secretary, which is more than even the Government's target for the next five years. Now, let us get back to my question. I did not ask about fixed penalties; I asked about cash points. The answer to the question that I asked the Prime Minister is none—no thugs have been marched to cash points, no one has had their housing benefit docked and the courts do not sit at night. Is not the truth that every one of these failed initiatives is typical of this Government's dismal record on crime? Ten years on from his acceptance speech, have we not had just more slogans, more spin, more gimmicks and more initiatives, none of which are tough on crime or on the causes of crime?

The Prime Minister: Fixed penalty notices are of course on-the-spot fines, and they are to be combined with antisocial behaviour orders, closing down crack houses, making sure that the police have the power to close pubs and clubs where disorder occurs, making sure that courts have a proper information technology system, and putting more community support officers and police on the beat.

The right hon. and learned Gentleman wants to compare 10-year records and I am very pleased to do that. Let us look at them, mine and his. Under this

Labour Government, we have more people in work, the first ever minimum wage, the lowest interest and inflation rates for years, the best ever exam results, and more teachers and nurses; moreover, crime is down. Under the right hon. and learned Gentleman, what happened? When he was Secretary of State for Employment, unemployment went up, and when he was Home Secretary, police numbers came down. And we should never forget that he was the one who introduced the poll tax. So on comparing 10-year records, we are doing pretty well.

Angela Eagle (Wallasey) (Lab): Does my right hon. Friend agree with me that some very good things came out of the 1960s, most notably the then Government's determination to tackle for the first time through legislation the scourge of discrimination, which affects millions of our fellow citizens? Does he also agree that now is the time to look again at our laws and to make them easier for victims of discrimination to use, and to encourage the prevention of discrimination in the first place, thereby greatly improving the life-chances and opportunities of millions of our fellow citizens?

The Prime Minister: I agree entirely. The strengthening of the law against discrimination has been an important part of this Government's agenda over the past few years. Whatever the difficulties in our society, we should be pleased that discrimination forms no part of the respectable part of politics, and all politicians in the main political parties regard the idea of playing politics with race and discrimination as completely out of order.

Mr. Charles Kennedy (Ross, Skye and Inverness, West) (LD): On Sudan, and the unfolding catastrophe in Darfur, I welcome the extra £28 million that the Government have pledged for direct assistance. What scope does the Prime Minister see for further practical steps on the back of that welcome decision, to assist the millions of Sudanese facing ethnic cleansing and starvation?

The Prime Minister: I thank the right hon. Gentleman for his welcome for the additional resources, which mean that after the United States of America we are the largest bilateral donor in this situation. The key things now are, first, to ensure that whatever aid is given goes through to the people who need it most, and secondly, to keep up pressure on the Government of Sudan to ensure that they deal with the real problems that are giving rise to the violence and ethnic cleansing. We must continue, along with the United States, to put as much pressure as we can on them to do that.

Mr. Kennedy: I certainly thank the Prime Minister for that reply. Does he agree that the international community must recognise the absolute sense of urgency here, not least the fact that we cannot expect only 60 United Nations monitors and 300 troops adequately to patrol an area the size of France? Will he continue to send every conceivable signal to the rest of the international community about the urgency involved, because the real danger in humanitarian terms is that we could be facing the obscenity of another Rwanda?

The Prime Minister: It is for that very reason that we have been in touch not only with the United States but with other countries on the issue over the past few weeks. I myself have spoken twice to Kofi Annan about it. We will continue to work closely with the United Nations and with the other countries involved in this, and to monitor the situation very carefully. We rule absolutely nothing out in this situation. Let us see how the results of the extra aid develop over the coming days. We will keep a very, very close watch on this, and I am in contact with other Ministers on it literally every day.

Mr. Bill Tynan (Hamilton, South) (Lab): My right hon. Friend will be aware that over the next few months MPs of all parties will receive substantial complaints in their postbags about fireworks misuse. Yesterday, 8 tonnes of fireworks were seized in Gloucester. Does he accept that, unless we strengthen the Fireworks Regulations 2004, which are currently before the House, we will continue to suffer the problems of the illegal importation of fireworks and we will not have a system for licensing retailers?

The Prime Minister: I agree. The regulations were laid before the House last Friday, and we are also implementing everything that was contained in the Department of Trade and Industry consultation document on the issue. I congratulate my hon. Friend on the campaigning that he has done on this subject over a long period.

The measures in the regulations include making permanent the offence of possession of fireworks in public by under-18s; a curfew on the use of fireworks between 11 o'clock at night and 7 in the morning, with certain exceptions such as Diwali and new year's eve; limiting the period in which fireworks can be supplied to the general public unless a licence is obtained from the relevant licensing authority; and a maximum noise limit. We have introduced the measures because of the problems to which my hon. Friend draws attention, and we will keep them closely under review.

Q3. [185294] **Mr. Alan Reid** (Argyll and Bute) (LD): The Deputy Prime Minister closed the Oban coastguard station and two other stations despite many warnings that lives would be put at risk because of the loss of local knowledge. Earlier this week, the Transport Committee found that the Maritime and Coastguard Agency had failed to carry out a full impact assessment of the closures. In view of that finding, will the Prime Minister set up an independent review to carry out a full impact assessment, and reopen the centres if that is what the review recommends?

The Prime Minister: I am afraid that I cannot promise the hon. Gentleman an independent inquiry, but I can tell him that I will look further into the issue and get back in touch with him about it in writing. My right hon. Friend the Deputy Prime Minister says that a great deal of extensive consultation took place before the decisions were taken. There will always be difficult decisions to take in this area, but I will get back to the hon. Gentleman and write to him with the details.

Mr. David Kidney (Stafford) (Lab): However much purple haze rains down on my right hon. Friend, will he stand firm in upholding the primacy of the welfare of children, especially in those few cases where intervention by mediation or court ruling is necessary to determine contact with the separated parents?

The Prime Minister: My hon. Friend is right in saying that it is the interest of the child that should always be of paramount consideration. I am sure that that will continue to be the case, and the process that we are discussing today will not alter that basic principle.

Q4. [185295] **Pete Wishart** (North Tayside) (SNP): Yesterday the Prime Minister and the Foreign Secretary quite rightly paid tribute to our armed forces in prosecuting the Prime Minister's illegal and unpopular war in Iraq. The rewards for their efforts are seemingly cuts and amalgamations, so what would the right hon. Gentleman say to my constituents serving in the Black Watch or some other historic Scottish regiment who have been put in the firing line abroad only to be stabbed in the back at home?

The Prime Minister: I have to say to the hon. Gentleman that he does his case no good whatever by that type of statement. Let me point out to him that, under this Government, defence spending is rising. Of course there are changes in how we spend the defence budget. That is sensible. As the world changes, it is important that we make changes to how we spend the money in relation to defence. No reductions in front-line troops are anticipated by the review today, but it is important to make sure that the record amounts of money that we spend on defence are spent in the most sensible way. Rather than talking about an illegal war, the hon. Gentleman should recognise that most of the people in his constituency serving in the regiments that he described will be proud of what they did in Iraq.

David Cairns (Greenock and Inverclyde) (Lab): Is it not clear that, in this new century, the era of narrow-minded nationalism is passing? To that end, does my right hon. Friend agree that it does not matter which particular no-hoper leads the nationalist parties, because it is their philosophy of isolationism and separatism that is being consigned to the dustbin of history?

The Prime Minister: My hon. Friend makes his case very well, and I have to agree with it. It is interesting that, after devolution, which many people said would lead to the break-up of the United Kingdom, the UK is actually stronger today. I welcome that, and I think that most people realise that, for example, with the Scottish Parliament, the legitimate aspirations of the Scottish people have been recognised, while the UK has been kept strong because the United Kingdom is in the interests of all the people who live in it.

Q5. [185296] **Peter Bottomley** (Worthing, West) (Con): In the Prime Minister's first answer, he gave the impression or claimed that all hospital waiting times had been reduced. If we include constituents in Sedgefield with mine in Worthing, how many people have been waiting more than a year for audiology tests? Is the figure higher than when he became Prime Minister or higher than when he became leader of the Labour party?

The Prime Minister: I do not know the figure off-hand, but I can look into it. However, I would have to say to the hon. Gentleman that anyone looking at the NHS today knows that, although there are still major problems, it is getting better as a result of the investment and reform that we have made; and the extra nurses and extra capacity, along with the changes, are delivering substantial falls in waiting times and waiting lists right across the piece. I would be astonished if that were not the case in his area; it certainly is in mine.

Mr. Tony McWalter (Hemel Hempstead) (Lab/Co-op): Just published—and a source of possible inspiration for many Members—is the autobiography of the late Jeremy Bray, MP, who combined a scintillating intellect with a profound sense of feeling for his fellow human beings. He constantly talks about his own fallibility and his limitations. Is my right hon. Friend confident that the mechanisms that he has in place for dealing with his own fallibility and limitations are sufficient? *[Laughter.]*

The Prime Minister: I am absolutely confident that the mechanisms for judging my fallibility are infallible.

Q6. [185297] **Bob Russell** (Colchester) (LD): Does the Prime Minister recognise that his leadership and policies contributed to the collapse of the Labour vote in last week's parliamentary by-elections? What does he say to members of his party who feel that, after 10 years, he should honour his promise to the Chancellor of the Exchequer and step aside?

The Prime Minister: What the hon. Gentleman should do is realise that the Government of the country is decided, ultimately, at a general election. We look forward to meeting the Liberal Democrats at that election.

Mr. John Lyons (Strathkelvin and Bearsden) (Lab): My right hon. Friend will recall that we are celebrating 30 years of the Health and Safety at Work, etc. Act 1974. May I urge him to bring forward new and tough legislation that will confront the issue of corporate killing?

The Prime Minister: First, I join my hon. Friend in paying tribute to the work of the Health and Safety Commission over the past 30 years. We will prepare proposals on this matter and publish a draft Bill later in the year. However, I am sure that my hon. Friend understands that the matter to which he refers raises very complex issues, and that we need to get the balance right on corporate responsibility.

Q7. [185298] **Mr. David Rendel** (Newbury) (LD): The Prime Minister and the Government believe in widening participation in higher education, as does my party. However, the number of young people in England aged between 18 and 20 applying to university has fallen as a proportion of the total number of people in that age group. In fact, the figures are down to about 12,000

below the level that one would have expected over the past two years. I believe that that is because of tuition fees and top-up fees. Can the Prime Minister offer any other explanation?

The Prime Minister: First, I do not believe that the numbers are falling. The numbers of people going to university are rising. If the hon. Gentleman allows me, I shall check the statistic that he gave me before I agree to it. Secondly, it is important to recognise that the Government are putting more taxpayer's money into higher education. However, if Britain is to compete with the very best and get even more people into university—and especially people from lower-income backgrounds—we have to change the system of funding. We are reintroducing grants and making sure that children from the poorest families get £3,000 a year in support, but we are saying to those who get the benefits of a university education that they should put something back into the pot after they graduate, for the general good of the country. I do not think that unreasonable. If, as the hon. Gentleman suggests, we were to put in even more money by means of a 50 per cent. top rate tax, that would not be good for the economy. Even if we raised the money—which we would not—I do not think that it would be the right priority for spending.

Judy Mallaber (Amber Valley) (Lab): Will my right hon. Friend congratulate British Telecom on its new system to block customers' access to child pornography websites? That stops a staggering 10,000 attempts a day to download images of children being abused and raped. Vodaphone has now agreed to use similar technology. Will the Prime Minister now call on all internet service providers and mobile phone companies to follow that example and help stamp out that despicable trade in children's misery?

The Prime Minister: I thank my hon. Friend for that question, and we will certainly do so. We welcome the BT initiative to block access to web pages containing images of child abuse. We would encourage any measure that other internet service providers take to reduce the availability of such images. We will be inviting leading service providers to a meeting in September to consider what can be learned from the experience of the BT initiative, and how that can be extended across the piece. However, I know that this is a serious issue of public concern, and I assure my hon. Friend that we are acting on it.

Q8. [185299] **Mr. Patrick McLoughlin** (West Derbyshire) (Con): When defence Ministers said that Piers Morgan should take full responsibility for publishing fake photographs in his newspaper, and when Alastair Campbell said that Gavyn Davies should take full responsibility for the BBC's output, would it have been an adequate defence to say that they acted in good faith?

The Prime Minister: In our debate yesterday, we went through all the various issues in relation to this matter—[HON. MEMBERS: Answer!] I will answer, very directly. It is not simply a question of having acted in good faith. We acted on the intelligence that we had. I defy anyone to look at that intelligence and say that they would not have come to the same conclusion. I believe that we took the right decision, and I stand by it. I believe that the world, Iraq and the region are better places as a result.

John Robertson (Glasgow, Anniesland) (Lab): My right hon. Friend will be aware of the number of apprenticeships that have been developed in the Clyde—some 250 in the past few years and another 100 about to start in the coming year. Can he allay my concerns about what will happen with future orders, to ensure that those 350 young people have jobs in the decades to come?

The Prime Minister: It is precisely by keeping the strong economy that we will encourage such apprenticeships. As my hon. Friend may know, we have seen a rise from 70,000 modern apprenticeships to 250,000 in the country as a whole. It is the combination of investment in training and skills and a stable economy with high levels of employment that is the best guarantee of increasing prosperity, not merely in my hon. Friend's constituency, but throughout the country.

Q9. [185300] **Sandra Gidley** (Romsey) (LD): The Prime Minister will be aware that the star ratings for trusts were released today, and that a target for primary care trusts is access to a GP within 48 hours. I wish to share with him a brief email that went out from Southampton City PCT:

"Just a reminder that the Primary Care Access Survey will take place this Wednesday . . . between 11am and 1pm. If you . . . have any problems hitting the . . . 48hrs . . . target, please contact . . . "

Will the Prime Minister admit—

Mr. Speaker: Order. A short supplementary would have been fine. Can the Prime Minister answer?

The Prime Minister: I shall do my best. First, the star ratings are given by the independent Healthcare Commission. Secondly, my understanding is that the Liberal Democrats are against all these performance targets—the guarantees for people about access to GPs, the waiting list and waiting time targets. It is very odd of the hon. Lady to say that we should be even more vigorous and rigorous in ensuring that they are met. I remind her that we are putting more money into the national health service, including in her area, than the Liberal Democrats ever asked us for.

Rural Strategy

12.32 pm

The Secretary of State for Environment, Food and Rural Affairs (Margaret Beckett): I am pleased to present to the House today the Government's rural strategy 2004. As in the rural White Paper 2000, our vision for rural communities is based on delivering genuinely sustainable development, with economic and social strategies consistent with our aim of protecting and enhancing our natural heritage for future generations. Rural strategy 2004 represents an ambitious set of policy priorities for rural communities and the countryside, coupled with radical reforms to the delivery of our policies.

Fresh evidence that we have commissioned confirms that there is relative prosperity in rural areas. For example, measured in terms of average household income, 55 per cent. of households in rural areas are above the median, but the evidence also confirms that the picture is by no means uniform across rural England. Rural society is changing in ways that are blurring the distinction between urban and rural. Farming remains at the heart of rural society, and an important focus of rural policy, but employees in rural businesses are now more likely to be employed in manufacturing, tourism or retailing. Within the overall picture of relative prosperity, there are pockets of economic and social disadvantage.

That evidence shapes our approach to delivering sustainable communities and so puts a premium on policies and on delivery mechanisms that focus on that deprivation. My reform agenda sees the devolution of decisions and delivery—to get help to the areas and people that need it most. To ensure that they are able to access that help, I will ruthlessly streamline the funding support we provide. The present 100 rural, agricultural and environmental funding schemes will be reduced to three major funding programmes linked to strategic priorities, allowing us both to sweep away unnecessary rules and to simplify application processes.

Our policy has three main planks. First, while supporting prosperity across the board, we will act to help the minority of rural areas that are lagging economically. I want rural businesses to have the support they need. This year, I will put an extra £2 million into the Business Link network, to improve support and assistance to businesses, especially those in lagging rural areas. I want all rural business men and women to know that they can turn to a service that understands their needs, including the needs of agricultural businesses and businesses diversifying from agriculture, and a service to help them through the existing maze of services and grants available.

I will devolve decision making and funding for economic regeneration to the regional development agencies, to allow decisions better to reflect the needs and pressures in each region. I am increasing the funding DEFRA provides to the RDAs' single pot from £45 million to £72 million next year. To ensure that it is spent in the most effective way, each region is to put in place arrangements to facilitate rural prioritisation within a strong partnership structure. I shall not impose a single structural form—I want to encourage maximum simplification and streamlining—so that regional delivery partners are set free to focus on doing, rather than talking.

Local authorities have a vital role as community leaders in joining up and delivering quality services, so I intend to look at innovative mechanisms for devolving delivery even closer to rural communities. Over the course of this year we will set up a pathfinder in each region, to explore practical ways of providing more joined-up and flexible approaches at local level in rural areas, including joining up services and funding at the point of delivery.

The second plank of our policy is to tackle rural social exclusion wherever it occurs and to achieve fair access to services. Access to transport, to affordable housing and to broadband helps to underpin economic prosperity and social justice for rural dwellers. Last week, the Government announced more money for sustainable housing. My Department will act as guardian, to ensure that that money helps to address social disadvantage in rural areas.

I will devolve money for build[illegible] capacity in the voluntary and community sector to each region, to be managed through the Government offices, as that sector can truly understand local need and provide innovative solutions. However, I want to be sure that we get an independent assessment of results. The need for a rural advocate is as strong as ever, so I will create a small and well-focused new countryside agency by next April, initially within the legal framework of the existing body, to act as expert watchdog and advocate on behalf of rural communities. Its priority will be rural disadvantage, and it will act as a think-tank and futures body, drawing on its monitoring of progress and best practice to suggest innovative solutions to Government.

The third plank of our policy is to protect and enhance the natural environment in rural areas, and that of our seas, coasts and rivers, and our green spaces in towns and cities. A healthy and attractive countryside brings social benefits such as tranquillity, but also economic benefits; more than 300,000 jobs depend directly on it, and rural tourism brings about £13.8 billion to the rural economy each year.

Rural England is also a treasure trove of diverse and wonderful landscapes and wildlife. Its natural beauty is an asset to be cherished and enhanced. The countryside provides us with the essentials of life; improving its health is the most valuable inheritance we can leave. Our woodlands, for example, help to mitigate the effects of climate change—one of the most serious environmental problems the world faces. Visiting the countryside does much to improve our quality of life, providing recreation, better health and a source of education and learning.

Much of the quality of our landscape and its biodiversity depends on how it is managed by farmers and others. The changes that we are introducing as a result of CAP reform will enhance the positive and reduce the negative impact of farming methods and land management on the environment. As recommended by Lord Haskins, we will establish an integrated agency to deliver our policy objective of a healthy countryside valued and used in a sustainable way. The new agency will be a powerful, independent statutory non-departmental public body, building on the world-class

strengths of English Nature, the Countryside Agency and the Rural Development Service. Its remit will be the integrated management of our natural heritage that the challenges and environmental threats of the 21st century demand. That will include biodiversity, landscape, and the sustainable use of the countryside, including recreation and access. It will have a remit to carry out its functions within a sustainable development context. It will work closely with the RDAs—and elected regional assemblies, if established—to ensure that the natural environment is taken into account in regional policy making and activity.

The formal establishment of the integrated agency will require primary legislation. I hope to introduce legislation next year and to publish a draft Bill, as an early step. In the meantime, while each of the three bodies will remain responsible for their own statutory duties, they will come together into a confederation of partners by April next year. To help that partnership working, I will move the Rural Development Service from the policy core of DEFRA and give it the autonomy that befits a major delivery body.

This package of policy and delivery reform is aimed at delivering services in a more streamlined and customer-friendly way, through radical devolution to regional and sub-regional partners, as well as to our own delivery agents. The significant streamlining of our funding should make things easier and simpler for our customers. These arrangements are aimed at improving effectiveness in the delivery of our three policy priorities, within an enduring framework of sustainable development. They will also deliver efficiencies, exploiting operational synergies and removing duplication. They have been developed in an inclusive and transparent way. They will build on the excellent work being done across the country by those working for DEFRA and its family, and beyond DEFRA. They will provide greater freedom to staff to get on with delivering what our customers need from the Government, and I am confident our people will rise to that challenge.

I want these reforms to be workable, but sufficiently flexible to meet future challenges and changes. I commend the approach and its implementation to the House.

Mr. Tim Yeo (South Suffolk) (Con): I am grateful to the Secretary of State for the letter that she sent me first thing this morning, although the website referred to in it did not contain any detail of the rural strategy, and for a copy of her statement, which for various reasons, including a mishap—I am not sure whose—I have only seen in the past 15 minutes or so. I welcome the recognition that some rural areas do not share the prosperity enjoyed by other areas, but I am afraid that I do not share her view of how their needs should be addressed.

First, on agriculture, I appreciate that the Government may have more to say about farming-related issues tomorrow, but the Secretary of State's two-and-a-half- page letter—headed, "Rural Strategy 2004"—does not mention either agriculture or farming, and the statement that she just made scarcely did so. That will alarm many people who depend on that vital industry for their livelihood. It suggests that, even now, Labour Ministers do not recognise the central role that farmers play in protecting, maintaining and enhancing the rural environment, and the extent to which prosperity in many parts of the countryside is still very directly related to the fortunes of agriculture.

The statement is made against the background of severe problems in many rural communities. Under Labour, rural councils receive less cash support from the Government than their urban counterparts; under Labour, rural communities have fewer police per head of population than their urban counterparts; under Labour, rural bus services receive less support than their urban counterparts; under Labour, homelessness in rural areas is rising; under Labour, police stations in rural areas are closing; and under Labour, post offices in rural areas are disappearing and the proportion of households in rural areas with access to affordable broadband connections is only a tiny fraction of what it is in towns.

Against that background, the proposals summarised in the Secretary of State's letter this morning and in much of the statement that she has just given to the House are vague, often riddled with jargon and sometimes of limited relevance to the needs of rural communities. A dairy farmer worried about the spread of TB, a rural community whose environment is about to be destroyed, against its wishes, by the development of nearby greenfield sites at the insistence of the Deputy Prime Minister or a neighbourhood blighted by illegal fly-tipping will draw no comfort from the waffle that we have just heard from the Secretary of State, such as

"setting up regional pathfinders";

"bringing together partners at regional and sub-regional level";

"consultation about the Department's list of indicator districts in relation to PSA targets".

So much for the DEFRA family.

Why will the Government not stand up for rural communities in a practical way and give local councils, which are democratically accountable, the power to decide how much development takes place on greenfield sites in their districts, what kind of building is allowed and where it should go? Why will the Secretary of State not address the rapidly growing menace of fly-tipping, a problem partly caused by her Department's incompetence in not preparing for the implementation of new laws? Why not, for example, make fly-tipping an arrestable offence now? Without such practical steps her claim—*[Interruption.]*

Mr. Speaker: Order. The hon. Gentleman must be allowed to speak.

Mr. Yeo: I am afraid that Labour Members do not like the truth about what they have done to our rural communities. Without such practical steps, the Secretary of State's claim that her policy will protect the rural environment will ring very hollow indeed in many parts of the countryside.

In turning to that part of the statement that deals with the response to Lord Haskins' review, I make clear our support for the broad thrust of many of his conclusions and, in particular, that too many organisations have become involved in the delivery of rural policy, leading to confusion, inefficiency and a lack of co-ordination and accountability. Proposals to reduce the number of organisations to a more manageable number are therefore desirable. However, as the Secretary of State has said, since legislation will be needed to set up the new

[Mr. Yeo]

integrated agency, there seems a danger that, until parliamentary time is available, uncertainty may now blight some of the work of the existing bodies. Since the Countryside Agency is apparently to continue as a rump, there still seems to be a lack of clarity in the Government's mind about how the new arrangements will work.

Let me also make it clear that we do not agree that the regional development agencies are the right bodies to perform an expanded role in delivering any aspect of rural policy. The idea that using regional development agencies—and, possibly, and even worse, elected regional assemblies—will bring the delivery of services even closer to rural communities is so absurd that it can be proposed only by a Minister who neither knows nor cares what life is like in the remoter parts of East Anglia and the south-west.

Regional development agencies are unaccountable, bureaucratic quangos that are wasteful in their use of public resources. They exercise powers that have mostly been seized from elected local authorities, particularly county councils. The fact that their main champion is the Deputy Prime Minister should alone make anyone in rural communities suspicious of them. We all know that the Deputy Prime Minister has only one view of the countryside and that is as a vast potential building site.

It is a pity that the Secretary of State has done nothing in her period in office to protect our landscape from the unwanted and intrusive developments imposed by the Deputy Prime Minister or to defend the rights of elected county and district councils to exercise local control over the scale of new development. We will fight the transfer of any more responsibilities to regional development agencies in the context of rural policy.

I am also concerned that the important independent advisory role at present entrusted by law to English Nature will still be performed properly under the proposed new arrangements. From time to time—for example, over the issue of GM crops and their environmental impact—the independent advice that English Nature has provided has been uncomfortable for the Government, but the need for that advice and the need for an independent voice able to speak up with the authority of a statutory body remain. I am therefore concerned that the new arrangements will not fully recognise this need.

I am concerned also that, although the aim of the proposals is to streamline the machinery through which rural policy is delivered, the situation will, in certain respects, get more complicated. For example, the role envisaged for regional rural affairs forums is a move in the opposite direction. They will be talking shops for so-called stakeholders and nothing more.

People in my constituency of South Suffolk and in other rural areas are used to plain speaking. There has not been much of that from the Secretary of State today. For too long, rural communities have been at the bottom of the Government's agenda. They have been discriminated against in terms of financial support and neglected through the provision of new services, with their age-old traditions held in contempt by urban new Labour Ministers, their industries endangered by imports, often produced to lower standards than those required here, and their environment destroyed in too many areas by a stroke of the Deputy Prime Minister's pen. Judging by what the Secretary of State said today, only the election of a Conservative Government will start the process of addressing their real and urgent needs.

Margaret Beckett: I got the distinct impression that the hon. Gentleman had understood neither the statement, nor, despite his experience, the reality of what is happening in rural areas. Let me pick up on a couple of the many points that he made. He talked about ignoring the central role of farmers, but I specifically identified and recognised that, as we do through the £17 billion that goes to farmers under pillar 1 of the common agricultural policy. He is right that there are other occasions to make more detailed announcements about farming—today's statement was about rural areas as a whole. Some 25 per cent. of those employed in rural areas are employed in manufacturing, which is more than in urban areas. Some 9 per cent. are employed in tourism, with 7 per cent. in retailing and 6 per cent. in agriculture. I share his view that agriculture is enormously important, but it is a pity that he seems to think that unless we are talking about farming, we are not talking about rural areas.

The hon. Gentleman listed ways in which he thought that rural areas were discriminated against under Labour, but ignored the fact that under this Government, all councils have received more money and every area has more police services. Under this Government, £450 million has been put into supporting rural post offices. He was foolish enough to talk about post offices disappearing, but it was because many commercial rural enterprises disappeared under the Government of whom he was a member that we were forced to introduce a special rate relief for villages with only one such enterprise left. They did not all disappear under us, but under them.

The hon. Gentleman made a totally unwise and inaccurate remark about English Nature and GM crops. English Nature advised us to run the trials, which we did, and after we received the results of the trials, a scientist from English Nature told us that he could not understand why anyone would oppose something that was better for the environment. Of course, however, that is quite consistent, because the only Government who brought GM products on to the market in this country were the Government of whom he was a member.

The hon. Gentleman said that people like plain speaking and that rural areas have been at the bottom of the agenda under this Government. The plain-speaking truth is that if the Conservatives' stewardship of rural areas had been as he said, and if they had not taken many rural areas and their support completely for granted, we would not now have some 180 Labour MPs representing rural and semi-rural constituencies.

Andrew George (St. Ives) (LD): I thank the Secretary of State for providing me with an advance copy of her statement, although that happened after the Prime Minister rose to his feet for Prime Minister's questions—within half an hour of the statement itself. I did not receive a letter from her, although I have received a communication to tell me that the right hon. Member for Walsall, South (Mr. George), who shares

my surname, received the letter rather than me. Perhaps the Department for Environment, Food and Rural Affairs needs to examine its bureaucratic procedures.

I understand why the Department has been drawn into the vortex of incredibly fluffy thinking that often arises when talking about rural development. Indeed, paragraph 40 of the candid report that the Secretary of State penned in autumn 2003 to review the progress of the rural White Paper said that

"defining effectively what is meant by the concept of 'rural areas' versus urban"

areas has been a challenge. In the same report, she said:

"The White Paper's inevitably aspirational nature means that it has not always been easy to pin down what it has actually meant in practice, and different groups and individuals have tended to interpret it differently. This in turn has made it harder to be specific about the outcomes that the Government wants to see in rural areas and to target resources to those areas and people with greatest need."

At least she acknowledged that; three years after the publication of the rural White Paper, the Government were not clear about what they were intending to do in the first place.

The problem is that on top of the labyrinth of strategies, initiatives, pilots and projects, the rural strategy will fail if it merely adds to the strong sense of fatigue among the agencies, local authorities and Government Departments that are expected to implement it. The streamlining of initiatives and the funds announced today by the Secretary of State will help, but at least she was honest in her review of the rural White Paper when she said that among its "successes" it was "increasingly understood". It should now recognise the problems conventionally found in strategies created to give the impression of purposefulness, compared to the determined action required in rural areas today.

I agreed with the principles that the Secretary of State set out, the general thrust of the reforms that she mentioned to clarify and devolve matters and the work to avoid rural areas becoming the exclusive preserve of the better-off. What has she done since the autumn to define what rural areas are, and do all Departments agree with the definition, especially the Office of the Deputy Prime Minister in its delivery of housing policy? Does the strategy supersede the rural White Paper? Will she explain in plain English the core objective of the strategy and is she confident that it will this time be understood across Government Departments?

Has the Secretary of State discussed the strategy on rural-proofing with her colleagues in the Treasury, who I understand are working tirelessly to ensure that Britain is removed from objective 1 and other European regional development aid? If that is the case, the money that the Government are proposing to add to rural regeneration might not even begin to match that withdrawn from the most needy rural areas that will lose aid.

The Secretary of State said that money will be given to regional development agencies, but will it be apportioned according to need or simply on the basis of rural populations? What will be the role of the fully independent sector in rural delivery? Over decades, we have had the tried and tested process of rural community councils throughout rural England providing an excellent means of delivery, so bypassing them or giving funds to regional development agencies so that RCCs must try to draw money from them would not be a good mode of delivery. She should use the existing method of delivery to ensure that the money gets to the ground, and I would like some reassurance on that matter.

On the environment, farmers are pivotal to delivering what the Government want throughout the countryside, but they are going out of business at the rate of 12 a day. Lord Haskins says that he thinks that the fact that farms are becoming larger is a good thing, although I do not know whether that is Government policy. What are Government doing to ensure that there are sufficient farmers so that their targets for the countryside may be met?

The biggest challenge facing rural areas today is housing, so what is the Department going to do about that? If rural areas are not to become the exclusive preserve of the better-off, sustainable action is needed to ensure that rural areas are there for rural people.

Margaret Beckett: I share the hon. Gentleman's view that if the changes that we are announcing today merely add to the sense of fatigue, we will certainly have failed. However, I understand from the extensive discussions that my officials, ministerial colleagues and I have held with all those engaged that there is recognition of the need for change and a great willingness to embrace that change and take it forward.

The hon. Gentleman asked about definitions and data. It is a symbol of the failure of the Conservative party that when we came to power and endeavoured, through the implementation of the rural White Paper, to find out how to address some of the problems that unquestionably exist in rural areas, there was a dearth of evidence, information and reliable data. We had to start from scratch in building an evidence base. We now have an agreed definition. I shall not share it with the House, but I will write to the hon. Gentleman and ensure that the letter gets to him this time. Perhaps someone had not been to Walsall and misunderstood the nature of the countryside there.

Mr. Patrick McLoughlin (West Derbyshire) (Con): Someone in the Department.

Margaret Beckett: Someone in the postal service.

The hon. Gentleman also asked whether we discussed the issues with the Treasury. We certainly did and it is very much on board. It has taken on board the issues of rural proofing in its approach to expenditure and assessment of need. He referred to objective 1 status. He will know that no one fought harder than the Government to secure objective 1 status, not least for the area that he represents. Money has been pouring into his area under this Government in a way that has never been seen before. I am conscious of the difference between the concerns and the hopelessness that people saw six or seven years ago and the hope, optimism and fresh opportunities that exist in such areas today.

The hon. Gentleman misunderstood the position of rural community councils. We recognise the dangers he identifies. It is not intended that their funding should come through RDAs; the existing role will be retained.

[Margaret Beckett]

The general distribution of moneys between different RDAs will follow the overall picture because we will be contributing to the single pot.

I agree that farmers are critical to the environment and land management. The hon. Gentleman asked what we had done to assist their enduring participation in farming. There have been many initiatives, gestures and support of various kinds, but the most important thing we have done is to reform the common agricultural policy, which sets them free to farm to the best advantage of their business, not because that is how they get the subsidy. On housing, I said that the resources will also apply to housing in rural areas.

Diana Organ (Forest of Dean) (Lab): I warmly welcome the statement; in particular the reduction of the 100 rural agricultural and environmental funding schemes to three major ones. Will my right hon. Friend provide more detailed guidance on that, and if so when? Which funding schemes are going into which programme? Many organisations are delivering in rural areas and will want to know which section they have been put into.

Will my right hon. Friend say a little about funding for areas of outstanding natural beauty? It was clear in the Haskins review that national parks will get 100 per cent. of their money directly from the Department for Environment, Food and Rural Affairs, but the future of the money for areas of outstanding natural beauty was not clear. At the moment, some of it comes from local authorities and some from DEFRA.

Mr. Speaker: Order. I must insist that supplementary questions are brief. Perhaps I can also put down a marker for Front-Bench spokesmen. Back-Bench Members also have to be called and that should be taken into consideration.

Margaret Beckett: Thank you, Mr. Speaker.

I take the point made by my hon. Friend the Member for Forest of Dean (Diana Organ). We will obviously publish more detail. A rather attractive diagram shows what schemes will go where. Broadly speaking, the three major funds will focus on natural resource protection, sustainable food and farming, and sustainable rural communities. Although initially there will be an indication of how existing funds fit into that framework, one of my key goals has been that we do not simply introduce three headlines under which remain the existing complexity of schemes, rules, application forms and so on. I am determined that there will be three funding streams and that their delivery will be devolved as much as possible. We will also honour existing commitments, so it will take a little time to introduce the scheme.

If my hon. Friend will forgive me, I shall write to her about areas of outstanding natural beauty. Those are covered by a range of issues and different sources of funding.

Mrs. Angela Browning (Tiverton and Honiton) (Con): If support for rural business is important, which it is, why are the enterprise agencies in Tiverton and Crediton in my constituency closing? The enterprise agency in Honiton will no longer be run locally, but from Plymouth—hardly rural—on the other side of the county, which is also the case for my hon. Friend the Member for East Devon (Mr. Swire), whose constituency covers Exmouth.

On social exclusion, why are the learning and skills councils cancelling from 1 August all courses that do not lead to a qualification for work, thus depriving all the adult population with learning disabilities of the opportunity to prepare for voluntary work? The Secretary of State painted a rather twee picture of the beautiful countryside, but when animals leave Devon in the next decade, which they will, it will not look like a chocolate-box picture; it will look like a wilderness.

Mr. Speaker: Order. Those were supplementary questions. Perhaps the Secretary of State will answer just one of them.

Margaret Beckett: A number of the questions raised on specific policy developments are for other Departments, although I recognise the potential knock-on effect. As I said, we are not only putting more resources into support for businesses in rural areas, but intend to introduce a much more simplified and more effective way in which that support and information can be accessed.

As for Devon being a wilderness and everyone leaving, the Government of whom the hon. Lady was a member would have been proud to deliver CAP reform in the way in which this Government have.

Kali Mountford (Colne Valley) (Lab): I thank my right hon. Friend for an insightful analysis of rural life and the view of the future. Will she consider the renaissance market town development of Yorkshire Forward? It has been extended to Marsden and Slaithwaite in my constituency and allows the local community to develop its own plan for sustainable development. Will the new money be accessed more easily so that those plans are not just talked about but properly implemented?

Margaret Beckett: I am grateful to my hon. Friend. She is entirely right—the local project and initiative that she describes is exactly the sort of thing that we want to see spread more widely. The greater resources that we are putting in and the greater freedoms that we are devolving to a local level mean that others can learn from best practice, which can be widely replicated.

Mr. McLoughlin: May I draw the Secretary of State's attention to your ruling on a point of order yesterday, Mr. Speaker? Her Department could comply with that by close of business tonight if she gave the necessary instruction, and I beg her to do so.

On the more substantive issue, she mentioned the RDAs in paragraph 6 of the statement. Will she look at how her proposals will affect the Peak park, which falls into four Government areas—the east midlands, the west midlands, Yorkshire and the north-west? Certain

parts of the park qualify for grants given by RDAs, but other parts do not. Will she consider that particular problem?

Margaret Beckett: I shall certainly check what the hon. Gentleman says about your ruling, Mr. Speaker. My understanding is that the matter is for Departments to determine, but I shall look into it.

Secondly, we are conscious of the problems faced by areas such as the Peak park. My right hon. Friend the Minister for Rural Affairs and Local Environmental Quality discussed that with the relevant chairs of RDAs only yesterday. Although I recognise that hon. Members get upset about the use of what they regard as jargon, it is sometimes hard to explain organisational change in any other way. We are anxious to encourage partnership working among and with the RDAs.

Chris McCafferty (Calder Valley) (Lab): I, too, warmly welcome my right hon. Friend's statement, in particular her proposals to prioritise access to transport and affordable housing. Is she aware that £2 million has been invested in rural transport in my constituency in the past 18 months? The improvement in the quality of life of my constituents has been immeasurable. Is she also aware of the housing problems that arise for people born and bred in semi-rural areas, like Hebden Bridge in my constituency, that have become tourist honeypots? Will the new agency prioritise and address those issues of affordable housing in such areas?

Margaret Beckett: I am grateful to my hon. Friend for her words, which are in stark contrast to those of Conservative Front-Bench Members. I do indeed recognise the huge difference made by the resources that have been put, for example, into rural transport, which has certainly undergone a transformation. I share her concern about access to affordable housing, about which the Conservative party seems to have nothing to say, except to try to pretend that it would all be in greenbelt areas so nobody wants any of it, which is not a very constructive approach. I also understand and share my hon. Friend's concern that we should carry on making such improvements, and we will certainly continue to do what we can.

Mr. David Curry (Skipton and Ripon) (Con): The right hon. Lady constantly used the word "delivery". Is she aware that delivery depends on reliable IT systems that do not fail? The Rural Payments Agency is under strain and the cattle tracing service has been criticised. The besetting sin of this Government is introducing schemes before they can deliver them, as with the whole tax credit system. Will she make sure that nothing is introduced until she is absolutely certain that it can be delivered?

Margaret Beckett: Some of the criticisms made of the cattle tracing service had validity but are well out of date. I entirely share the right hon. Gentleman's view that successful delivery depends on reliable IT, not least because, as he will probably recognise, when our Department was set up not only did neither of its constituent parts have reliable IT, but they could not talk to each other, so we are very mindful of the need for IT to underpin successful delivery of services.

Paddy Tipping (Sherwood) (Lab): The final sentence of my right hon. Friend's statement stressed implementation. These are major changes for the Department and the various agencies involved, and they require primary legislation according to a timetable yet to be ascertained. What mechanisms and management structures will be put in place to handle those major changes and make them successful?

Margaret Beckett: I am grateful to my hon. Friend for his recognition of what the Government are trying to achieve. We will be making much more information available to Members in, I hope, the near future. We believe and hope that a number of changes on the ground can begin next April, but as he says, changing the legal structures will require primary legislation, and obviously that depends on the Government's overall approach. I believe that we will begin to see differences next spring.

Richard Younger-Ross (Teignbridge) (LD): I welcome the additional £2 million for Business Link announced by the Secretary of State, which is probably just as well as there will be few farmers left in Devon and we will need other businesses. Can she speak to the other agencies that may be undermining her efforts? Royal Mail is about to reduce postal collections in Teignbridge and south Devon; BT is shutting and removing telephone boxes; and the Post Office is about to close seven post offices.

Margaret Beckett: Contrary to the carping that we hear across the Floor of the House, very many people in the farming community fully recognise not only that this Government have done an enormous amount to help and support British farming, but that the changes that we have negotiated and are putting in place will help to create a sounder future for the farming community over the next half-century and beyond, not least because the resources that it will receive will be given in return for public goods and are therefore much more likely to be accepted and welcomed by the public.

With regard to the hon. Gentleman's further comments, I am of course mindful that changes are taking place in rural areas, but I have already pointed out how much the Government are already doing to try to help to support rural post offices, which were one of his examples. He must be well aware of the changes that took place before we came to power, not all of which we can reverse.

Mr. David Drew (Stroud) (Lab/Co-op): I am not sure whether I heard my right hon. Friend mention rural governance in her statement, but I know that she will appreciate the importance of parish and town councils, in which I declare an interest. Does she accept that there is still a problem in rural Britain regarding the capacity of parish and town councils and the level of disagreement that sometimes takes over? Will she make sure that resources are put into the first layer of our democracy, because those bodies are, and will remain, very important?

Margaret Beckett: I entirely share my hon. Friend's view that there is an enormously important and valuable role for parish councils. He will be familiar with the

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quality parish council initiative to which we have often referred in the House. I am also mindful of the fact that it is often at that level that the voice of the rural populace can most clearly be heard. I assure him that capacity-building, support and training is very much part of the picture that we hope to create.

Mr. Anthony Steen (Totnes) (Con): I wonder whether the Secretary of State has considered getting rid of her rural policy and the galaxy of institutions and public officials that surround it, and whether the people living in the countryside might be better off as a result.

Margaret Beckett: I am not entirely sure what the hon. Gentleman means. All I can say is that the Conservative party did their best to get rid of the prosperity of rural areas when they were in power.

David Taylor (North-West Leicestershire) (Lab/Co-op): I congratulate the Secretary of State on the statement; it reminds us why many of us voted for her 10 years ago in the leadership election. She is right to refer to the priorities of rural business, rural exclusion and rural environment, and she cites tranquillity as an important characteristic of the countryside. Where in her Department is the co-ordinated liaison with the aviation industry to try to tackle the problems of those villages that lie under flight paths or are scattered around regional airports, where environmental controls are particularly defective?

Margaret Beckett: I am grateful to my hon. Friend for his welcome for the statement. I understand his point keenly, because shortly after the planes that he refers to fly over villages in his constituency, they fly over mine. I am therefore mindful of his concerns. I simply say to him that we endeavour to maintain the right balance between economic development and social and environmental concerns—it is not easy, but we will continue to try to do so.

Mr. David Heathcoat-Amory (Wells) (Con): Following the question of my hon. Friend the Member for Totnes (Mr. Steen) and the Secretary of State's inadequate reply, will she at least seriously consider shutting down the talking shop regional assembly in the south-west and the regional development agency, with all their glossy brochures and strategy documents which do absolutely nothing for the people who live and work in the south-west, and instead spend the time and effort on cutting taxes and reducing regulations on those people?

Margaret Beckett: We are doing a great deal of work on whether and how we can achieve a better, more consistent and light-touch approach to regulation. The right hon. Gentleman may want all the voices for rural areas—what he calls a talking shop—silenced and the regional development agencies closed down, but many people in rural areas, as elsewhere, recognise the valuable and viable role that those bodies can play. Maybe they do not like to say so to the Conservative party because they know that it is pledged to abolish them.

Mr. David Kidney (Stafford) (Lab): The general approach of much more devolution has to be right, and I congratulate my right hon. Friend on that, but will it place new and greater demands on the rural proofing that has been so well championed by the existing Countryside Agency? If so, what does she think will happen to rural proofing in future?

Margaret Beckett: Obviously, responsibility at Government level remains with my Department, but we believe that a new, smaller and more focused Countryside Agency will be able to act very effectively as an independent adviser, advocate and watchdog for the interests of the countryside. That is certainly my hope and my intention.

Mr. James Paice (South-East Cambridgeshire) (Con): The Secretary of State referred to the valuable role of woodlands in tackling climate change, but not to their valuable role in the landscape, the forestry industry and local economies. How does she square her comments with the fact that private planting of woodland is at an all-time low and the losses being incurred by Forest Enterprise are at an all-time high, at the expense of the taxpayer? What is her strategy for putting that right?

Margaret Beckett: We are looking at how we can best develop and make use of the economic opportunity, and indeed the social as well as the environmental opportunities, of woodland. The policy responsibilities for the Forestry Commission will in future move to my Department, but the commission will work with the other agencies to establish delivery of policies on the ground in rural areas, and it will look afresh at the approach to woodland.

Delivering Security in a Changing World: Future Capabilities

1.20 pm

The Secretary of State for Defence (Mr. Geoffrey Hoon): With permission, Mr. Speaker, I should like to make a statement about the need to transform our armed forces to deal with the challenges of the 21st century. Before I do so, however, I know that the House would want to join me in paying tribute to the bravery, professionalism and dedication of the men and women who serve their country in the armed forces, as well as those who support them in the Ministry of Defence and British industry. Their reputation is second to none. The transformation that I am setting out today will help to ensure that our armed forces can continue to respond effectively to the global challenges they are likely to face.

The Government are absolutely committed to Britain's defence and to our armed forces. That was made abundantly clear by my right hon. Friend the Chancellor's announcement last week of the Budget settlement for defence. The 2002 spending review provided the largest sustained growth in defence spending plans for 20 years. This year it has been possible to make even more resources available to defence, providing the longest period of sustained growth for over 20 years—a defence budget rising by £3.7 billion. It is this sustained investment that makes possible the transformation to which the Government and the armed forces are committed.

In the 1998 strategic defence review we set out plans to develop defence capability to match the needs of the post-cold war world. We built on this with the SDR new chapter, published after the appalling events of 11 September 2001, and we confirmed this direction in the defence White Paper of December 2003. That White Paper makes it clear that the threats to Britain's interests in the 21st century are far more complex than was foreseen after the disintegration of the Soviet empire. That is why the defence White Paper signalled that we should continue to modernise the structure of our armed forces, embrace new technology and focus on the means by which our armed forces can work together with other Government agencies to meet the threat of international terrorism and the forces of instability in the modern world.

Our armed forces have enthusiastically embraced this process of transformation. It will see a shift away from an emphasis on numbers of platforms and of people—the inputs that characterised defence planning in the past—to a new emphasis on effects and outcomes, and on the exploitation of the opportunities presented by new technologies and network enabled capability. We measured numbers of people and platforms in the cold war because we were preparing for an essentially attritional campaign, holding back Soviet forces. That kind of campaign has fortunately passed into history as technology has moved on.

The capability of our armed forces is growing year by year as intelligence is combined with target acquisition, modern communications and precision weaponry to produce results that have changed the nature of modern warfare. These new capabilities involve the rapid communication of actionable intelligence to the commander in the field to deliver a range of combined effects, involving all three services and our allies acting efficiently and effectively together.

We are also able to respond more rapidly to crises through the improved deployability of our forces. We saw that in 2003 when forces were moved to the Gulf in less than half the time that it took 12 years before. With better target acquisition and precision weaponry, our Air Force was able to hit its targets with less ordnance—and hence fewer aircraft—than in the first Gulf war. The same tasks can now be completed in much less time, with far greater accuracy and correspondingly lower risk to our armed forces.

The defence White Paper makes it clear that this shift in investment towards greater deployability, better targeted action and swifter outcomes would involve a reduction in the numbers of tanks, aircraft and ships. Drawing on our experience of operations since the strategic defence review, the Ministry of Defence and the armed forces have been identifying which parts of the armed forces are most in demand, and which are less well utilised. As a result, we have developed new plans to ensure that our armed forces can retain maximum effectiveness. I have set out those plans in detail in the Command Paper on future capabilities, which is published today.

The majority of reductions will affect not the front line, but support operations. We will exploit greater efficiencies in the delivery of logistic support and the modernisation of infrastructure. We plan to accelerate this process over the years ahead. Efficiency savings of £2.8 billion are included in our plans. All this money will be recycled to enhance our front-line capabilities and other modernisation initiatives.

Of course, we are investing more new money in defence. This investment will, for the Army, enable us to fund its transformation into a force which is structured and equipped to meet the demands of multiple, concurrent operations across the full spectrum of tasks. This involves a shift from the current structure, which is strong at the heavy and light ends of the spectrum but thinner in medium forces, to one that is better balanced right across the capability spectrum.

The balanced land force of the future will consist of two heavy armoured brigades, three medium-weight brigades, based around the future rapid effects system family of medium-weight vehicles—FRES—and a light brigade, in addition to the air assault and commando brigades. We launched the assessment phase of the FRES project in April this year and we expect to sign a contract for technology demonstration work to start later this year.

The shift in emphasis to more agile, deployable forces means that we will establish an additional three light armoured squadrons, re-role a Challenger 2 regiment into an armoured reconnaissance regiment and re-role an AS90 regiment into a light gun regiment. Later, we will equip three artillery regiments with the new light mobile artillery weapon system. At the same time, we will seek to improve our ability to engage land targets with precision and at range. The first Apache attack helicopter will go operational later this year, which is an important first step down this path.

That will be followed by improvements in our missile inventory, through the progressive introduction of the Brimstone air-to-ground missile, a new infantry

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anti-tank guided weapon—Javelin—and improved artillery rounds to allow precision indirect fire over the second half of the decade. Collectively, these improvements will be balanced by a reduction of seven Challenger 2 armoured squadrons and six AS 90 heavy artillery batteries by early 2007.

Critical as these new weapons systems are, at least as important are the changes that we are making to enhance the Army's network enabled capability. Digitised communications systems provide the network links. The entry into service of Bowman at the tactical level, and the Cormorant and Falcon systems at the operational and strategic levels, will represent a step change in our capability to pass data between commanders and the front line. We are also continuing to invest in improved electronic warfare capabilities such as Soothsayer, and in developing stand-off sensors, such as the Watchkeeper unmanned air vehicle. I announced yesterday that the preferred bidder for Watchkeeper is Thales Defence Ltd. This will provide battlefield commanders with high quality, timely and accurate information. The new joint surveillance aircraft Astor recently made its first test flight successfully.

Our battlefield and maritime helicopter forces, arguably the most capable in Europe, have demonstrated their versatility by supporting the full spectrum of recent operations. Over the next 10 years, we plan to invest some £3 billion in helicopter platforms to replace and enhance our existing capability. This substantial investment within a relatively short time frame will make it possible to produce a future helicopter fleet focused on the key capability areas of lift, reconnaissance and attack, central to future expeditionary operations.

The dominance in the air by alliance and coalition air forces shown in recent conflicts, together with our judgment about the likely threat on deployed operations, and our continued investment in Typhoon and its advanced air-to-air weapons, mean that we can plan to reduce our overall investment in ground-based air defence. We will meet our requirement in future from 24 Rapier fire units and 84 high velocity missile launchers. Rapier will be deployed by the Army, with the RAF Regiment relinquishing the role. Ground-based air defence will be commanded by a new joint headquarters within the RAF command structure. We are reviewing the implications of these force structure changes for our future equipment plans. In the meantime, I can announce the procurement of additional missiles worth about £180 million for the high velocity missile system.

I come now to the infantry. We currently provide for operational and geographical variety for the infantry by moving battalions between locations and roles every few years, which is known as the infantry arms plot. This process inevitably takes battalions out of the order of battle while they are moving and training for new roles. It also adds to turbulence. We need to ensure greater capability from the infantry, improved continuity, better careers for infantrymen and more stability for their families. The infantry arms plot will therefore be phased out.

In addition, as a result of the improving security situation in Northern Ireland, we announced last month a reduction in the number of battalions committed to the Province by two. The Chief Constable of the Police Service of Northern Ireland and the General Officer Commanding have conducted a further review of security requirements. As a result, I can today announce another reduction by a further two battalions, which will take place in the autumn. That will reduce the overall requirement for infantry battalions from 40 to 36. This reduction will comprise one battalion recruited from Scotland and three recruited from England.

Those changes necessitate a new infantry structure that must preserve the best aspects of the regimental system, but produce an organisation capable of adapting for the future. The new structure will be based on regiments of two or more battalions, in largely fixed locations, allowing individuals to move easily between those battalions. Details of the new organisation will be worked out by the Army and announced by the end of the year.

The Army board wants to establish an infantry organisation that will last for the foreseeable future. The manpower released by the reduction of four battalions will be redistributed across the Army to strengthen existing infantry units, but it will also be used elsewhere among the most heavily committed specialists such as logisticians, engineers, signallers and intelligence. The overall size of the Army will be around 102,000.

Our plans for the Royal Navy involve the further development of a versatile, expeditionary force capable of operating at distance from the United Kingdom and focused on delivering effect on to land at a time and place of our choosing. Two new large aircraft carriers deploying the joint combat aircraft will provide the heart of our future ability to project military power from the sea. On Monday, I announced the extension of the assessment phase to take forward further design work on the new carriers in the run-up to our main investment decision and that the principles of an alliancing approach have been agreed with our industrial partners. We are investing heavily in our amphibious capability. HMS Albion and HMS Bulwark, which was delivered to the Royal Navy last week, will provide a step change in our ability to launch the Commando Brigade and support other forces ashore.

By ensuring that our major warships are effectively networked and supported, we can deliver more capability from fewer platforms. Developments in network enabled capability—linking sensors and weapon systems—mean that we can meet future area air defence and command and control requirements from a force of eight Type 45 destroyers. With those hugely capable ships currently under construction, we can plan to pay off our oldest Type 42 destroyers, HMS Cardiff, HMS Newcastle and HMS Glasgow, by the end of 2005. We are still in the early stages of an ambitious procurement programme and are working with industry to define a timetable that best matches our capability requirements and the need for steady work in both the shipbuilding and repair industries.

The potential submarine threat to most future UK operations is likely to be low. Where a threat exists, however, we will still need the full range of advanced anti-submarine warfare capabilities to deal with it. We have therefore decided to reduce our overall numbers of

platforms optimised for anti-submarine warfare, while continuing to maintain our technological edge over potential opponents, including through the introduction of the new low-frequency active sonar 2087. We will pay off three Type 23 frigates, HMS Norfolk, HMS Marlborough and HMS Grafton, by March 2006. That shift of emphasis also allows us to meet our maritime reconnaissance needs with 16 Nimrod MR2 aircraft. That requirement could be met in future by a fleet of around 12 Nimrod MRA4 aircraft, which are more capable, subject to industry demonstrating satisfactory performance at acceptable prices.

We require a total of eight nuclear attack submarines. The introduction of the new Astute class boats will hugely enhance the contribution made by nuclear-powered attack submarines across the spectrum of operations. Solid progress has been made on the first of class following the restructuring of the project, and work continues on boats two and three, as well as on long lead items for boat four, but more remains to be done before production orders can be finalised. We are also investing in the latest generation of Tomahawk land attack missiles and improvements to submarine communications to give our current and future submarines an improved land attack capability.

Our mine countermeasure vessels have made a valuable contribution to recent operations. Against that changing threat, we must retain a balanced force of eight Hunt class and eight Sandown class vessels. We plan to pay off HMS Inverness, HMS Bridport and HMS Sandown by April 2005. The improved security situation in Northern Ireland also makes it possible to pay off the Northern Ireland patrol vessels, HMS Brecon, HMS Dulverton and HMS Cottesmore by April 2007. As a consequence of those changes, the manpower of the Royal Navy will reduce to 36,000 over the next four years.

Air power is critical to the prosecution of modern warfare. Over the next 10 to 15 years, an accelerating transformation of our air power will enable quicker, more precise and more decisive operations at range, delivered by multi-role Typhoon and joint combat aircraft equipped with highly capable weapons. The Typhoon programme is now moving forward towards initial operating capability, with indications that the aircraft is demonstrating excellent performance and good reliability. We expect to sign a contract for the second tranche of Typhoon aircraft as soon as we complete satisfactory negotiations over price and capability.

The investment in our air forces is already producing substantial improvements in existing aircraft. The Tornado GR4 is now one of the most potent offensive aircraft systems in the world, fully capable of day and night operations in all weathers. The Harrier GR9 development programme is on course to deliver a significantly more capable platform with much wider versatility, including for carrier-borne operations. The tactical information exchange capability project will examine how the effectiveness of the GR4 and GR9 can be further enhanced by improving their networked capability. The Tornado F3 aircraft is now equipped with advanced medium-range air-to-air missiles and the world-leading advanced short-range air-to-air missiles and is fully networked through the joint tactical information distribution system. The new Storm Shadow long-range air-to-surface missile proved itself as a world-beater during the recent Gulf war. New precision-guided Paveway IV bombs will further enhance our overall capability in the short term.

With those significant advances in capability, we now judge that we must reduce the types and overall numbers of the RAF fast jet force, providing a firm baseline for transition to the multi-role era. We will reduce the number of the air defence Tornado F3 squadrons by one, and bring forward the withdrawal of two Jaguar squadrons to 2006, with the final Jaguar squadron disbanded in 2007. Those changes in the force structure and the achievement of planned organisational efficiencies will lead to a reduced RAF manpower requirement of around 41,000 by 2008, which will also allow us to close RAF Coltishall airfield by December 2006. We will also be undertaking an extensive review of our future requirement for airfields. Following an extended period of consultations, we have decided to rationalise the basing requirements of a number of RAF logistic support and communication units. My right hon. Friend the Minister of State with responsibility for the armed forces is writing today to those hon. Members whose constituencies may be affected.

The RAF also plays an essential enabling role in support of expeditionary operations through its strategic and tactical airlift capability. The core of that capability remains the fleet of C-130 aircraft and, from 2011, the A400M. To accommodate larger items, we were considering the options to retain C-17s after the A400M enters service, and I am pleased to announce that we intend to buy the current fleet of four at the conclusion of the current lease arrangement and to purchase one additional aircraft, bringing our C-17 fleet up to five aircraft.

Amidst those structural and major equipment changes, we must never neglect the more immediate needs of our armed forces in the field and in particular their personal equipment. We already have a major programme under way in the light of experience from Operation Telic, and I can announce some further enhancements. This year, we will procure additional light machine guns for the infantry, together with night vision and target acquisition systems for forces in land, sea and air environments, as well as further enhancements to our special forces capabilities. We will also make major enhancements to our asset tracking capability to ensure that the right matériel is in the right place at the right time—we have learned the lessons from recent operations in Iraq.

Alongside the modernisation of our conventional forces, as set out in last year's White Paper, the Government remain committed to maintaining the effectiveness of the nuclear deterrent, including making the necessary investment at the Atomic Weapons Establishment, Aldermaston, and to keep open the options for a successor to Trident until a decision is required, probably in the next Parliament.

In addition to the reductions in the armed forces' manpower, we envisage reductions of around 10,000 in civilian jobs. Those reductions flow from efficiencies as a consequence of the Department's change programme and other initiatives. The reductions in armed forces and civilian manpower will be achieved, as far as practicable, through natural turnover. We will also retrain and

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redeploy personnel wherever possible. We are committed to enabling our people to develop their skills and abilities, so that those who leave are well equipped for life outside defence and those who stay are properly trained for their roles. However, redundancies will inevitably occur, and we will use the normal consultation processes to achieve them.

The White Paper makes it clear that our reserve forces have evolved to become an integral part of the UK's military capability. We learned many lessons from operations in Iraq about how we mobilise our reserves and how we must strengthen the relationship between the services, reservists, their families and their employers. The Under-Secretary of State for Defence, my hon. Friend the Member for Hove (Mr. Caplin), will make an announcement tomorrow about our plans to consult on proposals to update financial assistance to reservists when they are called into service and compensate employers who incur additional costs as a result of their staff being called up.

Some will claim that the defence budget is under such pressure that it is impossible to sustain the Department's forward equipment programme. In fact, the spend with industry will continue at the same level as in recent years. It is of the utmost importance that industry takes the maximum advantage of that substantial investment to produce what the armed forces need at a price that the country can afford. We will take forward our defence industrial policy and implement those changes in conjunction with industry to ensure a healthy and competitive defence industry, one that continues to play the leading role in our economy, a leading role that it enjoys today. I am confident that it will respond to this challenge.

For the third successive spending review, the Government have been able to announce real growth in the defence budget. That is without precedent since the mid-1980s. Even with these additional funds, it is necessary to secure maximum benefit from efficiencies and make choices to ensure that our force structure matches the requirements of today's security environment. The plans that I have announced today show the Government's determination to make the choices necessary to ensure that the real growth in defence expenditure is targeted at what the armed forces require in the 21st century, rather than what they have inherited from the 20th. That will ensure that the armed forces are equipped and trained to continue to perform with success in the future the tasks that they have undertaken so admirably and successfully in recent years.

Mr. Nicholas Soames (Mid-Sussex) (Con): I thank the Secretary of State, through gritted teeth, for allowing us sight of his statement every bit of 35 minutes before he rose to make it. I join him in his praise for, and commendation of, the magnificent work done by our armed forces, which does such huge credit and brings such distinction to our country.

We welcome some of the steps that are to be taken in the rebalancing of our forces for the threats and operations of today and tomorrow, and we accept the need for hard choices to deal with some of the legacy issues. We also recognise the importance of network-enabled capability as a next step in the development of the armed forces. But, however the Secretary of State tries to present it today, this announcement is essentially about cuts. The servicemen and women whose battalions are to be disbanded, planes grounded and ships scrapped are the same men and women who bailed out the Government over their dismal failures and incompetence at the time of foot and mouth disease, and bailed out the Home Office over the fire strike. These are the same people who brought peace to Sierra Leone and Bosnia, saved Sierra Leone from almost certain self-destruction, helped to secure peace and good order in East Timor, brought freedom to Kosovo, helped push the Taliban out of Afghanistan, and liberated Iraq and brought an increasing security to its people. Some of them are fighting a largely unsung battle in Basra today, in a very difficult environment.

These young men and women, at all levels of all three services, will feel themselves to have been betrayed, politically and morally. Today the nation will be dismayed that its armed forces, whom it loves and admires, who have repeatedly been deployed at the drop of the hat all over the world on the Government's instructions, and who have brought such distinction and success to Britons internationally, should be treated in such an underhand way.

Most of the current difficulties in defence are entirely of the Government's making. The promise of a strategic defence review to restructure our forces for the post-cold war world was undermined by a defence budget reduced in real terms. The SDR was never properly costed or properly funded. When the new chapter was written after 11 September, as the Labour-dominated Defence Committee has pointed out,

"ambition continued to run ahead of delivery".

Only a few weeks ago, the Select Committee lambasted the Ministry of Defence for doing away with existing equipment before replacement systems had been procured and tested, failing to tackle manpower shortages, and underestimating the importance of boots on the ground. Does the Secretary of State deny that these latest cutbacks will seriously damage our military capability and our ability to project power for several years, while we await the arrival of largely unproven technology?

Despite all the Secretary of State's extravagant claims to be increasing it, there is in reality a deep crisis in the defence budget. According to the latest report by the Institute for Fiscal Studies, the defence budget is lower in real terms today than before Labour came to power in 1997. Is it not clear that the defence budget is decreasing, not increasing? If it is not decreasing, why did the Chancellor promise £31.8 billion for defence in 2004–05 in his 2002 spending review, but only £29.8 billion in his latest—a real-terms cut of 6.44 per cent.? Under this Government, the defence budget has sunk so deeply into the red that the equipment overspend is in excess of £1 billion per annum. That is hardly a sparkling example of the efficiency of smart procurement.

Today, is the Secretary of State not taking his most reckless step so far—cutting tanks, ships, aircraft and men to make immediate savings, while making vague promises that new weapons will be delivered at some point in the dim and distant future? Is this not the worst form of post-dated cheque?

The Government parrot the mantra that numbers of platforms do not count, because modern warships are so much more powerful. Yet the same warship cannot be in two places at once, and the fewer the platforms the greater the proportionate loss when one is damaged or disabled. Does the Secretary of State accept that with the cuts in the frigates and destroyers, the fleet will not be able to fulfil the broad range of tasks assigned to it, which it performs so brilliantly with so few ships? How will the minehunters be able to continue the many tasks that they have been assigned? Can the Secretary of State confirm that only one carrier at a time will ever be in commission in future, and that without proper air cover? At the very least, the Government should give the Navy what it wants, serious land-attack capability for the reduced number of Type 45 destroyers, by fitting them with the tactical Tomahawk cruise missile.

We welcome the work that is being done to modernise the way in which the Army organises itself in this expeditionary age in which it has been so regularly and invaluably used. However, we consider the reduction in the size of the Army in general, and the infantry in particular, from a manpower target of 108,500 to the present size of 103,500 and a proposed established strength of 102,000—a cut of 6,500 men—to be extremely unwise. All the evidence and all the experience shows that declining infantry numbers will leave less time for vital training to keep up essential skills and less time for people to spend with their families, and will inevitably lead to an increase in the depressing cycle of overstretch as the infantry struggles with the many tasks that the Government give it.

Superficially, the proposals for large regiments have some logic and may appear attractive. Indeed, there is every reason for the Army to increase its usability, and to modernise the way in which it organises itself in this expeditionary age. My party believes, however, that at the same time we must at all costs retain that which makes the British soldier the extraordinary animal he is. The Secretary of State must remember that in these regiments are some of the qualities that set the British Army apart from all others, and that therefore the significance of the regimental system must be retained in any restructuring that takes place. All that these regiments stand for, and all that they have given over the years in the fighting efficiency of the Army, is not to be lightly tossed away as it has been this afternoon.

Does not the Government's astonishingly keen desire to present themselves as a wholly owned subsidiary of the American armed forces, and their attempt to keep pace with our most regular coalition partner, threaten some of the British military's more excellent traditional strengths? And what about homeland defence? How many civil contingency units are organised, manned, equipped and trained to deal now with a major terrorist incident in the UK?

Does the removal of responsibility for ground-based air defence from the Royal Air Force regiment to the Army not sound the death knell for a regiment dedicated to the defence of valuable air assets? Will not the accelerated scrapping of the Jaguar fleet deprive the Royal Air Force of an invaluable, cost-effective, recently upgraded ground attack aircraft? Over what time scale will the substantial cuts in manpower take place in the RAF and when does he expect to follow up the closure of RAF Coltishall with the announcement of further RAF airfield closures?

However powerful new ships may be, they cannot be in two places at once. However smart new systems may be, they cannot replace troops on the ground. As the implications of what the Secretary of State has begun to announce today sink in, will it not seem extraordinary to the British people that there should be such deep cuts across the board when our armed forces have never been so busy or in such demand, and at a time of such an accelerated threat?

The incoming Conservative Government—*[Interruption.]* The incoming Conservative Government will fully fund and equip our armed forces to carry out their agreed tasks and commitments. We will see to it that order and competence are restored to the management of defence and particularly to the business of procurement and logistics. If we are required to increase our defence spending, increase it we will.

Mr. Hoon: I am delighted to see from his closing observation that the hon. Gentleman has not lost his sense of humour. What he has lost in the course of his remarks today is any credibility. If he is going to challenge the Government's spending plans and how those plans will meet defence needs in future, he has to say how he will fill the hole in spending created by his shadow Chancellor, who has made it clear that the Conservative party's spending plans involve a freeze in defence spending. Under its plans, by the time the substantial increase that the Government will commit to defence expenditure reached its conclusion, there would already be a gap of £2.6 billion.

From the hon. Gentleman's comments today, and earlier today on the radio, it seems that he is committed to reversing all the adjustments that we propose to make in defence capabilities. How much will that cost? What kind of calculations have the Opposition done on those arrangements? If he is to talk to the men and women of the armed forces about their future, he has to explain where the money is coming from. He has to explain to his shadow Chancellor what it means exactly to freeze expenditure—not the substantial increase in spending that the Government propose.

That is a serious problem for the hon. Gentleman. His own leader, when asked how much he would spend on defence, said:

"I can't tell you how much we will be spending on defence".

He did not know. The shadow Chancellor says that there will be a freeze in defence spending. What has been the reaction of the hon. Gentleman? He says that the plans are outrageous. What is the policy of the Conservative party? What exactly is it saying to the men and women of Britain's armed forces?

It is no good Conservative Members coming here and ritually saying how much they support the men and women of the armed forces. They have to explain how they are going to achieve that. The men and women of the armed forces live and operate in the real world. They have a real job to do with real equipment. It is no good cor- ng along with fantasy figures, pretending that all these things can be restored, when there is a huge hole in Conservative spending plans.

[Mr. Hoon]

I would have hoped that, after three years as Minister for the Armed Forces, the hon. Gentleman realised the difference between out-turn spending in defence—the money that has been spent on operations—and planned expenditure. I would have thought that, during those three years, the excellent civil servants in the Ministry of Defence would have explained that to him but unfortunately he did not appear to have learned the lesson.

One of the difficulties for Conservative Members is that, if they attack the proposals for restructuring our armed forces, they are attacking the Army board's proposals. I accept responsibility for these changes. I think that they are good for the men and women who are serving in our armed forces, but those who are tempted to attack the proposals need to explain to those men and women why the Army board has recommended those proposals, in the interests of the men and women of the armed forces and their families. That is vital to future capability—not dwelling in the past, not existing in some idyll of the past, which Conservative Members seem to believe is appropriate in respect of defence, but working out what is important for the future of the men and women in our armed forces.

The same arguments apply to each of the points that the hon. Gentleman made in relation to the Royal Navy. The proposals are strongly supported by the First Sea Lord, who recognises the importance of modernising our armed forces. There are similar changes in relation to the Royal Air Force.

The hon. Gentleman has come to the House over and over again and talked about overstretch of the infantry, but the pressure points in relation to our Army personnel are precisely in the areas that we intend to strengthen. We have a reduced requirement in Northern Ireland for four infantry battalions. We will use those posts to reinforce existing infantry units and to ensure that the logisticians, the engineers, the signallers and the intelligence people, all of whom have been under huge pressure in recent years, have more resources at their disposal. That is an entirely sensible arrangement. For him to talk about cutting infantry battalions as if that will add to overstretch is nonsense. If he thought about it for half a second, he would realise that.

What we see here is a feeble Opposition. If they ran our armed forces, they would end up sailing wooden ships. We would have squadrons of Sopwith Camels. Frankly, we would still have the cavalry. Those are the kinds of armed forces that the hon. Gentleman and his colleagues would visit upon his country.

Mr. Paul Keetch (Hereford) (LD): I, too, thank the Secretary of State for early sight of the statement and pay tribute to the members of our armed forces.

Under Labour, our armed forces have seen an unprecedented tempo of action not only in combat in Kosovo, Sierra Leone, East Timor, Afghanistan and Iraq, but in filling vital gaps in the public services at home during the fuel crisis, foot and mouth disease and the firemen's strike. However, today, members of the armed forces will feel little reward for their unparalleled commitment. There is more money but the Government are desperately trying to do more with less. I agree with the MOD that there is a need to look at the defence budget, but Labour seems to be looking in the wrong places.

The most unbalanced part of the defence budget is the procurement programme—it is not infantry regiments, warships or RAF units. When it comes to cutting costs—or cutting corners—it is easier to cut current capabilities than future ones. Future capabilities take a long time to come on stream. Cuts are made instantly.

We welcome the decision on carriers that was announced today. It is right to take time to look at that, but why cut the number of surface ships and why order Type 45s without land attack capability? We welcome the decision on the C-17 announced by the Government today. We should have bought the four in the first place but which RAF bases are the Government considering cutting and why proceed with so many Typhoons that may never have an enemy to fight against?

On the Army, why invest so much in network-centric capabilities and effects-based operations, when the lesson of Iraq and Afghanistan is that winning the peace is more difficult than winning wars? That depends on low-tech soldiering, not high-tech weapons. We agree with getting rid of the arms plot but why cut the troop numbers? Which battalions are now under review?

The UK has a deserved reputation in conflict prevention and in peacekeeping. Spending on prevention should increase, so that we do not need to spend so much on cleaning up when it is too late.

The Secretary of State talks about redundancies. Can he give a cast-iron commitment today that no individual currently or recently serving in Iraq or Afghanistan will receive compulsory redundancy as a result of the announcements today? Does that mean that manning control is back? If 10,000 civil service jobs are to go, does that mean more work for uniformed members of the armed forces? Our armed forces are ridiculously overstretched, so why not use spare capacity to reduce overstretch? We do not know what the future holds. A little spare capacity would be a good thing. We do not need to issue redundancy notices.

The Secretary of State, however long he is in his current job, will be judged on whether he has the balance right—high tech on one side, troops on the other. The Liberal Democrats believe that today he has got that balance wrong.

Mr. Hoon: I also look forward to a detailed assessment by the Liberal Democrats of their spending proposals on defence. So far, they have promised a lot but they have not delivered a great deal of detail. I know that the hon. Gentleman's heart is in the right place but, if he will forgive me, I sometimes wonder where his head is. I was somewhat puzzled that he started by criticising our expenditure on new equipment and then immediately—almost without a breath—suggested the purchase of an extremely expensive piece of equipment that he thought we had failed to announce. When he looks at his remarks in *Hansard* tomorrow, he might note a certain inconsistency about that.

As the hon. Gentleman travels the country, telling the workers of BAE Systems and other companies such as Rolls-Royce that the Liberal Democrats intend to cut remaining versions of Typhoon—which, incidentally, will be a multi-role version that is capable of ground

attack, a rather vital military requirement at present, and is in no way outdated or redundant—he will be able to explain to the tens of thousands who work in the high-tech defence industry that the Liberal Democrats also want us to go back to wooden aircraft, presumably for flying across the fields of France. The idea that Typhoon—the latest and best fast jet available anywhere in the world—can be cancelled is nonsense and if he thought about it for a second, he would realise that.

As for redundancies and so on, there will have to be a reduction in numbers consistent with my announcement but I am confident that that can be done largely through natural wastage and confident that we can do it in consultation with the people affected.

Linda Gilroy (Plymouth, Sutton) (Lab/Co-op): I congratulate my right hon. Friend on achieving real growth in the defence budget for the third year running, which will be welcomed by the defence community. I agree about the importance of achieving value for money in support services to make way for expenditure on new equipment. Will he confirm his commitment to awarding contracts for support services, particularly for surface ship refits, on the basis of competition, rather than allocation? Does he understand the concerns of people in Plymouth that that was not borne out in the recent award of the contract for HMS Edinburgh?

Mr. Hoon: I am extremely grateful to my hon. Friend for her thoughtful and measured approach to these difficult and complex issues. I agree that it is important that we look at the way in which defence funds are used effectively and competitively to provide the best equipment and the best repair. I have indicated that I will be willing to discuss with her the basis of the decision in relation to HMS Edinburgh. I understand why she makes such effective representations on behalf of her constituents.

Mr. Michael Jack (Fylde) (Con): I welcome the Secretary of State's commitment to the Eurofighter Typhoon. Will he put on record the numbers of aircraft that he is negotiating to purchase in tranche 2? Given the length of time it is taking him to negotiate best value in this context, will he also tell the House what are the barriers to further progress? When does he expect those matters to be resolved and when will the four partner nations be able to announce the purchase of tranche 2?

Mr. Hoon: I am consistently grateful for the right hon. Gentleman's interest in Typhoon. I share his view that it is a vital asset for Britain's future military capabilities. Seven aircraft have now been received by the RAF and are performing better than anticipated, but these are commercial issues. The contract for tranche 2 will be signed when I judge that we have an offer on the table that is affordable and delivers the kind of capability that I judge to be necessary for the future of this country. I am grateful for the right hon. Gentleman's help in persuading the parties to the contract to produce a sensible proposal.

Mr. Bruce George (Walsall, South) (Lab): Does the Secretary of State accept that this is déjà vu all over again? I have listened on at least 10 occasions when announcements of cuts have been followed by promises of great improvements; I need to be reassured. Will he keep his diary free for the first week in September, as we will be inviting him before the Defence Committee to explain his statement, where he will face not rhetoric but real and serious questions? I accept that some of what my right hon. Friend said is good; I hope he accepts that. But who was the idiot who thought that we could cut the infantry at a time when the pressure on it was enormous? Has he consulted Gerry Adams or maybe the Fire Brigades Union about whether they will behave themselves over the next few years?

Finally, he may not know that the Staffordshire Regiment is to celebrate its 300th anniversary next year. Will it do so? Or, having seen off the French, Germans, Americans, Bolsheviks, Burmese, Zulus and assorted African and Indian armies, will it see off or be seen off by my right hon. Friend's Government?

Mr. Hoon: I always enjoy my right hon. Friend's rhetoric and I accept that, during the deliberations of the Defence Committee, we will avoid rhetoric. I look forward, on a date of his choosing in September, to explaining to the Defence Committee in greater detail than I have done today why it is necessary to restructure the armed forces in the way the Government are proposing.

Sir Patrick Cormack (South Staffordshire) (Con): Will the Secretary of State now answer the question on the Staffordshire Regiment? Will he accept an invitation from me to come to Staffordshire in March next year to celebrate the 300th anniversary? Will he give a speech, assuring the people of Staffordshire that the regiment in which they have such wonderful pride will have a fourth centenary?

Mr. Hoon: The hon. Gentleman has been an absolutely consistent supporter of the armed forces and has set out on many occasions in my hearing the importance of the Government supporting those men and women in their difficult and dangerous job. This restructuring is in order to allow those men and women to continue to do their job in the 21st century. The world has changed beyond recognition in terms of the kind of external threats faced by the men and women in our armed forces and by their families. Frankly, the idea that we can move those men and their families around every two years for essentially traditional reasons is long past its sell-by date. It is absolutely vital that we provide greater consistency in terms of our future requirements. As I said in my statement, identity is vital, as is maintaining the regimental tradition and history by which the hon. Gentleman rightly sets such store. There is no reason why, under our proposals, those traditions and that history cannot be maintained in the course of the restructuring.

Rachel Squire (Dunfermline, West) (Lab): Once again, I very much welcome the award of the work on HMS Edinburgh and HMS Walney to Rosyth dockyard—purely on the basis of much deserved merit—earlier this week. But I should greatly welcome a full and independent investigation into whether a competitive level playing field has existed between the two yards. Does my right hon. Friend agree that in

[Rachel Squire]

terms of the tremendous asset, standard and merit of our armed forces—particularly in peacekeeping operations—the key has been having skilled men and women on the ground, relating to the local population wherever they are in the world? What assurance can he give—

Mr. Deputy Speaker (Sir Michael Lord): Order. I am sorry to stop the hon. Lady but we have precious little time left for questions and an awful lot of people are seeking to catch my eye. Many will be disappointed if we do not have much shorter questions and, perhaps, short questions from the Secretary of State.

Mr. Hoon: I will also try a few answers, Mr. Deputy Speaker. My hon. Friend has consistently supported the armed forces and I know that she gives a great deal of her time travelling around the world, seeing our forces deployed in a number of different theatres. On warship maintenance, perhaps I should invite her to the same meeting that will be attended by my hon. Friend the Member for Plymouth, Sutton (Linda Gilroy), where we can discuss those matters in the round. Inevitably in a competitive environment, there will be winners and losers. But I certainly agree that we should regard this restructuring as part of the need to ensure that Britain's armed forces are equipped and trained to deal with the challenges that they face in this new and very difficult century.

Angus Robertson (Moray) (SNP): This statement has confirmed that the sword of Damocles hangs over every single one of Scotland's historic regiments. One will be scrapped entirely and all the rest will be amalgamated into synthetic regional units; that signals the end of Scotland's six distinct infantry regiments. The Ministry of Defence also confirmed in a letter to me the devastating news for my constituency of a cut in the number of Nimrod aircraft at RAF Kinloss, the further privatisation of services at Lossiemouth and an uncertain future for the RAF Regiment. Both Kinloss and Lossiemouth will be reviewed with a view to making substantial reductions. Any closure or run-down of those bases has been—

Mr. Deputy Speaker: Order. I ask the hon. Gentleman to put a question, please.

Angus Robertson: The local head of the enterprise company has said that any run-down or closure will have the biggest impact on the highland economy in living memory. Does the Secretary of State agree that it would indeed be a terrible blow to the local economy?

Mr. Hoon: I have always had some difficulty in accepting the hon. Gentleman's arguments about defence, given that his party is committed to pulling out of NATO. If we did pull out, we would immediately no longer need the reconnaissance aircraft that he is championing. He should consider carefully what I said about regimental identity in Scotland. I am confident that, through these new and larger organisations, we can find a way to look after the interests of the men and women currently serving in the armed forces, and to provide them with a proper and sustained future. If the hon. Gentleman had any concern whatsoever for the people serving in those regiments, he would recognise the importance of these changes.

Chris McCafferty (Calder Valley) (Lab): I, too, congratulate my right hon. Friend on winning a substantial increase in defence funding, but will reducing by four the number of battalions also mean that all un-amalgamated battalions will be re-organised into larger regiments? Will that proposed reduction change the received wisdom in the Ministry of Defence that an infantry battalion should always have a clear 24 months between operational tours? I ask that question because my own local regiment, the Duke of Wellington, which has a history of more than 300 years, is returning to Iraq in October after a stand-down time of only 14 months. If the answer to my questions is yes, will my right hon. Friend ensure that relevant Army officers are allowed to participate in discussions about the future of their battalions?

Mr. Hoon: I am grateful to my hon. Friend for her observations. I should emphasise that in essence, the posts of the four infantry battalions no longer required for duty in Northern Ireland will be redistributed to strengthen existing battalions and to provide extra resources for those elements of our armed forces that have been under the most pressure in recent times. This entirely sensible and pragmatic change is necessary to ensure that the pressures about which Members have expressed concern are alleviated.

On the re-organisation of single-battalion regiments, there is a hybrid structure throughout the United Kingdom, in that some regiments consist of a number of battalions and others of a single battalion. It is certainly the Army Board's ambition to create a new structure in which single-battalion regiments are subsumed into larger organisations. But as I have emphasised, there is no reason why traditional regimental histories and distinctive uniforms cannot be maintained within that new structure and those larger organisations.

Mr. Peter Viggers (Gosport) (Con): We support the concept of transformation—led by NATO's Allied Command Transformation, in Norfolk, Virginia—with which our troops are very well attuned. Such transformation will bring higher technology, greater flexibility and an asymmetrical capacity, but is the Secretary of State aware that if we prepare for it by cutting equipment and manpower, there will be an immediate defence weakness and—perhaps more seriously—a continuing weakness that will take many years to rectify?

Mr. Hoon: The hon. Gentleman is right to emphasise the importance of NATO transformation, and the United Kingdom has led the way in ensuring that NATO's doctrine and military capabilities are transformed to face the challenge of the 21st century. But as he knows better than almost any other Member, NATO's capabilities are made up of contributions from nation states. If we fail to transform our own capabilities, we will be unable to offer the modern forces that we need to contribute, in order to allow NATO

itself to develop and modernise. Such decisions have to be taken here and now in the United Kingdom; otherwise, we will be unable to make the effective contribution to NATO that the hon. Gentleman rightly says is necessary.

Mr. Eric Joyce (Falkirk, West) (Lab): I commend my right hon. Friend on ending the arms plot and on stressing the importance of quality of life for serving personnel. Will he confirm that he will continue to invest in accommodation—the fundamental marker of troops' quality of life—which was disgracefully run down by the Tories when they were in government?

Mr. Hoon: I entirely accept my hon. Friend's observation, which is based on considerable experience. We need to continue to invest in armed forces' accommodation; indeed, that bequeathed to us in 1997 by the then Conservative Government was appalling. We have put in place a significant number of programmes to improve such accommodation, and it is highly necessary that we continue to improve it.

Mr. William Cash (Stone) (Con): The Secretary of State said that the details concerning the new organisation of infantry regiments will be worked out by the Army, and that an announcement will be made by the end of the year. He knows that a tremendous fight was previously put up to ensure that the Staffords were not reduced to a sludgy amalgam. Will he ensure that proper consultation takes place, and will he be taking personal responsibility for such matters or passing the buck?

Mr. Hoon: Of course I take personal responsibility, but there is another, equally important issue. If the hon. Gentleman's concerns about serving members of the armed forces are genuine, he will recognise that it is vital that we make these changes in the interests of those men and women and, crucially, of their families. The arms plot cannot be sustained in the 21st century. Servicemen and women's partners have jobs and their children are in school, so a degree of domestic stability is vital to allow them to serve their country so successfully. If the hon. Gentleman were genuinely concerned about those people, he would support these changes.

Mr. Peter Pike (Burnley) (Lab): As a former national service Royal Marine, I should point out that no Army regiment has a greater reputation than the Queen's Lancashire Regiment, and that it is able to recruit all its personnel from within the Lancashire area. May I assure my right hon. Friend that, despite what he said a few moments ago about maintaining uniforms and so on, his statement today will be regarded with grave concern in Lancashire?

Mr. Hoon: I had the privilege recently of meeting senior figures in the Queen's Lancashire Regiment, and I certainly accept my hon. Friend's point about how successful it has been. But I am confident that within the reformed structure that the Army Board and I are advocating, the distinctive tradition of such regiments can be maintained and preserved.

Mr. Mike Hancock (Portsmouth, South) (LD): I remind the Secretary of State of the fact that three naval bases are capable—*[Interruption.]* I am grateful for that invitation. If 11 fewer platforms will be available to the Navy by 2007, there must be serious concern about its ability to provide the capabilities that the Government require of it. What is the value of the cuts that he is making to the existing defence budget? Many of the people whom I represent regard those cuts as the price that they will have to pay for the failure of smart procurement to deliver the dividends that the Ministry of Defence promised.

Mr. Hoon: There are no cuts to the defence budget, and the figures given are clear. This Government are committed to increasing consistently the amount spent on defence, over a prolonged period of more than 20 years. On platforms, it is vital that the hon. Gentleman recognises—I know that he spends a lot of time thinking about these issues—that there has been an enormous change in terms of what modern equipment can do. If we continue to preserve the equipment that the hon. Member for Mid-Sussex seems to think we should maintain for as long as we possibly can but that is increasingly inflexible and was designed for another era and another conflict, we will not be able to invest in the modern equipment that delivers the greater effects that can be achieved.

An obvious example, which I mentioned in the statement, is the accuracy of modern ordnance. We no longer need to fly huge formations of bomber aircraft across targets in the hope that perhaps 10 per cent. of the bombs will hit. A single aircraft with a single weapon is usually enough to deal with that target in modern warfare. The effects created by a single aircraft or a single Royal Navy platform are now so remarkable that we necessarily can adjust our platforms to go on investing in modern technology that will deliver those modern effects.

Mr. Tam Dalyell (Linlithgow) (Lab): So following that, at the risk of incurring the wrath of the right hon. Member for Fylde (Mr. Jack), may I ask what is the use of Eurofighter, which is hugely expensive? Are we simply enmeshed in contracts that we cannot get out of?

Mr. Hoon: On the contrary, Eurofighter will be an aircraft for the 21st century. It will provide air capabilities and have a swing role, with a ground attack facility. It is already attracting considerable interest. I was in Farnborough yesterday, and many of the overseas visitors at the exhibition were enormously impressed by Typhoon's capability. It is already winning competitions around the world, and I am confident that it will provide not only significant employment in the United Kingdom but a potent capability for the Royal Air Force.

David Burnside (South Antrim) (UUP): Can the Secretary of State clear up some serious concerns and omissions in his statement, regarding the future of security in Northern Ireland? Will he confirm what will be the future battalion strength of the Royal Irish Regiment, and does it include the three home battalions necessary for backing up the police for internal security in Northern Ireland? Secondly, what is the future for RAF Aldergrove, and does it include the various forces involved in aerial surveillance for internal security in the

[David Burnside]

Province. Thirdly, why are we losing the three Royal Navy coastal patrol vessels, when in the past 12 months an illegal load of imported arms came into the port of Belfast for a so-called loyalist terrorist organisation? To lose all three seems dangerous.

Mr. Hoon: I accept that the defence role in Northern Ireland must be kept under constant review. We have to work closely with the Chief Constable to ensure that our view of the security situation is up to date, but as that situation is maintained at a much improved level from years gone by, it is right to consider carefully the level of resources required. Obviously, I take account of the hon. Gentleman's observations, and we must not take risks with security in Northern Ireland, but the four battalions that I have mentioned repeatedly today have not been based in Northern Ireland for some time, so I judge it appropriate to say that they are now no longer required for duty there. If there is, as I hope there will not be, a serious deterioration in the security situation there, we will have the flexibility and the capability to take appropriate action.

Mr. Nicholas Brown (Newcastle upon Tyne, East and Wallsend) (Lab): I welcome the recognition in the statement that warship building and maintenance require an accompanying industrial strategy from the Ministry of Defence. There was some recognition of that in the two refits commissioned for Rosyth. There is a need to do something similar for Swan Hunter on the Tyne. If my right hon. Friend cannot say now what that something similar will be, will he at least agree to meet me and the other Members representing the area so that we can discuss what can be done?

Mr. Hoon: My right hon. Friend has been a strong and determined champion of Swan Hunter and his constituents employed there, and obviously I will be delighted to meet him. He is right to say that we need a co-ordinated industrial strategy for our shipbuilding, alongside the requirements of the Ministry of Defence and the Royal Navy. I will be delighted to discuss that with him on some suitable future occasion.

Patrick Mercer (Newark) (Con): There is no doubt that the Royal Armoured Corps, the Royal Artillery and the infantry have handled everything that has been thrown at them over the past few years, and they have done so admirably. The fact remains that three quarters of battalions are now heavily undermanned. Those based in Nottinghamshire—the Secretary of State's area and mine—now have a ridiculously short time to rest, retrain and see their families between operational deployments. One regiment is so undermanned in Basra that soldiers are getting less than four hours—

Mr. Deputy Speaker: Order. Clearly, some hon. Members have not been listening to what I have been saying. Will the hon. Gentleman now put his question briefly to the Secretary of State?

Patrick Mercer: Of course, Mr. Deputy Speaker. I am most grateful.

Will the Secretary of State admit that reducing the number of fighting soldiers in the Army is an act of madness created by financial strictures rather than any tactical analysis?

Mr. Hoon: I do not accept that for a moment. The hon. Gentleman and I have had some very thoughtful discussions about the problems of the modern Army as it faces the challenges of the 21st century, but he will recognise that the key challenge is how to maintain a number of concurrent operations. The real pressure has been not on infantry or on armoured units but on the logisticians, the support elements, the engineers and others who maintain the front-line forces. We propose to augment such staff in the restructuring, to allow them to have the full intervals that we have set out, so that we can maintain simultaneously a number of smaller but necessarily concurrent operations in a modern, more difficult world.

Mr. Eric Martlew (Carlisle) (Lab): My right hon. Friend will be aware that there is some disquiet on the Labour Benches about a reduction in the size of the Army. In my constituency, and the rest of Cumbria and north Lancashire, we have no military bases at all, so we keep our contact with the armed forces through the King's Own Royal Border Regiment, and it would be a great pity if that tradition were to go, and we would have great difficulty in recruiting from these areas if the regiment were no more.

Mr. Hoon: I agree with my hon. Friend to this extent, that it is important to maintain a footprint and identity right across the country. One of the problems, though, with the arms plot as it currently operates, and in particular for single-battalion regiments, is that they may not even be based in the traditional recruiting area from which they come, so it could well be that the regiment to which he refers is not even located in the area from which it is recruiting. I certainly anticipate a much greater identity between the recruiting area and the location in which people serve following the restructuring. That will be good for the footprint of the Army across the United Kingdom, as well as for the families of those who serve.

Mr. Andrew Robathan (Blaby) (Con): This shameful statement would be recognised by Kipling's Tommy Atkins. This Government neither understand nor value the work that soldiers do on all our behalf. The Secretary of State mentioned reservists, on whom such reliance has been placed in Iraq. Where does he intend that they train? Is it the case that Cultybraggan training area has cancelled all bookings for next year? Does he intend to sell that training area, and if so, does he intend to sell any more training areas in some sort of fireside sale?

Mr. Hoon: I listened to the hon. Gentleman's tirade, but his real difficulty is that the proposals have been advocated and strongly supported by the Army Board and indeed by the chiefs of staff. For him to suggest that the Government are somehow forcing these reforms on the armed forces is frankly nonsense. Unless he can show how the chiefs of staff are somehow

uncomfortable with what is proposed, he is merely substituting his own prejudices for the reality of what our modern armed forces have to do.

Mrs. Joan Humble (Blackpool, North and Fleetwood) (Lab): I warmly welcome the statement on Eurofighter, but may I reinforce the concerns in Lancashire about regimental restructuring and ask my right hon. Friend whether he is aware that we have had four regimental restructurings in Lancashire in the past 45 years and that the message from the QLR, and the King's Own Royal Border Regiment, which also recruits in north Lancashire and in Fleetwood, is that enough is enough? They want security and stability for the future.

Mr. Hoon: I am mindful of my hon. Friend's point about the number of changes that have occurred over the years. It is certainly part of our determination to ensure that we provide a structure that is capable of lasting: it will be based on a regional organisation that will allow the distinctive identity of traditional regiments to be maintained and will mean that we do not need to change the structure every so often.

I would be glad if my hon. Friend would do two things for me. First, if she looked at existing arrangements across the country, she would see what a patchwork it is with multi-battalion regiments in certain parts of the country and single-battalion regiments elsewhere. In the interest of consistency for our armed forces, our proposals will deliver a second factor, which I hope that she will take back to Lancashire. What we are proposing is in the interests of the men and women serving. That may not be liked by the armchair generals of the Opposition who believe that their prejudices are more important than the reality of modern life for serving men and women. That is what it is all about—improving the way of life of people in service, not of the retired generals on the other side of the House.

Mr. Nigel Dodds (Belfast, North) (DUP): The Secretary of State has talked today about an improved security situation in Northern Ireland, but he must be aware of the continued, very real and serious security threat along the border and in other parts of Northern Ireland. Can he give the House an assurance that whatever resources are required by the General Officer Commanding and the Chief Constable in Northern Ireland to meet security needs will be available?

Mr. Hoon: I can give the hon. Gentleman that assurance, although I hoped that I had already given it. We certainly remain in close consultation with the GOC and the Chief Constable and if there is a significant deterioration in the security situation, we will take appropriate action.

Dr. Gavin Strang (Edinburgh, East and Musselburgh) (Lab): Is my right hon. Friend aware that the Royal Scots, which recruits from the Edinburgh area, returned from Iraq earlier this year and is on call to go back there later this year? Does he realise that in that regiment there are men with wives and young families who have not been at home for Christmas for four years in a row? Given their potential contribution, including to UN peacekeeping in the future, surely we should not be considering disbanding any of the Scottish regiments.

Mr. Hoon: If my right hon. Friend thinks through the premise of his initial observation, he will see that the proposals are designed to ensure much greater stability and consistency in the lives of those who serve and, indeed, for their families. That is well recognised by the Army Board—*[Interruption.]* I hear critical cries from Opposition Members, but, frankly, they need to talk to those who serve rather than to those who are retired.

Ann Winterton (Congleton) (Con): Just like me, the Secretary of State has never served in the armed services or worn the Queen's uniform. Why has he not learned three basic, simple facts? First, technology can never replace manpower. Secondly, when we have serious problem of overstretch, it cannot be solved by cutting the number of troops. Thirdly, there are benefits from our regimental system, which is about loyalty and identity. I say to the Secretary of State: hands off the Cheshire regiment, because it has the support of the whole county and will fight to head off attempts to get rid of it, as we did before. The Army Board was wrong last time, and it is wrong this time.

Mr. Hoon: I will check in *Hansard*, but I do not recall the hon. Lady speaking with such passion when her Government were cutting defence by 30 per cent.

Mr. Soames: She did.

Mr. Hoon: I said that I did not recall it, but if she did, I am delighted to allow her the opportunity of making representations to her Front Benchers who are proposing to cut defence, should they be elected. If the hon. Lady is really concerned about the safety and security of the men and women in the armed forces, she will recognise that technology provides enormous protection for them. The programme that I announced yesterday—the Watchkeeper programme, which is the latest and best technology available—will provide us with intelligence and reconnaissance information well over the horizon, allowing those men who serve to be properly protected. That is what technology is about. It is not an either/or: we need both effective, well-trained people and effective modern technology.

Mr. Russell Brown (Dumfries) (Lab): The further increase in departmental spending is to be welcomed and it has to be better than what the Conservatives would do with a standstill budget. However, my right hon. Friend is fully aware of the strong support for the King's Own Scottish Borderers. History and cap badges are but two aspects of regiments, but recruitment and retention of personnel are vital and the KOSB has an excellent record. Over the coming weeks and months, will the Secretary of State make time available in his diary, because I will be coming to lobby him—and I suspect it will be on more than one occasion?

Mr. Hoon: I would be delighted to meet my hon. Friend and I am grateful for his thoughtful approach to the subject. At least he is prepared to consider the

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arguments. Unfortunately, too many right hon. and hon. Members among the Opposition have already formed their own prejudices.

Mr. A. J. Beith (Berwick-upon-Tweed) (LD): Is the Secretary of State aware that, if he goes ahead with the proposal to move RAF Boulmer to Lincolnshire, he will have to find at least £15 million—probably a lot more—to replace the facilities just being completed at Boulmer, and that the revenue savings, already greatly exaggerated, will quickly be eaten away by having to meet those capital costs?

Mr. Hoon: That decision has not yet been taken, but it will have to be discussed in future.

David Cairns (Greenock and Inverclyde) (Lab): My right hon. Friend rightly rejected the option of buying two second-hand aircraft carriers from the Americans and is pledged to plough ahead with building the two new aircraft carriers. In view of that, is it not about time that BAE Systems stopped moaning about perceived injustices and got on with working together with Thales and the UK Government to deliver on time and on budget? It is very important for Clydeside constituencies that BAE Systems clarifies its intentions with respect to the marine division.

Mr. Hoon: I want to emphasise how co-operatively we work with BAE Systems and how pleased I am that it has agreed to the alliancing proposal that will ensure that it works closely with the Ministry of Defence and Thales in delivering those two magnificent aircraft carriers for Britain's armed forces.

Mr. Desmond Swayne (New Forest, West) (Con): As one of the armchair majors, may I draw the House's attention to my entry in the Register of Members' Interests? Does the Secretary of State agree that network enabled capability, like any other system, relies ultimately on the quality and calibre of the servicemen and women who operate it? The maintenance of morale will therefore retain its fundamental importance. What estimate has the right hon. Gentleman made of the impact on morale of his statement today?

Mr. Hoon: I indicated to the House that we intend to update the remuneration and rewards available to those who serve so well as reservists. Once again, I congratulate the hon. Gentleman on his efforts. I ask him—he has spent some time working with the men and women of our armed forces—to consider the question of morale. The truth is that one of the most damaging aspects of lower morale, particularly in the Army, is the disruption caused to family life by the constant rotation that the arms plot involved. That is extremely damaging to personal morale. In my judgment, it is one of the reasons why many highly trained, expert men whom we would have liked to retain in our infantry battalions leave before they originally planned to leave—simply because of the effect on their families of moving around the country so frequently.

Mike Gapes (Ilford, South) (Lab/Co-op): I welcome the Secretary of State's statement that the Ministry of Defence has learned the lessons about equipment from Operation Telic in Iraq. Does he believe that, as a result of the statement, there will be greater or lesser urgent operational requirements in the future?

Mr. Hoon: The whole purpose of urgent operational requirements is to ensure that we have the right equipment for the particular operation being conducted. In our longer-term planning, we are trying to ensure flexibility—and flexibility is at the heart of the proposed changes—for the capabilities that we have available. Nevertheless, there will always be a requirement for some urgent operational requirements, since they are specific to the particular operation in hand.

Sir Robert Smith (West Aberdeenshire and Kincardine) (LD): Many constituents have approached me with their concerns about what might appear in the statement today. They recognise that high technology and what happened in the initial phase of the Gulf war demonstrated some of the Secretary of State's points in the statement, but believe that the real lesson that has still not been learned relates to what happened after the initial phase and the crucial role played by troops on the ground and the infantry. Does he recognise that it is vital for the restructuring that he does not squander what we will get by reducing numbers in Northern Ireland, but maximises the impact and availability of those forces for future peacekeeping roles?

Mr. Hoon: Implicit in that entirely proper observation is the idea that technology is relevant only to the war-fighting phase, and somehow irrelevant to peacekeeping. The truth is that it is absolutely vital when one puts soldiers into a potentially hostile environment. For example, technology ensures that they can receive information and intelligence from commanding officers and that they can be evacuated by search and rescue from places of danger. The technology that we are providing—at the organisational level and to individual soldiers—will transform how they are able to conduct both the war-fighting and peacekeeping roles.

Mr. Doug Henderson (Newcastle upon Tyne, North) (Lab): In last week's spending review, the Ministry of Defence was committed to making a contribution to the dispersal of civil servants' jobs, enthusiastically or otherwise. My right hon. Friend said today that he aims to make savings of £2.8 billion. I strongly support that and believe that it can be achieved. Will he clarify whether that figure includes an element of saving to be achieved by the dispersal of MOD activity to the regions? If not, when will he be able to make a statement on the matter?

Mr. Hoon: The figure does include the dispersal element. Indeed, I am very proud of the MOD's record in providing opportunities for people to be employed outside central London and the south-east area. It has led the way among Government Departments in that, but there will be a further dispersal of jobs across the country. We anticipate that some 3,800 jobs will be dispersed in the near future, but that will be in addition to what has already been achieved.

Mr. Crispin Blunt (Reigate) (Con): Does the Secretary of State accept that his statement heralds the most substantial changes to the armed forces since the end of the cold war, that that has been driven largely by technological change and that a lower share of the nation's wealth, in terms of gross domestic product, is now devoted to defence? When I was in uniform, I was told that the inevitable logic of technological change was that, in 100 years, our armed forces would consist of one aircraft, one ship and one tank. Representations have been made by hon. Members of all parties about the importance of boots on the ground. Does the Secretary of State accept that war fighting has been the easy bit in the conflicts that the Government have undertaken and that the difficult bits are the subsequent peace enforcement and nation building? Is he prepared to accept that he and his Department may have got the balance wrong? Will he be prepared to listen over the coming months?

Mr. Hoon: Obviously, I am prepared to listen. I recognise that the hon. Gentleman speaks with some knowledge and experience of these matters, as a serving soldier and as someone who in the past was involved in defence policy. He is right that it is necessary to ensure that we get the right balance between existing equipment, new equipment and numbers of people, but I do not accept the logic that he describes. A comparison between the numbers of aircraft needed to attack a target in the second world war—often with poor results but at huge risk to the airmen involved—and modern precision strike operations that may involve only one aircraft makes it possible to see the changes that have taken place.

I always recognise that this is a question of balance and judgment. I believe that the MOD and our armed forces have the balance right and that we must continue to invest in the new technology. In that way, we can continue to deliver the war-fighting successes that have been achieved in recent times. In addition, as I said in response to the hon. Member for West Aberdeenshire and Kincardine (Sir Robert Smith), we can ensure that our armed forces are properly protected in an increasingly difficult peacekeeping role.

Mr. David Crausby (Bolton, North-East) (Lab): May I point out to my right hon. Friend that the Queen's Lancashire Regiment recruits its full complement from its own region? It will be much more likely to do so if it continues to exist under a Lancashire cap badge.

Mr. Hoon: I accept the vital importance of the identity that is associated with traditional and historic regiments. I have answered similar questions several times already, and my hon. Friend makes his point very precisely. However, Lancashire covers a large area, and any organisation that replaces the existing single-battalion regiments in such areas will have a close regional identity.

Mr. David Laws (Yeovil) (LD): The plans for additional investment in military helicopters over the next 10 years will be very welcome at Westland Helicopters in my constituency, as will the Secretary of State's remark that ours is one of the most capable helicopter forces in Europe. Does he agree that, to maintain that capability, an early and positive announcement on the upgrade of the Lynx helicopter would be extremely helpful?

Mr. Hoon: I am grateful to the hon. Gentleman for his observations. We have had a meeting already to discuss the future programme for helicopters. Yesterday, I went to Farnborough to see the magnificent stand organised by AugustaWestland, at which a tremendously impressive range of capabilities was on display. It is from that impressive range that we will select the helicopters that will provide continuing and excellent support to our armed forces. The total of £3 billion is a significant sum of money and I am sure that it will benefit the hon. Gentleman's constituents.

Helen Jones (Warrington, North) (Lab): Several of my hon. Friends have asked about the Queen's Lancashire regiment, so may I tell my right hon. Friend that while it recruits from within Lancashire's current county boundaries, it also recruits from the old Lancashire towns and even from parts of Manchester? Does the regiment not fulfil already, therefore, many of the objectives that he has set out, in that it is locally based and recruits locally? Does not the maintenance of an effective infantry depend on retaining those traditions and local connections, so that regiments such as the QLR can recruit?

Mr. Hoon: I broadly agree, and that is pretty much the answer that I just gave my hon. Friend the Member for Bolton, North-East (Mr. Crausby), who raised the same point.

Peter Bottomley (Worthing, West) (Con): Knowledge of the armed forces can be gained by serving in the regular forces, by doing national service—that is for the more mature of us—or by taking part in the valued armed forces parliamentary scheme.

However people gain that knowledge, does the Secretary of State accept that we all understand that new technology has to be merged with the traditional virtues of those who serve in our armed forces?

Does the Secretary of State accept that, although local links matter, what matters most is that we have a defence force that can also do good around the world? Does he also accept that local links are important for manufacturing and recruitment?

Mr. Hoon: I certainly agree. One of the absolutely fundamental observations made to me by successive chiefs of staff is that troops who are good at peacekeeping are also good at war fighting. If training is directed only at peacekeeping, that will be of significant detriment to the overall capability of the armed forces. Therefore, the hon. Gentleman is right to emphasise the interrelated nature of the training that is required, and to point out the industrial implications.

Mr. Lindsay Hoyle (Chorley) (Lab): Last but not least from this side, Mr. Deputy Speaker. I assure my right hon. Friend that history is important. The Queen's Lancashire Regiment won 19 Victoria crosses and more battle honours than any other regiment, and it has fought on every continent. However, that is no reason

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for its continued existence. Does he agree that that should depend on its continued ability to recruit its full strength from Lancashire, without encountering problems? Also, I congratulate my right hon. Friend on his Typhoon announcement, but noticed that he made no mention of the A400M.

Mr. Hoon: There is no satisfying my hon. Friend. I anticipate that, in the months ahead, I shall learn a good deal more about the history of the QLR, and I shall be delighted to do so. In the course of my attendance at the Farnborough air show yesterday, I was able to visit the Airbus stand. I was thanked profusely for the British Government's commitment to A400M. Of course, I mentioned my hon. Friend's name and said that he was an enthusiastic supporter of the Government's commitment.

Bob Russell (Colchester) (LD): The Secretary of State said that the Army is to be reduced in size by 6 per cent. and that there will be four fewer battalions. However, he also said that the new structure would be based on regiments of two or more battalions. He made no reference to any regiments being merged or closed. Will he explain how he will achieve his objectives? If he has managed to square that circle, and if there are going to be regional regiments of two or more battalions, may I invite him to reverse a Tory defence cut of 1992 and reinstate the 3rd Battalion Royal Anglian Regiment—the former Essex Regiment?

Mr. Hoon: Of course, the Royal Anglian Regiment is the perfect example of a successful regional organisation that is multi-battalion and that can provide a degree of stability. It is a lesson to the rest of the Army in proper organisation and recruitment. That is one of the reasons why the Army Board is so keen to establish a more consistent structure across the country. That is why the hon. Gentleman is right to assert the interests of the Royal Anglians. I regret that in the circumstances I am unlikely to be able to provide the answer to his question that I know he would like.

Mr. Julian Brazier (Canterbury) (Con): The Secretary of State talks about increased capability and agility replacing the shameful cut in numbers, but that will require the training that is required for professionalism. Will he tell the House why there are so few major exercises planned, and why Warminster, which is the heart of the infantry's professionalism, is being temporarily stripped of its demonstration battalion? Will he even answer the question from my hon. Friend the Member for Blaby (Mr. Robathan) about the future of Cultybraggan training area?

Mr. Hoon: The answers to the hon. Gentleman's questions can be found in the observations that he and other Opposition Members have made consistently on several occasions. Our armed forces are extremely busy and engaged in real operations around the world, in difficult environments such as Iraq, Afghanistan and the Balkans. Inevitably, in such circumstances, the number of exercises is bound to fall.

Mr. Michael Moore (Tweeddale, Ettrick and Lauderdale) (LD): The King's Own Scottish Borderers and the Royal Scots have proud military heritages and are woven into the fabric of the communities of south-east Scotland. Can the Secretary of State confirm that he is talking about disbanding a battalion in Scotland rather than a regiment? Will he clarify how the KOSB and the Royal Scots will fit into the new divisional structure in Scotland?

Mr. Hoon: The precise answer is that it is necessary for the Army to discuss with the battalions in Scotland and other parts of the UK how best to satisfy the need to end the arms plot and to provide the diversity and consistency that is required for the members of the armed forces and their families. Those issues will be discussed publicly by the Army in different parts of the country and I am sure that the hon. Gentleman will be able to make appropriate representations on behalf of his constituents and the Army units in his area.

Mr. John Randall (Uxbridge) (Con): I assure the Secretary of State that I will ask the many men and women who serve in the Royal Air Force in my constituency what they think about his statement today. Will he now answer the question that my hon. Friend the Member for Mid-Sussex (Mr. Soames) put to him and confirm the survival of the RAF Regiment?

Mr. Hoon: Yes, I can confirm its survival.

Mrs. Patsy Calton (Cheadle) (LD): I cautiously welcome the Secretary of State's statement, especially his keeping the door open—or not closing it yet—for the Nimrod MRA4 project. I understand from local press reports in the Cambridge area that Marshall Aerospace of Cambridge has won the contract for the test phase for Nimrods 1, 2 and 3. Can he tell us whether the production phase, if it goes ahead, will take place at BAE Systems in Woodford?

Mr. Hoon: Those matters are still under discussion. As I said in my statement, we still need to find an appropriate financial package to allow us to be able to deliver that capability. It is an important capability that I regard as essential to the commitments that I have made today to ensure that our armed forces have access to high-quality technology and network-enabled capabilities.

Mr. Anthony Steen (Totnes) (Con): To conclude the questions, may I ask the Secretary of State about the article peddled in a major splash in *The Daily Telegraph* on Monday about his intention to run down and close Dartmouth royal naval college? Will he make it plain that he has no plans to do so and that it will not be downsized?

Mr. Hoon: I know nothing about the article in *The Daily Telegraph* other than what I saw when I opened the newspaper. There is a defence training review, but we have not reached any conclusions about its implications. As soon as we do, I will inform the hon. Gentleman and other right hon. and hon. Members.

Fishery Limits (United Kingdom)

2.54 pm

Mr. Anthony Steen (Totnes): I beg to move,

That leave be given to bring in a Bill to make provision for the United Kingdom to withdraw from the Common Fisheries Policy of the European Union; to amend the Fisheries Limits Act 1976; to make provision about fishing and the discarding of fish; and for connected purposes.

Everybody knows that I am no Euro-fanatic. I have always been somewhat sceptical and am against further political integration. Nor do I see any merit in the constitution. I certainly do not suffer from Europe hysteria: I am perhaps more of a Euro-pragmatist and a Euro-realist. The Liberal Democrats would vote for the constitution and the euro, and they back a federal Europe. They do not favour referendums. That explains why the hon. Members for Torbay (Mr. Sanders) and for St. Ives (Andrew George)—I see the latter in his place—have declined to sponsor this measure.

My concern is the criminal destruction of the environment, the horrendous devastation of fish stocks, and the impact on the ecosystem, resulting in a distortion of the balance of nature in and around our waters. What kind of policy actively encourages catching millions of fish, only to throw 50 per cent. back dead? Eating more fish is essential for a healthy diet, but we are signed up to a policy that exhorts fishermen to destroy the very fish they catch—what madness in a world where millions go hungry!

Two thirds of Europe's main commercial fish stocks, such as cod, hake, plaice and sole, are on the verge of collapse, with undersized fish, which could have matured, being discarded and left dead to pollute the seabed. The largest fish at the top end of the food chain are caught en masse leaving smaller fish lower down multiplying at an increased rate. Such fish are swallowed by massive industrial fishing vessels to feed farmed fish, about which serious health questions have already been raised. The ecosystem has flipped over, with the fish that were formerly low down the chain now being at the top. The only living organism that is safe in the seas is plankton. I am told that the CFP has plans for them as well.

One hundred years ago, one acre of good North sea fishing ground produced a ton of fish a week; it now produces just a tenth of that. A 90 per cent. decrease in fish stocks around our shores inevitably has major repercussions. If wildlife on the plains of Africa were savaged in the way the seabed is, there would be a worldwide outcry. Although national game reserves have been created to protect animals and we have national parks to protect the environment, similar arrangements have not been made to protect underwater life.

If the CFP resulted in fish being caught to feed people, that would be one thing, but it does not: it is just a massive, indiscriminate destruction of underwater life. Among the victims are cetaceans such as dolphins, and it has been estimated that 10,000 dolphins and porpoises are mindlessly killed in the English channel and the Bay of Biscay each year, with ever-increasing numbers being washed up on the coasts of Devon and Cornwall, the victims of the bass trawler nets. If in an attempt to maximise beef and lamb output we stretched mile-long nets across the European countryside, there would be utter devastation: homes, trees and whole landscapes—not to mention all the living animals—would be scooped up. Why, then, do we tolerate such devastation of the ancient landscapes of the seabed? The coral reefs in the English channel will take 100,000 years to grow back, having been destroyed by trawlers hoovering the sea bed.

Fish are not the only inhabitants of our seas, nor are dolphins. Thousands of birds die in fishermen's nets every year because they feed off live fish just below the surface. Dead fish that have been thrown overboard from fishing boats have caused a tenfold increase in scavenger birds, such as gulls. That is an extremely interesting fact.

Subsidised tuna-fattening operations in southern Europe have caused the overfishing of one of the ocean's most prized assets, the blue fin tuna, which I note is on the menu in the Adjournment restaurant in Portcullis house this week. I hope that colleagues will boycott that and go for the pork cutlet instead.

The basic problem with the common fisheries policy is the concept of "common" responsibility. The Dartmoor Commons Act 1985, which I piloted through Parliament, was designed to safeguard common land on Dartmoor from over-grazing. As no one owned the land, farmers took advantage of it; so, too, with water that is common—there is no sense of responsibility. People use it for individual gain and with no recognition that the activities of one fisherman impact on another. Again, the fact that fishermen from different nations are all involved in the plunder of the stock makes it a free for all—anything goes, any time, anywhere. The fisheries protection vessels never stand a chance.

The House of Lords Select Committee on the European Union said—I paraphrase—that the problems of fisheries management are compounded by an interaction between biological and economic factors, which leads to the failure of the free market to deliver an acceptable solution. Such problems are overcome only when fishermen are given a long-term interest in the health of fish stocks, and the ecosystem on which they depend, by being allocated some form of property rights.

Existing tools for fisheries management, as far as Europe is concerned, are excessively reliant on total allowable catches and quotas, which have been demonstrated to be wholly ineffective. Furthermore, fisheries management in Europe has become excessively politicised, largely due to the haggling by the Council of Ministers when it renegotiates total allowable catches each year.

As the House of Lords Committee concluded, the widely supported proposals made by the Commission to reform the CFP have been emasculated and held hostage by some member states acting quite perversely in the short term, with the interests of their fishing constituents uppermost in their mind, rather than the long-term common good—the conservation of marine resources for the whole community.

As we go into the summer recess, the whole House should feel deeply uneasy that millions of fish will be slaughtered for no rhyme or reason, but simply due to a bureaucratic policy that has got tangled up with political expediency and European rules and

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regulations. The seas are a huge death trap. In this country, we are custodians of the sea bed and we should be responsible for conserving not only the fish but the ecosystem and the checks and balances that exist around our island.

The common fisheries policy prevents national and local control; its concept is a socialism of "common" sharing and "common" responsibility, and it does not work. It never has worked and it never will. The policy must be abandoned so that we can take back control of our fishing grounds—whether to the median line or to the 200-mile limit is a matter for debate. We are net contributors to the EU and major players in the EU. After 30 years, it is quite wrong that we should remain silent and accept the environmental devastation for which all in the House must bear responsibility.

I seek the leave of the House to bring in a Bill that will start a process of repair, regeneration and renewal.

Question put and agreed to.

Bill ordered to be brought in by Mr. Anthony Steen, Sir Michael Spicer, Sir Paul Beresford, Mr. Austin Mitchell, Mr. David Amess, Mr. Alex Salmond, Mr. Andrew Turner, Mr. Martin Salter, Peter Bottomley, Mr. James Clappison, Mr. John Horam and Mr. David Heathcoat-Amory.

FISHERY LIMITS (UNITED KINGDOM)

Mr. Steen accordingly presented a Bill to make provision for the United Kingdom to withdraw from the Common Fisheries Policy of the European Union; to amend the Fisheries Limits Act 1976; to make provision about fishing and the discarding of fish; and for connected purposes: And the same was read the First time; and ordered to be read a Second time on Tuesday 7 September, and to be printed [Bill 147].

Devolution

3.4 pm

The Minister for Local and Regional Government (Mr. Nick Raynsford): I beg to move,

That the draft Regional Assembly and Local Government Referendums Order 2004, which was laid before this House on 24th June, be approved.

Madam Deputy Speaker (Sylvia Heal): I understand that with this it will be convenient to discuss the following motions:

That the draft Regional Assembly and Local Government Referendums (Counting Officers' Charges) Order 2004, which was laid before this House on 24th June, be approved.

That the draft Regional Assembly and Local Government Referendums (Expenses Limits for Permitted Participants) Order 2004, which was laid before this House on 24th June, be approved.

Mr. Raynsford: Together with the three orders already considered Upstairs, confirming the dates for referendums and the options for local government reorganisation, these orders represent the package of secondary legislation necessary to provide for the proper conduct of this autumn's regional and local referendums.

The orders set out, first, the rules and procedures for the referendums, including the postal ballot; secondly, the amounts counting officers can receive for their fees and expenses in connection with the referendums; and, thirdly, the spending limits for those campaigning in the referendums. I shall deal with each in turn.

The Regional Assembly and Local Government Referendums Order 2004 details the procedures for the conduct of the referendums by all-postal ballot. During the passage of the Regional Assemblies (Preparations) Act 2003, which enables the referendums to be held, concerns were voiced about the level of turnout. Indeed, some hon. Members were so concerned about the legitimacy of any result that they called for a threshold to be set. However, we considered that a threshold other than a simple majority vote would be arbitrary and unfair. Why should non-voters be able to veto a yes vote by those who bother to turn out?

Mr. George Osborne (Tatton) (Con): In the past, the Minister has said that he would discount a yes vote if the turnout was derisory. Will he provide the House with a definition of derisory?

Mr. Raynsford: Oh dear. Unfortunately, the hon. Gentleman has not done his homework or he would know that I have frequently said both in Committee and in the House that if turnout was derisory we should not feel obliged to proceed with the outcome, if that involved setting up an elected regional assembly. I have also explained, repeatedly—most hon. Members know this by now—that to give a figure automatically sets a threshold. That threshold then automatically provides an incentive for people not to vote. There would be the most perverse and absurd consequence: rather than voting to express their point of view, people would use

the device of not voting to try to frustrate something. That is a perversion of democracy and I have explained on many occasions why it is not appropriate.

Mr. Osborne *rose—*

Mr. Raynsford: No, the hon. Gentleman must do his homework more thoroughly in future if he wants to be taken seriously in this place.

Secondly, let me remind Members of what happened in Scotland in the 1970s. There was a threshold and the people of Scotland voted substantially—by a significant majority—to have a form of devolved government, but they did not vote in sufficient numbers to meet the threshold. The net result was that for almost 20 years the people of Scotland were denied the opportunity for devolution that they wanted and for which they had voted. They were denied it—they were frustrated—and the Conservatives would do well to reflect that their persistent opposition to Scottish devolution has cost them dearly in that country. The absence of Scottish Conservative representation in recent years has been a simple reflection of the response of the Scottish people to the way in which the Conservatives treated their legitimate aspirations for devolution with contempt.

Mr. Osborne: Will the Minister give way?

Mr. Raynsford: No, I have already indicated to the hon. Gentleman that I do not intend to give way to him again.

Mr. John Taylor (Solihull) (Con): But will the Minister give way to me?

Mr. Raynsford: I will give way to the hon. Gentleman.

Mr. Taylor: I am grateful to the Minister. Can he reassure me that in his proposals for postal voting he has taken careful account of what happened in Birmingham before 10 June? That was very disturbing to midlanders, such as me.

Mr. Raynsford: If the hon. Gentleman will bear with me, I shall deal specifically with that question later. He raises a legitimate point about concerns as to the safety of the ballot. We have given the matter careful consideration and I shall set out our response in a moment. However, I was talking about turnout and I should like to focus on that.

I said at the time, and I am happy to repeat it, that if the turnout for the referendums were so low as to be derisory, the Government would not be bound to implement their proposals. None the less, we consider it our duty to do everything in our power to maximise public participation in the debate over the governance of our regions. That is why, last October, we announced our intention to hold the referendums by all-postal ballot, against the backdrop both of successful pilots at local government elections in 2000, 2002 and 2003 and of the Electoral Commission evaluation of the 2003 pilots, which recommended that, subject to certain safeguards, all-postal voting should become the norm for future local government elections—*[Interruption.]* I understand why the hon. Member for Rutland and Melton (Mr. Duncan) is showing such derision from a sedentary position; he indicated in the previous debate on this subject that he did not care a fig for the view of the Electoral Commission, which carried out the evaluation. It is an indication of the cavalier approach of those on the Conservative Front Bench that they show such contempt for the considered views of the Electoral Commission.

The Electoral Commission's conclusion reflected the evidence from the pilots, which had demonstrated the ability of all-postal voting dramatically to increase turnout—sometimes more than doubling it. The announcement was made early to give electoral administrators certainty in their planning and was welcomed by the Electoral Commission.

A month later, in November, my right hon. Friend the Deputy Prime Minister and I launched the Government's information campaign to raise awareness of the forthcoming referendums and the issues involved. Since then, debates have been held in each of the regions focusing on the main arguments for and against regional assemblies, and we have conducted a number of hearings to give local people the opportunity to feedback their views on the powers to be contained in the draft Regional Assemblies Bill.

As a result, individuals and groups have already begun to organise their campaigns on what they see as the key issues, with yes and no groups established in each of the regions. Their expectation is quite properly that the issue will be decided at the referendums this autumn, so it is important that the House confirms the arrangements set out in these orders. To avoid administrative and voter confusion, the provisions drafted in the Regional Assembly and Local Government Referendums Order 2004 are broadly similar to those for June's European and local elections.

At the European elections, the average turnout was 42.6 per cent. in the pilot regions compared with 20.2 per cent. in 1999—an increase of more than 100 per cent. In the non-pilot regions, turnout also increased, largely because the European and local government elections were held at the same time, but by only 50 per cent. compared with 1999. There is absolutely clear and incontrovertible evidence that all-postal voting substantially increased the number of people voting, and we have seen that evidence repeatedly, in 2000, 2002 and 2003. The evidence does not come simply from a single election but has been repeated, time and again, and I can quote example after example of local authorities that have conducted all-postal local elections and achieved a doubling, or near doubling, in participation rates compared with previous elections.

Mr. Edward Davey (Kingston and Surbiton) (LD): What does the Minister have to say to the Royal National Institute of the Blind, which has been very concerned about the impact of postal voting on partially sighted and blind people? What measures will he take in the forthcoming referendums to ensure that those people have a choice of how to vote?

Mr. Raynsford: The hon. Gentleman raises an absolutely valid issue, and we have made provision, to which I will refer in due course, for electoral officers to

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visit individuals who have difficulty in filling out all-postal voting forms for reasons of visual impairment. Provision is specifically made for that in these orders, and I am sure that he will welcome that.

The evidence is clear that all-postal voting can substantially increase turnout. Despite that success, we recognise that media coverage of the pilots this June highlighted various concerns. The first group of concerns relates to the administration of the process, which generally worked well, albeit to a very tight timetable. Similar concerns will not apply to regional referendums, which have a much longer lead-in time and no constraints, such as are created by nomination dates for candidates, which prevented the advance printing of ballot papers.

The second group of concerns relates to allegations of possible fraud and malpractice associated with postal voting. Many of the concerns raised at the time and subsequently in debates in the House relate to postal voting outside the all-postal pilot areas. Indeed, the hon. Member for Solihull (Mr. Taylor) mentioned the west midlands a moment ago. That was not one of the all-postal pilot areas, but concerns were expressed, as he said, about the use of postal balloting.

Mr. Bernard Jenkin (North Essex) (Con): There were, of course, problems with postal voting outside the pilot areas. Does the Minister think that those problems apply to the pilot areas? Anyone looking at this dispassionately would think that the problems apply to postal voting, whether voluntary or compulsory, full stop, and that they must be addressed before we go down the route of all-postal voting.

Mr. Raynsford: The hon. Gentleman, as he looks into the subject, will establish that problems are associated with any form of balloting. Electoral administrators will advise that difficulties are associated with all types of voting, so it is necessary to have in place proper safeguards and measures to guard against possible abuse to the greatest extent possible. That is essential—it is our commitment—but the fact that, this year and in previous years, allegations of problems and malpractice associated with postal voting have been made does not in itself raise specific problems in relation to all-postal pilots. [HON. MEMBERS: "Yes, it does."] It does not; it raises an issue to do with postal voting generally, not with the intention of holding—

Mr. Jenkin *rose—*

Mr. Raynsford: If the hon. Gentleman wishes to intervene again, of course, I will give way to him.

Mr. Jenkin: The problems with postal voting have arisen as postal voting has increased in importance in our electoral system. If we vastly increase postal voting, the scale of those problems will vastly increase. We have a well-developed body of law for voting at ballot boxes and polling stations; we do not have a well-developed body of law and practice for large-scale postal voting. That is the problem.

Mr. Raynsford: The hon. Gentleman's hypothesis is simply not supported by the evidence. He should listen to the views of the returning officer for the north-west region, where probably the largest number of problems were reported. The chief executive of Manchester city council, Howard Bernstein, said that, if anything, the number of problems with fraud was probably less this year than in previous years. So I am afraid that the hon. Gentleman's argument about scaling up the extent of all-postal voting is simply not substantiated.

Mr. Graham Stringer (Manchester, Blackley) (Lab): I have heard my right hon. Friend and other Ministers use that quote from Sir Howard Bernstein a number of times. It is accurate, but partial—the rest of the quote goes on to say that there has been an increase in the number of cases of intimidation. That is a joint statement from the regional returning officer and Greater Manchester police. What weight does my right hon. Friend put on the fact that intimidation apparently increased in the north-west?

Mr. Raynsford: Clearly, we must wait for the report from the Electoral Commission, which is carrying out an evaluation, and we will give very considerable attention to that report when it becomes available. However, my hon. Friend will be conscious of the fact that a number of the complaints were associated with actions seeking to ensure the success of individual candidates in elections where candidates were seeking office, which can attract substantial allowances, and there may be something of a financial incentive. Most commentators who consider the referendums, where no such incentive applies, would recognise that the kind of instances that he alludes to are much less likely to occur in the context of a simple referendum question, where no individual stands to gain election as a result.

Mr. Edward Davey: I agree with the Minister: the case for an all-postal ballot in a referendum is much stronger because the incentive for fraud is much less. Given that logic, is he saying therefore that the case for all-postal ballots in local elections is much weaker?

Mr. Raynsford: No, what I was saying—*[Laughter]*—as the hon. Gentleman and other Opposition Members, whose mirth indicates their reluctance to listen, should be aware, is that we will await the Electoral Commission's response, because it is the body charged by the House—*[Interruption.]* Frankly, for the hon. Member for Rutland and Melton, from a sedentary position, to talk about ignoring the Electoral Commission's views when he said, from the Conservative Front Bench, that that was exactly what he did shows a degree of inconsistency that I find quite astonishing—but, sadly, we are all too used to that from the Conservative party.

In the light of that media coverage, the Electoral Commission suggested that we delay laying the referendum orders until after it had published its evaluation of the pilots in September. However, as we pointed out to the commission, if we are to hold referendums this autumn, as is widely expected, and allow an adequate campaigning period and public information in line with the commitments that we have given, Parliament needs to approve the necessary

referendum orders before the summer recess. For that reason, I repeat the undertaking that I have given to Parliament

"not to proceed with the all-postal referendums as planned if"

the Electoral Commission's evaluation of the 2004 pilots

"produces convincing evidence leading to the conclusion that it would be unsafe to do so." [*Official Report*, 22 June 2004, Vol. 422, c. 1260.]

Mr. David Curry (Skipton and Ripon) (Con): What will be the nature of the advice given by the Electoral Commission? Does the right hon. Gentleman expect it to say, "We do not therefore believe that the Government should proceed with this", or does he expect it to propose a series of factors that the Government should evaluate to decide whether they add up to a significant barrier?

Mr. Raynsford: My understanding from the Electoral Commission is that it will, in its report, specifically address the issue of the all-postal referendums proposed for this autumn and report, which it is required to do by statute, on the experience of the all-postal pilots that took place in June. It is entirely up to the commission to decide how it wishes to address the issue, but it is conscious of the significance of what it says. As I have said, if the evidence is convincing that it would be unsafe to proceed, we shall certainly react positively and be prepared not to proceed with an all-postal referendum. However, we must obviously wait to see the evidence.

Mr. Edward Davey: The Minister has been very generous in giving way. I hope that the Government have no intention of hiding behind the statement made by the Electoral Commission. I hope that he will recognise that its report is advisory, as the Government have reminded the House on many other occasions, and that the decision about whether to go ahead with a referendum lies with Ministers and not with the Electoral Commission.

Mr. Raynsford: I entirely accept that; we have always accepted that. However, we take the advice of the Electoral Commission seriously and we have, on occasions, disagreed with it. When we do so, that is not because we simply state arrogantly that we do not care a fig for its views. We set out objective and fair reasons why we take a different view. There have been few such occasions. Overwhelmingly, we have gone along with the recommendations of the Electoral Commission, and we intend to give proper and serious consideration to whatever it says.

Mr. David Clelland (Tyne Bridge) (Lab): Will my right hon. Friend clarify the matter? If the Electoral Commission finds that there are problems with postal ballots in a region, will that rule out postal ballots in all three regions or only the region that has the problem?

Mr. Raynsford: My hon. Friend asks a very pertinent question. As he will know, his region—the north-east region—probably has the greatest experience of all-postal balloting. Most authorities have adopted it and his authority of Gateshead has been a pioneer in showing in one of the earliest pilots the capability of doubling participation. It has sustained high levels of participation in subsequent pilots. Therefore, experience in the north-east is generally overwhelmingly positive, and I have received very few indications of anxieties from north-east authorities about potential problems. If there are concerns, it is right to address them wherever they are rather than adopting a blanket approach that would not be appropriate in the circumstances.

Ms Dari Taylor (Stockton, South) (Lab): I seek reassurance from my right hon. Friend that he is not losing confidence in postal ballots. I am bound to remind him that we in the north-east and my constituency of Stockton, South voted in significantly greater numbers because of the use of postal ballots, even with the witness statement, which was an absolute nuisance. The Electoral Commission said that there was no cause for concern, no evidence of improper behaviour and no evidence of fraud. I seek reassurance that my right hon. Friend is not losing confidence in postal ballots as an important way of supporting our electorate.

Mr. Raynsford: My hon. Friend will have heard the remarks that I made earlier in which I made it clear that I believe that there are considerable advantages with all-postal ballots. We certainly want to maximise participation. However, we take seriously all genuine and substantial allegations of fraud or malpractice, and we want to ensure that there are proper safeguards in place to ensure that public confidence in the voting system can be maintained. That is the proper balance to maintain, and it is the position that we have adopted.

Mr. Curry: Does the right hon. Gentleman envisage circumstances in which postal ballots might take place in fewer than three regions—in other words, in one or two—and that the entire ballot might be deferred in one or two or take place at a later date by traditional methods of voting? That is really the question that the hon. Member for Tyne Bridge (Mr. Clelland) posed.

Mr. Raynsford: The Government brought forward all three orders and the three separate orders that were debated Upstairs two days ago on the basis that we propose that the referendums should all be held on the same date this autumn. It is implicit in what I have said about our response to the evidence and, in particular, to the views of the Electoral Commission that if it were suggested that it were unsafe to proceed in one region but not in others, we would by the nature of our response be prepared to proceed in one region on the basis already proposed while deferring or adopting a different approach in another one. That has to be the way forward. I shall not speculate on that; the issue is purely speculative. Implicit in the approach that we have adopted is an indication of our commitment to proceed according to the timetable that we have set out and our willingness to listen carefully to the evidence brought to the House as well as that of the Electoral Commission. We shall reach a considered view in the light of that evidence.

Mr. Curry: The right hon. Gentleman referred to deferring or using a different approach. Is it therefore conceivable that, let us say, the north-east and Yorkshire and Humber will vote by postal ballot on

[Mr. Curry]

4 November as anticipated. I understand that it would not be possible to arrange a manual ballot by that date, but that the north-west might vote on a subsequent date but still within this Parliament?

Mr. Raynsford: The right hon. Gentleman is absolutely right. Were one of the orders not to be passed tonight or tomorrow when the other place considers the matter, there would need to be alternative orders because it would not be possible for a simple shift in the method of voting to take place without that being approved by the House. There clearly would be a need for additional parliamentary consideration if that course of action were pursued.

Mr. Mark Field (Cities of London and Westminster) (Con): I appreciate the Government's desire to raise turnout, and the Minister has concentrated his comments on administration and fraud, about which Conservative Members have concerns. However, he has not concentrated on the Electoral Commission has not made great play of this the credibility of an election or a referendum. A campaign takes place that culminates in one day with the public at large collectively making its decision. The great power of an election or a referendum depends on that. Does he not see that that notion of an election or referendum is entirely undermined if the system of postal voting is made compulsory?

Mr. Raynsford: No, I do not. I accept entirely the hon. Gentleman's premise that there should be a formal period for campaigning. However, we have accepted as part of our democratic arrangements for decades that some people can vote either by proxy or by post. There were provisions most spectacularly in the 1945 election, which did not help his party for the forces to vote at a different time to other people. Arrangements can be made for voting at different points during the campaign period, and that does not undermine the validity of a ballot. The important things are for arguments to be presented and for the public to have a full opportunity to hear the arguments debated, after which they form a judgment. That is one of the reasons why we have insisted that there should a proper period throughout the referendum to allow people to hear and consider the arguments of the yes and no campaigns, which will be registered by the Electoral Commission and given access to funds to promote their points of view. It is right for that to be in place before people receive their ballot papers. People may vote at different times, but there will be a proper campaign so that they may form a judgment based on the arguments to which they are exposed.

We are confident that problems highlighted in the media coverage of the pilots would not apply to the referendums. I have already said that there will be no candidates seeking election, so the risk of fraud prompted by self-interest on the part of candidates would be eliminated. Secondly, there would be a much longer lead-in time for the printing and dispatch of ballot papers in the referendums six weeks instead of a week because that need not be done over such a concentrated period to allow for the nomination date for candidates. In June, there were reports that votes could not be counted because witnessed declarations of identity were incomplete, so the Government intend, in line with the advice of the Electoral Commission, to use security statements that do not require witness signatures for this autumn's referendums. The Electoral Commission's view was that

"the traditional form of declaration adds nothing to the security of the process but introduces significant risks"

My hon. Friend the Member for Stockton, South (Ms Taylor) highlighted the fact that evidence shows that people were deterred from voting in the June pilots because they found the requirement of a witness statement complex and possibly intimidating.

Joyce Quin (Gateshead, East and Washington, West) (Lab): I welcome what my right hon. Friend says about not continuing with witness statements in the unhelpful form that they took in June. Does he agree that the experience of authorities such as Gateshead, which had three years of successful postal ballots without the witness declaration, is in accord with the policy change that he is announcing?

Mr. Raynsford: I entirely concur with the views expressed by my right hon. Friend, who has a lot of experience of the matter and has watched the process over those years. As I said in response to our hon. Friend the Member for Stockton, South, who shares the same local authority as my right hon. Friend, there is considerable evidence of successful all-postal voting in Gateshead. The evidence from this summer's pilots suggests that the witness statement might have adversely affected the turnout compared with that in previous pilots, but we will wait for the measured and considered response of the Electoral Commission before reaching a firm decision. However, we do not intend to use witness statements during the course of the referendums.

Mr. Edward Davey: I think that the right hon. Gentleman knows that Liberal Democrats are worried by the Government's current attitude to witness statements. We have heard from his colleagues about some of the problems with them, but postal votes have traditionally had witness statements, so the Government are moving away from the way in which postal voting has operated in this country. I hope that he will give due weight to people's concerns that the danger of electoral fraud will remain until we get individual voter registration. The Government need to be careful if they really are to discard the witness statement.

Mr. Raynsford: The hon. Gentleman makes a fair point. We have considered the matter carefully and acted in line with the Electoral Commission's advice. As I said, its view is that

"the traditional form of declaration adds nothing to the security of the process but introduces significant risks".

One problem is that individuals are nervous that the existence of a witness statement compromises the secrecy of the ballot—it does not, but people are fearful that it might. People who live alone face a problem because they may not find it easy to have someone available to witness their declarations at a convenient time. Those and other factors are probably some of the

reasons behind the situation in June when turnout fell in some areas that had experienced high levels of participation in previous all-postal pilots.

Mr. Davey: May I come back to the Minister on two points? First, the Electoral Commission favours individual elector registration as a long-term goal. I think that there is cross-party consensus on that point – but how do we insure against fraud in the meantime? Secondly, if there is misperception among the electorate that the secrecy of a ballot could be jeopardised, surely we should tackle that by proving through clearer information that that is not the case.

Mr. Raynsford: I shall take the hon. Gentleman's second point first. It is absolutely right that good information should be available to everyone who votes, whatever method is used. There is evidence that the authorities that have explained the all-postal voting process most thoughtfully have achieved the highest levels of participation because they have allayed fears and ensured that people were on side. Several authorities that have done that over three years or more. Gateshead has done it for four years. have demonstrated that it is possible to achieve sustained high levels of participation. We should pay close heed to the experience of those authorities, many of which are in the north-east, that have operated the system successfully without problems on separate occasions.

Mr. Kevan Jones (North Durham) (Lab): Will my right hon. Friend give way?

Mr. Raynsford: After I have responded to the second point raised by the hon. Member for Kingston and Surbiton (Mr. Davey).

The Electoral Commission's recommendation on individual registration is important and we are giving it serious consideration. We intend to move forward on the basis of its proposals. However, that cannot be done without legislation and quite complex administration, which will not be in place before this autumn's referendums. The Electoral Commission was aware of that when it welcomed our decision to proceed with an all-postal referendum. They knew that it would not be possible to accompany that with individual registration and took its decision in the light of that evidence.

Mr. Jones: Chester-le-Street in my constituency has had postal voting for the past three years. Does my right hon. Friend agree that the confusion in the European election was caused by the need for people to sign a witness statement, and turnout went down whereas in previous elections it had been going up? For example, last September we had a record turnout in a council by-election of 64 per cent. Surely the fact of the matter is that the witness statement causes more confusion.

Mr. Raynsford: My hon. Friend also speaks from considerable experience. Most hon. Members will be highly impressed with that figure. Sadly, we are not used to a 64 per cent. turnout in a council by-election. It reflects the remarkable success of all-postal voting in achieving higher turnouts.

My hon. Friend also makes a fair and considered point about the problems associated with the witness statement. I think that I dealt with that thoroughly and I gave the undertaking that we do not intend to use witness statements. We propose instead to use security statements in the referendums, in line with the Electoral Commission's recommendation.

Mr. Clive Betts (Sheffield, Attercliffe) (Lab): Will my right hon. Friend give way?

Mr. Raynsford: I want to make some progress first.

Another difference between the pilots held in June and the referendums this autumn is that we have made provision for more assistance and delivery points of at least one per 50,000 electors, to be open on the date of the referendum and the preceding seven working days, during normal working hours, to enable those people who want to vote in person to do so.

The right hon. Member for Skipton and Ripon (Mr. Curry) asked in a previous debate whether that provision would be adequate in rural areas. We have reflected on that and I am pleased to tell him that electoral administrators will be empowered to make additional arrangements in areas where they think that the 50,000 figure is inadequate, so there can be greater provision if they think that it is justified. In addition, as I said in my reply to the hon. Member for Kingston and Surbiton, there will be provision for electoral administrators to visit individuals who are not able to vote because of a disability, in particular visual impairment, and who might need assistance.

Mr. Curry: I am grateful to the right hon. Gentleman for making that common-sense provision. The Craven area barely has 50,000 inhabitants, let alone 50,000 electors, and they are spread over the north Pennines, so it is an obvious difficulty. For people who are visually impaired or who have difficulty getting to a poll or filling in a ballot paper, will there be a mechanism by which they notify the returning officer of that disability or problem so that they can be visited? What will be put in place to enable them to take advantage of that facility?

Mr. Raynsford: The chairman of the Electoral Commission, who is overseeing the process, and the returning officers who will be responsible within each region, must give thought to that matter. We will encourage them to publicise the availability of assistance from electoral administrators for those people who will find it difficult to vote without the presence of an administrator in their own home to help them through the process.

Mr. Gordon Prentice (Pendle) (Lab): On the figure of 50,000, if a returning officer decided that there should be a collection point for every 10,000 or 5,000 inhabitants, would the Government reimburse the local authority for the additional cost incurred?

Mr. Raynsford: My hon. Friend raises a question that clearly will have to be considered by the electoral administrators. We would certainly want to make certain that there was proper provision to ensure that people were able to vote in person where they wished to do so. I do not want, at this stage, to speculate about any

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particular ratio of assistance and delivery points to electors because circumstances will vary enormously from one place to another.

Mr. Betts: As my right hon. Friend knows, I have one or two problems with the whole idea of the referendum. However, if we proceed, we must encourage the greatest number of people to participate, so will he ensure that the instructions are in plain English so that people can understand them? That is an important point. In June, the instructions issued in Yorkshire and Humber were virtually incomprehensible and caused many people to make a complete mess of voting. In London, despite the complexity of the elections, the instructions were a lot clearer.

Mr. Raynsford: I can assure my hon. Friend that the orders that the Under-Secretary of State, my hon. Friend the Member for Corby (Phil Hope), dealt with in Committee on Monday specifically set out the referendum question, the dates and other necessary information as well as matters relating to local government reorganisation, so those issues have already been the subject of considerable scrutiny and of consideration by the Electoral Commission.

There is no justification for the Opposition's claims that we are compelling people to vote by post. Electors would have the choice as to whether to return their vote by post, to deliver it by hand or to vote at a place supervised by electoral officials at the forthcoming referendums. The count would commence after close of poll on 4 November.

Mr. Curry: Having just congratulated the right hon. Gentleman on doing something sensible, I now find that he has said something that he is far too intelligent to believe. He knows very well that in a normal, physical election there are polling stations in every village—in the village hall, in the school or perhaps in a caravan. Even by the wildest imagination he is not proposing that, certainly not with the doubts over who would finance it. There is no analogy between the facility that he has just announced and a normal, physical ballot, and he is far too intelligent to pretend that there is.

Mr. Raynsford: I was not suggesting that there was an analogy; I was suggesting that arrangements had been put in place to ensure that those people who want to vote in person will be able to do so. The assistance and delivery points to which I referred will be open for a whole week before the close of ballot, and most people, even in rural areas, would find it possible in the course of a week to visit such a location. I have also referred to our intention to allow electoral administrators to make individual visits. There might be mobile polling stations to call in certain areas at specified times. It is our intention that everything possible should be done to encourage participation. This is all about making it easier for people to vote. We know that all-postal ballots are very welcome to many people, who find that the most convenient way to vote. We want to extend that, but we also want to ensure that there is provision for those people who would prefer to vote by other means. I have to say that we are not going to have any electronic voting in this particular election; that is not an option on this occasion. We have had pilots elsewhere and we will come back to those in future years, but not on this occasion.

Mr. Edward Davey: The Minister has been generous in giving way, particularly to me. He has given reassurances that people with visual impairment will be assisted by the electoral administrators who will visit them. How will the cost of that provision be met? That is important, and I hope that he is not leaving the question to the Electoral Commission to work out in due course. One can imagine a large number of electoral administrators having to be recruited specifically for that purpose.

Mr. Raynsford: If the hon. Gentleman will bear with us, we will come on to the cost issues in the subsequent orders. It is our intention to reimburse reasonable costs, but they must be reasonable—we do not want unjustified expenditure. We want to take these measures in a way that gives real benefits and makes it easy for people to vote, but in the most cost-effective way.

To enable local people to identify how their particular area has voted, each counting officer would certify for his area the number of ballot papers counted and the number of votes cast for each referendum answer. The chief counting officer would do the same for the whole of the referendum area. To ensure that there is confidence in the final result, the order makes provision for recounts, both in a particular voting area and the whole referendum area.

The Regional Assembly and Local Government Referendums Order also seeks to establish a fair and transparent framework for regulating campaigners. The purpose of the framework is to level the playing field between different permitted participants—registered campaigners—by placing limits on their spending. Those limits are set out in the Regional Assembly and Local Government Referendums (Expenses Limits for Permitted Participants) Order.

Political parties would be subject to a sliding scale of limits, determined by their vote share at the last European elections. Parties receiving more than 30 per cent. of the vote at June's European elections would be entitled to spend up to a maximum limit of £940,000 in the north-west, £820,000 in Yorkshire and Humber and £665,000 in the north-east. The figures obviously relate to population differences between the regions. Those maximums also apply to the lead yes/no campaigns, as appointed by the Electoral Commission. Parties receiving less than 5 per cent. of the vote would be able to spend no more than £100,000, the same limit as applies to permitted participants that are not political parties. There is a sliding scale determining maximum limits for political parties between these extremes. The framework also provides for the lead yes/no campaigns in each of the regions to receive a grant from the Electoral Commission, a free mail shot to either households or individual voters, free TV broadcasts and free use of rooms for public meetings.

As the explanatory memorandum to the Regional Assembly and Local Government Referendums (Counting Officers' Charges) Order makes clear, the cost of holding the referendums will be approximately

£1.52 per elector on a 100 per cent. turnout. That gives a total cost of £16.6 million, which would fall with turnout.

Mr. George Osborne: What are the rules regarding expenditure by the Government during the referendum period? Clearly, the Minister has already spent money informing people, as he would put it, or trying to influence the vote, as I would put it. What are the rules during the referendum campaign? Can the Government spend any money "informing" people?

Mr. Raynsford: No. The rules are spelled out clearly in the Political Parties, Elections and Referendums Act 2000, which sets the overall framework. That places an absolute prohibition on the Government spending any money at all in the 28 days prior to the close of poll. Because this is an all-postal election and the ballot papers will be sent out approximately three weeks before that, we have agreed in our discussions with the Electoral Commission that we will apply the 28-day cut-off to mean 28 days from the date at which the voting papers are likely to be sent out, so it is more likely to be 28 days plus three weeks from the final date of the poll.

There is provision, as I said, for the Electoral Commission to provide funds for both the yes and no campaigns, and we would envisage them to be incurring expenditure supporting the arguments—yes and no—during that period of approximately a month from the end of the Government's information campaign until the point at which the ballot papers are sent out and after that, if they choose to do so. It will be up to them how they spend the money. However, the Government will play no role at all in publicity during that period, other than answering factual questions that are put to us.

Mr. Osborne: How would the expenditure incurred by Ministers be handled? I would expect the Minister to go around trying to campaign for a yes vote. Would he be doing so as a Minister, with transport and so on paid for by the Government, or as a representative of the yes campaign in whichever region he was, with the expenditure incurred by the yes campaign?

Mr. Raynsford: Individuals Ministers, as individual Members of Parliament and as advocates of a particular cause, would be free to speak on behalf of the yes or no cause, but they would not be performing a function as Ministers during that time. They would be acting as individuals, not as Ministers.

Mr. Jenkin: It is important that that should be seen to be fair. For example, if the right hon. Gentleman were to travel to the north of England during the referendum period to make a speech in favour of a regional assembly, the funding for that trip could not come out of public funds, otherwise it would not be fair, would it?

Mr. Raynsford: If I visited the north-east, the north-west or any other region solely and specifically to promote a particular position—in my case, it would be the yes position on elected regional assemblies—I would pay for my travel. *[Interruption.]* It happened when the Conservative party was in government. In the normal course of events, one conducts official ministerial visits and one also involves oneself in political campaigning. Because of our other responsibilities, Ministers do not have the freedom to travel around the country that the hon. Member for North Essex (Mr. Jenkin) might expect. The provisions properly cover the position, and we shall observe them scrupulously.

Mr. Osborne: The Minister said earlier that Ministers would be free, as Members of Parliament, to campaign for either a yes vote or a no vote. Is he therefore saying that Ministers can campaign for a no vote?

Mr. Raynsford: I cannot imagine that any Minister in this Government wants to do that because the Government are committed to extending devolution. Our position is clear on supporting the opportunity to have elected regional assemblies, and the Deputy Prime Minister and I will strongly advocate a yes vote in our personal capacities during the campaign.

Mr. Jenkin: I am grateful to the Minister, who has been extremely generous in giving way. I have two further questions about expenditure. First, when the 28-day period, which will be advanced by three weeks, cuts in, what obligation is there to ensure that advertisements on hoardings and buses are removed and are not left to linger? Secondly, will the Minister ask the Electoral Commission if it will consult the yes and no campaigns, so that both sides are satisfied that the information that it puts out during the campaign is impartial, which is not the feeling about the Government's campaign?

Mr. Raynsford: The hon. Gentleman is wrong. All the information that the Government have put out and will continue to put out has been cleared through all the normal channels, including vigorous legal checks, to ensure that it complies with the obligations imposed on us to be fair and impartial. We have observed that principle and shall continue to do so.

The process will end the Government's provision of information before the yes and no campaigns publicity campaigns begin to kick in. The Government will not issue paid advertisements when the yes and no campaigns have been approved by the Electoral Commission and are campaigning. The hon. Member for North Essex knows that in the normal course of events I cannot guarantee that no hoardings will be left over, but we intend to end all publicity and advertising well before the yes and no campaigns are launched.

Mr. Hilton Dawson (Lancaster and Wyre) (Lab): Will my right hon. Friend assure me that during the time in which the Government are allowed to give objective information to people about this extremely important constitutional occasion, they will use that opportunity to give a great deal of information to everyone who can vote?

Mr. Raynsford: I am happy to provide that assurance. Last week, I attended a hearing in Blackpool, which is not far from the constituency of my hon. Friend, where the debate was intelligent and sensible. The no campaign fielded an expert on local government, whom I respect greatly, and the yes campaign fielded a councillor with considerable experience of a local authority. I presented the factual basis and the yes and no campaigns argued

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their cases, which is right and proper. *[Interruption.]* The hon. Member for North Essex laughs, but he would be surprised if I went into the detail of what the advocate for the no campaign said, which did not accord with the views expressed by Conservative Front Benchers—I have more respect for that particular spokesman and his expertise than I do for them. *[Interruption.]* I will take one more intervention, but then I must end my speech because other hon. Members want to speak.

Mr. Neil Turner (Wigan) (Lab): Sub-paragraph (c) of "Limits on referendum expenses by participants in the North West region" refers to

"£100,000 in the case of an individual or body falling within"

a certain Act. What provision is there to prevent a very rich person from setting up a number of bodies and putting the £100,000 into the fund, thus skewing the debate one way or the other?

Mr. Raynsford: My hon. Friend has put his finger on a difficulty with the existing regulations. Having examined them carefully, we believe that there is scope for individuals to support different organisations, all of which could register separately. It will be for the Electoral Commission to decide whether, in its opinion, there is an abuse of the system in such circumstances. I trust the judgment of the commission, which is of course empowered to register participants. Without its endorsement, those participants are not entitled to spend more than £10,000.

The orders are essential to enable referendums on elected regional assemblies to be held this autumn. I believe that they provide a proper basis for the achievement of our objectives. Those objectives are to give the people in the northern regions an opportunity to express their views either for or against elected regional assemblies, to do so on the basis of the highest possible participation, and to be well informed of the outcome. I commend the orders to the House.

3.56 pm

Mr. Bernard Jenkin (North Essex) (Con): I think the whole House is extremely grateful to the Minister for the time he has given us and the number of interventions he has taken. He is an extremely nice man, and also an extremely honourable man; but sometimes, as he puts his head on the pillow at night, he must wonder what on earth the mess is that he has got himself into.

Even if Parliament approves the orders this week, everyone will be left wondering whether the referendums in the north of England will take place at all. It is difficult to imagine how the Government could have created more of a mess for themselves. Here we are with the date of the referendums set, with the Government spending millions of pounds of public money on their own propaganda campaign, and with the yes and no campaigns up and running in three northern regions not yet recognised by the Electoral Commission or the Government, facing the fact that the referendums may never be held.

The problem is that the Government have become obsessed with conducting the referendums by means of all-postal ballots. We must ask ourselves why. The conventional ballot box was good enough for the Scottish referendum, good enough for Wales and good enough for the London mayoralty and the London Assembly. Why does it not do for referendums on regional assemblies? Why does the Deputy Prime Minister—against all the advice of the Electoral Commission, after the chaos of the all-postal pilots in the June elections and after the collapse of public confidence in all-postal voting—still insist on all-postal referendums? He is effectively putting the whole policy at risk, because the Government may yet have to call them off.

The real danger with the referendums is the massive opportunity for vote-harvesting. I use that phrase advisedly. Unscrupulous individuals or organisations collecting unwanted ballot papers from doorsteps, from the doormats of multiple-occupancy residences or even from people's rubbish sacks and bins could forge signatures and post the papers off, and no one would be the wiser. There is no way of checking whether the votes are genuine.

I hear what the Minister and the hon. Member for Kingston and Surbiton (Mr. Davey) say about the self-interest of candidates not being a factor in a referendum, but reduced motive does not improve the security of a system that is fundamentally unsound.

Mr. Kevan Jones: Is it not easier to impersonate someone under the present ballot-box system than under the postal-vote system? I could turn up at the hon. Gentleman's polling station, give his name and address, receive a ballot paper and walk out. There would be no audit trail to establish that I had been there. Surely what the hon. Gentleman is saying is nonsense.

Mr. Jenkin: Logistically, it is much more difficult to organise large-scale impersonation in a polling station than behind a closed door with stacks of ballot papers. In order to impersonate me, another voter and another voter several times, the hon. Gentleman would have to go into separate polling stations to avoid being identified voting more than once. That is not necessary if he is voting behind a closed door using ballot papers with forged signatures. It is possible to vote hundreds and hundreds of times under the system that is being promulgated in these orders. It would not be possible to do that with the conventional ballot box.

Mr. Edward Davey: Would the hon. Gentleman be more relaxed if there were a declaration of identity, as there was in the all-postal ballot pilots? It is important for him to say that. If he can join our party in making that point, perhaps we can persuade the Government that, until we get individual elector registration, that is the way to go to prevent the fraud that he has expressed concern about.

Mr. Jenkin: A witness statement is an additional safeguard. None the less, it is unsatisfactory because it can be forged, too, and there is no way to check that. However, I agree with the hon. Gentleman that it would be preferable to have a witness statement.

I still think that it would be preferable to have conventional ballot box voting. That would be a more secure way of conducting the referendums. How could anyone check whether the signatures on the ballot packs were real or fake?

Ms Dari Taylor: The House is well aware that evidence was produced that fraud took place in parts of the midlands. I should be grateful if the hon. Gentleman could tell us whether there was any evidence of similar fraud, on any scale, in the northern region.

Mr. Jenkin: If the system is unsound in the midlands, it is unsound in any other region. I will come to what the leader of Birmingham city council said in a moment, but the other place insisted on a witness statement in the postal pilots because of the need for some check on all-postal balloting. I agree with the right hon. Member for Gateshead, East and Washington, West (Joyce Quin), who is longing to be the new Miss North-east in the regional assembly: it probably would reduce the turnout because it would complicate the system, but it would make it safer. We must accept that.

That is why the Electoral Commission wanted the Government to delay these referendum orders. It is all very well to say that my hon. Friend the Member for Rutland and Melton (Mr. Duncan), who is no longer here unfortunately, would not listen to the Electoral Commission. When it does not suit the Minister for Local and Regional Government, even though his Government set up the Electoral Commission, he does not listen to it—well, he listens to it and ignores it. That is what he has done in this case.

It is widely known that the Electoral Commission would have preferred the Government to delay the orders until it reported on the pilots. I am sure that the Minister will not be disingenuous enough to insist that that is not true. What it wants ideally is to implement individual voter registration, so that a record of every voter's signature is held centrally on file and signatures on ballot papers can be cross-checked if there is any doubt or any need. Indeed, they could be spot cross-checked to discourage anyone from forging a signature on a ballot paper.

In these referendums, apathy will be rife. The majority in all three regions probably do not care, or hardly know, about the Deputy Prime Minister's precious regional assembly proposals. Few people will care what happens to the ballot papers that they never asked for. Again, despite the chaos last time, live, validated ballot papers will pour out across the north of England and, from that point on, no one will know where individual ballot papers have been, who has completed them and whether any fraud has taken place. That is what the postal pilots clearly proved last month.

The other problem is the state of electoral law. As Sir Albert Bore, Labour leader of Birmingham city council, said last month:

> "At present, in relation to postal ballot papers, the law is so general that almost anything is legal."

That is why the Electoral Commission is pushing for an increase in the number and type of offences with regard to postal voting to protect the integrity of the ballot.

I put it to the Minister that there is no consensus on this matter. He has the support of neither the Liberal Democrats nor the Conservative party on the question. Why are the Government galloping ahead with their own way of conducting ballots without any party consensus? This has hardly ever been done before with such a cavalier attitude. The only conclusion that one can reach is that it is being done because it is in this miserable, rotten Government's interests; they see political advantage in it. An all-postal ballot is the only hope of avoiding the humiliation of a totally derisory turnout. That is not an excuse for hijacking the voting system.

The other advantage that the Government now have is a convenient exit strategy. I can well imagine that the right hon. Gentleman has been detailed by the Prime Minister to try to extricate the Government from the mess that the Deputy Prime Minister has made. If the Government really do face humiliation in all three regions, they can use the Electoral Commission's report as a pretext to call the whole thing off.

Last month, the House was told that the referendums would not proceed if the Electoral Commission were to conclude that it was "unsafe" to proceed with all-postal voting. Rather like "derisory", what does "unsafe" mean? The Minister told us in the same debate that not to proceed the Electoral Commission would only have to produce

> "evidence leading to the conclusion that it would be unsafe".
> [*Official Report*, 22 June 2004; Vol. 422, c. 1260]

He has also said that only

> "a suggestion that new regulations were required"

would be enough to postpone the referendums. There is plenty of wiggle room there; we know that the commission already wants additional regulations to protect the integrity of the ballot. It will be possible for the right hon. Gentleman and the Government to interpret the Electoral Commission's report however they so choose.

Mr. Raynsford: I should make it clear that the hon. Gentleman is quoting my remarks in the previous debate out of context. When I talked about possible changes to regulations, I was asked about the impact on the timetable of any recommendations that the Electoral Commission might make. I tried to draw a distinction between recommendations that would involve legislation, which clearly would involve a long delay; recommendations that might involve a change in regulations, which would involve a delay; and recommendations that might involve administrative changes, which might not involve a delay if those could be done expeditiously. I was simply trying to illustrate the fact that we had to take account of a range of possible circumstances. The hon. Gentleman should not imply that a suggestion that there might be a modest change to administrative procedures is a justification for not taking action. That was certainly not what I implied.

Mr. Jenkin: I fully accept what the right hon. Gentleman says, but it does not alter the substance of the point I am making, which concerns what the real test of "unsafe" is. In the end, it that will be a decision for Ministers; we cannot expect the Electoral Commission to make the decision about whether the referendums

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should go ahead, any more than we could expect Hans Blix to decide whether we should invade Iraq. It is a question for Ministers, and not something that the Minister will be able to define today. It leaves him all the room for manoeuvre that he wants.

The real test of the word "unsafe" will be a political judgment, not a legal or technical one. If it looks likely that Labour will lose one or more of the referendums, that may well be what the Government conclude to be "unsafe". It will be the Prime Minister who makes the ultimate decision, not his hapless deputy.

The Minister refuses to define "unsafe" and "derisory". This kind of confusion, chaos and deceit has characterised the Government's proposals for elected regional assemblies from the start. I ask for one simple reassurance that the right hon. Gentleman failed to give the hon. Member for Tyne Bridge (Mr. Clelland) or my right hon. Friend the Member for Skipton and Ripon (Mr. Curry). Either all the referendums go ahead, or not. Does the Minister agree that there can be no conceivable excuse for cancelling one or two of the referendums? Either he will consider postal voting to be an unsafe system, or a safe one.

How can the system be safe in some places and not in others? That is the answer to the question from the hon. Member for Stockton, South (Ms Taylor). Do we think people behave differently in Bradford than in York? [HON. MEMBERS: "Yes."] That is an interesting comment. All citizens in this country should be treated as equals. To cast aspersions on one part of the population but not another is a very nasty thing to do; yet that is the implication of the Government's position. Either the system is sound or it is not, and if not, none of the referendums should proceed on this basis.

Mr. Raynsford: I should make it clear that there is no question of casting aspersions on any section of the community or individual area. However, the fact is that the complaints made about the problems associated with all-postal voting—or, indeed, with postal voting—tended to be concentrated in certain areas. That factor clearly has to be taken into account, and it would be quite wrong to draw general conclusions from what might be localised problems associated with particular candidates in individual elections. I drew a clear distinction between circumstances that might prove an incentive to commit fraud—in which a candidate has an incentive to get elected—and the very different circumstances that apply in a referendum. The hon. Gentleman should accept that in that regard it is possible to draw distinctions between different areas of the country without implying the kind of slur that he suggested might lie behind our position.

Mr. Jenkin: I do not accept that that should be the determining factor. I repeat: if the system is unsound, it is unsound anywhere. The right hon. Gentleman's argument is that because we do not have competing candidates, no vested interests are involved in this process, but of course that is not true. Huge vested interests are involved. The reputation of the Deputy Prime Minister is on the line; the careers of the "jobs for the boys" Labour councillors who want to be members of the regional assemblies are on the line; the career of the right hon. Member for Gateshead, East and Washington, West is on the line. Lots of people have a vested interest in the outcome of the regional assemblies referendum.

In any case, what about some of the organisations that might be involved in the yes campaign or the no campaign? I certainly do not want to have anything to do with the British National party. However, it is on the record as saying that it will apply for designation as a permitted participant. Does the right hon. Gentleman expect the BNP to behave as well as any other political party behaves? I certainly do not.

Mr. Curry: My hon. Friend has asked a question of the Minister and in order to avoid ambiguity, I want to explain to my hon. Friend my understanding of the Minister's reply to my earlier intervention. I do not understand why we are being so squeamish about saying what we believe, which is that there appear to have been problems with the conduct of the ballot in certain ethnic minority areas. That is what we are talking about; we are simply trying to avoid using that expression. As I understood it, the Minister said that it is not impossible that there could be three ballots, two ballots or one ballot, and that they could all take place through postal voting or through a combination of postal and manual voting. In the latter case, manual voting would take place at a later date than postal voting because it would not be possible to make the necessary arrangements in time, given the need first to pass the relevant legislation through this House. That is my understanding of what the Minister said.

Mr. Jenkin: If the Minister will confirm that that is so—*[Interruption.]* He nods, but I have to say that that was not my understanding of his response to the intervention of my right hon. Friend. The point is that, as my right hon. Friend will agree, we are faced with an extraordinary mess. There is a very high likelihood that what we are debating—and possibly approving—is what will not happen. This is a mess of the Government's own making, and one made over a remarkably short period.

Joyce Quin: The hon. Gentleman has said several times that the all-postal ballot is an unsound system. On what does he base that judgment, given that all-postal ballots have operated in the north-east for some three to four years without the problems that he describes?

Mr. Jenkin: My point is that if a system is unsound in one place it is unsound, full stop. If it can be defrauded in one part of the country, it can be defrauded anywhere.

Mr. Kevan Jones *rose—*

Mr. Jenkin: I note from what the right hon. Member for Gateshead, East and Washington, West says that she has absolute confidence that the BNP, for example, will not try to interfere with the system. Her faith is very touching.

We have had an outbreak of honesty in other quarters, from the chairman of the yes for Yorkshire campaign, Lord Haskins. Just over two weeks ago, he

labelled Ministers in the Departments for Education and Skills and for Transport "Stalinists" because they did not want to let go of some of their powers. Perhaps the Minister will tell us who some of these Stalinists are. Lord Haskins was also reported to have said that he thinks the referendum is unwinnable. Helpfully, he later clarified his remarks, saying that he is merely concerned about the tight timetable being laid down by the Government. In other words, he thinks the Government are in a horrible mess and he thinks he is going to lose.

That reminds us that the Labour party is hopelessly split. On Monday, it was reported that 27 north-west Labour Members, including three Ministers, have written to the Deputy Prime Minister asking for the regional referendum to be scrapped. The truth is that Labour Members are queueing up to tell him to ditch the project. Just two days ago, the hon. Member for Selby (Mr. Grogan) called for the Yorkshire referendum to be scrapped, and added:

"I have no doubt that the views I have expressed are the views of the majority of Yorkshire Labour MPs."

Mr. Clelland: We may as well be honest about these things, as the right hon. Member for Skipton and Ripon (Mr. Curry) said, and it is also true that my hon. Friend the Member for Sheffield, Attercliffe (Mr. Betts) expressed reservations about the referendum. Of course there is a division of opinion in some areas of the north-west, and in Yorkshire, as we have heard today. However, let me make it crystal clear that no such divisions are apparent in the north-east, where we are only too keen to pass the orders and get on with authorising the yes and no campaigns, setting them in motion and holding the referendum.

Mr. Jenkin: If the referendum in the north-east goes ahead, we shall see how the people vote there, what the turnout is and whether people really want an elected regional assembly.

Mr. George Osborne: It is worth reminding the House that when some related orders were debated on Monday, one was carried by only nine votes to seven, and indeed would have been lost by the Government without the support of the Liberal Democrats, because of the number of Labour Members put on that Committee by the Whips who voted against the Under-Secretary of State, Office of the Deputy Prime Minister, the hon. Member for Corby (Phil Hope).

Mr. Jenkin: It is little wonder that even pro-assembly Members are running for cover when *The Journal*, the pro-assembly Newcastle paper, runs headlines such as "Bosses line up to urge 'no' vote". The fact is that the proposals are losing support by the day. No wonder the Prime Minister has asked his man in the ODPM to sort out an exit strategy.

Mrs. Louise Ellman (Liverpool, Riverside) (Lab/Co-op): Is the hon. Gentleman aware that only today in the north-west, the business leadership team, representing the top businesses in the region, is urging a yes vote?

Mr. Jenkin: May I point out that the business leadership team is a little team appointed entirely by the Deputy Prime Minister? Its members are well-known supporters of the yes campaign, but I promise hon. Members that if we took a poll of business men in the north-west, there would be no doubt about the sentiments they would express, and it is the same in the north-east and in Yorkshire.

We still do not know what powers an elected assembly would have. Throughout the past 12 months, we have had ministerial claim and counter-claim about what the powers are to be. Why have the Government not simply published the draft Bill as they originally promised? What do they have to hide? Even staunch advocates of elected assemblies, such as the right hon. Member for Gateshead, East and Washington, West, pressed them to publish it before the orders were debated. One can only conclude that Ministers are deliberately withholding information that would serve to inform both this debate and the public, because they fear telling the truth.

This is the last occasion on which the House will debate these issues before the people themselves consider the question as set out on the referendum ballot paper, as contained in the orders.

The preamble on the ballot paper, which every voter will read before voting, says that

"the elected assembly would be responsible for a range of activities currently carried out mainly by central government bodies".

That is what the Minister believes to be correct, but we have not seen the draft Bill, so we have no idea whether it is, in fact, correct. Will it contain new policies that the Deputy Prime Minister has hinted at—on learning and skills councils, police authorities and perhaps even a Barnett formula for the north-east, which was promulgated with the north-west business leadership team at a meeting in December last year? Will it contain those new powers or, as the Under-Secretary of State, Office of the Deputy Prime Minister, the hon. Member for Corby (Phil Hope) told my hon. Friend the Member for Meriden (Mrs. Spelman) in a letter, will it simply reflect what was set out in the White Paper? In that case, we certainly dispute the fact that the functions are mainly carried out by central Government bodies.

I have to tell the Minister that that statement is, at the very least, a subject of political dispute and controversy. It is not undisputed fact. The Government could perhaps have settled the matter by publishing the draft Bill, but instead they have put something on the ballot paper that is obviously designed to skew the debate in their favour.

Mr. Raynsford: We have always committed ourselves to publishing the draft Bill as soon as the House approves the orders, because it is important to provide information to the public. That is the purpose. If there were not going to be a referendum because the orders were not passed, there would clearly be no purpose in publishing the Bill for information. That is why we are committed to publishing the Bill as soon as the orders are passed.

I referred a short while ago to the representative of the no campaign at my hearing in Blackpool. Robin Wendt, a very distinguished person with previous experience of local government, made it clear that he wholly agreed with our view that the powers that we proposed for regional assemblies came overwhelmingly from central

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Government and agencies. In other words, the view of the Opposition that powers were being taken from local government was simply wrong.

Mr. Jenkin: I have not met the gentleman concerned, so I have no way of assessing the veracity of that statement. The fact remains that there is a long list of powers in the White Paper—including powers to deal with waste, transport and housing—that are currently carried out at local government level, but will subsequently be interfered with by regional assemblies. That is not what local government wants: it is not decentralisation, but fake devolution.

Mr. Edward Davey: The hon. Gentleman will know that in the spending review the Chancellor talked about options for transport powers being devolved and that in a statement last week the Secretary of State for Transport talked about the devolution of such powers. If that were the case, would the Conservatives welcome it?

Mr. Jenkin: I hope that the hon. Gentleman is not going to be suckered by what is in the White Paper. Let us consider what it actually says. Under the heading "Where we want to be", paragraph 9.4 states:

"We will improve the current arrangements for making decisions on transport. Central to this will be giving regional and local bodies more influence".

But what is "influence"? Influence means not having the final decision. These new organisations will be empowered with strategies, consultation and influence, but virtually no executive powers whatever. Even such executive powers as they will have, such as the appointment of directors to the regional development agencies—something that those agencies do not want—will be subject to the Minister's veto. That is not devolution; it is more centralisation.

Mr. Davey: If the hon. Gentleman is right about that, it would be worrying and we will not be suckered if that is what happens. However, the Chancellor said very clearly in the spending review that the Government would publish indicative budgets for transport early next year. We will hold the Government to that, because we believe that financial power is the key to the regional assemblies having real power.

Mr. Jenkin: But we know how the Government treat local authorities. They allocate transport spending to them, but say that they cannot spend it on one thing and have to spend it on another—otherwise they will not get it. Does the hon. Gentleman really think that the Government will treat regional government any differently? His faith is touching, but perhaps he should talk to his Liberal colleagues in the north-west who have decided to oppose elected regional assemblies in the referendums—*[Interruption.]* Many of them have. My hon. Friend the Member for Tatton (Mr. Osborne) will confirm that they are supporting the no campaign in the north-west and that campaign can expect to recruit a lot more Liberals as time goes on.

Mr. Neil Turner: My understanding is that Liberal Democrats in the north-west have not decided to support the no campaign, but to wait until the September meeting before they make up their minds. That is not unusual for Liberal Democrats, but it is wrong of the hon. Gentleman to say that they support the no campaign. They do not.

Mr. Jenkin: I think that we should leave the Liberal Democrats to their private grief on that matter.

The preamble makes a claim that cannot be substantiated, and the Government refuse to publish the Bill before we vote on these orders, which would enable us to evaluate the claim for ourselves. We have to take the matter on trust. The Government do not intend to publish the Bill until after the orders have been approved, which means it will be available tomorrow. I put it to the House that they have effectively broken the substance of the promise that they made to publish the draft Bill in good time.

Why do Ministers consistently slink away from any proper debate on the powers that elected assemblies will have? It is because their only chance of winning any of the referendums is by hiding the truth, running their propaganda campaign at the public expense, twisting the question on the ballot paper, issuing hundreds of thousands more ballot papers than can possibly be used legitimately, and then refusing to say how they will assess the result.

The whole process stinks of manipulation, propaganda, spin and deceit. Labour does not trust the people, as we have seen time and again. Labour does not tell the truth about hospital waiting lists, class sizes, rising crime, the real crisis in asylum or about intelligence on weapons of mass destruction in Iraq.

We Conservatives do trust the people. The people of the north will see through Labour's cheap and despicable attempt to manipulate the result of these referendums. If the Government let the referendums go ahead on 4 November, the people of the north of England will show their contempt for the unwanted and wasteful talking-shop assemblies that will not create not one extra doctor, nurse or police man. That is what the people of the north really want.

4.27 pm

Mrs. Louise Ellman (Liverpool, Riverside) (Lab/Co-op): I strongly support the orders, because they will enact the will of the House. The people of the northern regions should have the opportunity to decide for themselves whether they want directly elected regional assemblies.

The choice will be between the new assemblies and maintaining the current system and all its inequalities. A child born today in the north-west is likely to live 10 years less than one born in the south-east. Overwhelmingly, the country's deprived wards and local authorities are concentrated in the north-west, and funding for scientific research continues to be concentrated in four higher education institutions—the Oxbridge colleges, and two colleges in London.

Mr. Jenkin: We often hear about the life expectancy disparity between north and south. It is possible to find wide disparities in life expectancy between people born in leafy Surrey, say, and the worst ward in Newcastle, but the greatest disparities exist between the good and

bad areas of individual regions. The average disparity in life expectancy between regions is actually quite small, so can we have truth in this matter? I have checked the figures, and I challenge the hon. Lady to produce region-wide figures that bear out her assertion, because it is not true.

Mrs. Ellman: I hope that the hon. Gentleman is not suggesting that I am being untruthful. If he is, I ask him to withdraw the suggestion. The figure that I quoted is correct, and is borne out by numerous statistics put forward by other people. It is clear that there is a concentration of deprivation in the north-west—in terms of wards, special areas, local authorities and life expectancy, and in many other ways.

Mr. Kevan Jones: Does my hon. Friend agree that the disparity in constituencies such as hers and mine was made worse by the last Tory Government?

Mrs. Ellman: I certainly do agree and we are attempting to change the situation in which deprivation and inequality continue. Those people who oppose the proposals—the orders that will give effect to the choice that we want to offer the people of the north, to decide whether they want to change the system—want to maintain the status quo, with all its inequalities.

Mr. George Osborne: The hon. Lady mentioned science moving from the north-west to Oxbridge and she will know that the Government took the decision to move the synchrotron from Daresbury to Oxfordshire. That was a damaging decision for the north-west, but does she really think that a regional assembly would have been able to stop a decision taken by the Minister for Science and Innovation in Whitehall to move the facility? Even if the referendum were to be won, such decisions would continue to be made by the Minister and the Cabinet.

Mrs. Ellman: The decision to which the hon. Gentleman refers was one instance, although it was a serious instance that outraged the north-west and started to bring the region together. One of the consequences was the formation of the North West Science Council, with people from the academic and scientific sector working together with Members of Parliament and local authority representatives. We realised that unless we worked together, the system—of which that decision was only one example—would continue. It would have been inconceivable for that decision to have been taken for the areas represented by the Welsh Assembly or the Scottish Parliament. It is essential to have an organisation to represent the region as a whole, to deal with those issues that are regional—not local—and to give clout to the north-west and the other northern regions, and to argue for change and a better allocation of resources.

The hon. Gentleman refers to a decision taken by a Minister, but it was taken after concentrated lobbying and threats from the Wellcome Trust as to what it would do if the decision were not taken in its favour. The real decision was taken by that magic inner circle—the people who know one another and who are convinced that the only centres of excellence are to be found in London and the south-east. That is one of the very strong reasons why it is so important that we have an elected regional body to speak out for the needs of the region and to work with people in our centres of excellence. By mentioning that example, the hon. Gentleman has drawn attention to one of the strongest reasons for going forward with an elected regional assembly.

Reference has been made in the debate to the postal vote. From experience, it gives people the maximum opportunity to vote. Indeed, in the recent elections in my area, turnout was almost doubled in some areas by the postal vote. My right hon. Friend the Minister mentioned the caveats about the postal vote in terms of any comments that the Electoral Commission might make. The hon. Member for North Essex said that he believed that people in the regions did not know about the opportunity that they will have to vote for a directly elected Assembly. If that is the case, that is all the more reason to pass the orders. The yes and no campaigns can be officially organised, with sufficient resources to argue their cases.

I find that people in the north-west are most interested and concerned about how the region has been treated in terms of transport, jobs, planning, housing and public health. Those are all areas in which the elected regional assembly will have specific responsibilities and powers. Reference was made earlier in the debate to housing. The housing powers that would go to the elected regional assembly under the White Paper are currently exercised by quangos at a regional level, which report to a Minister. They are not powers for local authorities; they relate to the allocation of housing investment within and between local authorities and housing associations. An elected body should decide such extremely important matters. I suspect that few people in the regions know that such decision making is taking place, let alone the names of the individuals and organisations taking those decisions. It is thus essential that the powers promised in the White Paper go to the elected body.

Jobs and skills are extremely important. Under the White Paper, regional development agencies would be accountable to the region and not solely to Ministers, as is currently the case—although of course Ministers discuss various issues with the regional chambers.

The north-west has had a bad deal on transport. The rate of progress on the west coast main line leaves much to be desired. If we had an elected assembly, much more would have happened in that regard. My right hon. Friend the Secretary of State for Transport has made several statements recently about devolving transport matters locally to passenger transport authorities and to regional bodies, but unless such bodies are directly elected, those powers would be devolved to quangos—to unknown people who are not accountable in the region.

Proposals have been made about setting up transport boards, especially in regions where there are directly elected assemblies. That, too, will give power to people in the regions and to people who are elected and thus accountable.

Mr. George Osborne: From my dealings with the hon. Lady, I have no doubt about her sincerity and I know why she speaks with such strength on these issues. I ask

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her to consider the M6 toll road—probably one of the most important issues facing the north-west, which we both represent. Does she really think that decisions such as whether to proceed with the M6 toll road will have anything to do with a north-west regional assembly? That decision will be taken by the Secretary of State for Transport, the Chancellor of the Exchequer and, possibly, the Cabinet. Those vital decisions for the north-west will continue to be taken in London.

Mrs. Ellman: Some decisions will be taken locally, some regionally and some nationally, but a directly elected body would have the clout and legitimacy to ensure that decisions such as the one the hon. Gentleman mentioned would be dealt with much more seriously and quickly. Without such a body, things would lapse and decisions would increasingly suit the south and the south-east where strength already lies, with no need for direct elections—although it will not have escaped the hon. Gentleman's notice that the existence of the Mayor and the London assembly have brought increased strength to London and its power to attract more and more resources. Unless there is an equivalent body in the north-west, we shall find that power and resources are increasingly sucked to London and the south-east. The north-west and the other northern regions will continue to be left behind.

Mr. Edward Davey: The hon. Lady is right. Furthermore, if the powers of the Highways Agency were devolved to the north-west regional assembly, the assembly would have powers over trunk roads, such as those devolved to the Greater London authority. That would be especially welcomed by county councils in the north-west, as they are annoyed when investment decisions on trunk roads are made in London and by the Highways Agency, rather than by the people of the north-west. Devolution of powers for trunk roads would be a substantial improvement on the current situation.

Mrs. Ellman: I agree with the hon. Gentleman's observations. Regional assemblies should be involved with such important matters.

Another important issue in the north-west is the second Mersey crossing at Halton, which the Government are considering at present. Again, an elected north-west assembly would ensure that the arguments were put to Ministers and when they took their decisions, the whole strength of the north-west would be behind them, supported by its elected assembly.

There is often much dissention in such debates about whether the people of the north-west or, indeed, the other northern regions want an elected regional assembly, but there is considerable evidence that they want them. Only very recently, the ICM poll carried out in the north-west showed increasingly strong support for a directly elected north-west assembly and the business leadership team—derided, unfortunately, by the hon. Member for North Essex—has come out in strong support. I found his suggestion that the business leadership team was some kind of organisation set up by the Deputy Prime Minister pretty amazing. In fact, the business leadership team, with which I have worked very closely since its inception, was set up in 1982, and I do not recall that it was set up by the then Deputy Prime Minister.

In 1982, I was leader of Lancashire county council, and I recall bringing together people in the north-west to argue the case for an elected north-west regional body. The businesses of the north-west responded by getting together themselves and saying that they did not believe that the current system served business or the people of the north-west well. Among those businesses currently represented in the business leadership team at senior level, usually chief executive, are Pilkington, BAE Systems, British Nuclear Fuels Ltd., Manchester Airport, McAlpine and Littlewoods—hardly a little group set up by the Deputy Prime Minister, but an extremely powerful body. Indeed, it advocates that it is time that the north-west had a stronger voice with clout and the ability to get things done, which is supported in votes taken across the north-west at the moment by various chambers of commerce.

Joyce Quin: I strongly support the case that my hon. Friend is making with great force. Does she welcome, as I did earlier today, the statement made by the Secretary of State for Environment, Food and Rural Affairs about increased devolution in rural development policy to the regions? Does she agree that that is a way to help regional development agencies and regional assemblies, if established, to work effectively?

Mrs. Ellman: I very much welcome the point that my right hon. Friend makes. Indeed, in doing so, she draws attention to the importance of regional assemblies not only representing interests that are regional in their essence—such as, for example, science research and transport issues that affect the whole region—but being able to consider the differing needs of various parts of the region, including those of rural as well as urban areas. All that diversity of interest can be represented by elected regional assemblies, working with local authorities—I hope that they will continue to be strengthened—and central Government, where appropriate.

Mr. George Osborne: I am grateful to the hon. Lady for generously giving way to me a third time. She keeps saying that chambers of commerce support regional government. Let me read what the Wirral, Warrington and North Cheshire chamber of commerce says. It asks the Government

"to abandon this project before it wastes a great deal of money on a level of government that few people want and even less people need."

That is what chambers of commerce actually say about the proposal.

Mrs. Ellman: That quote does not represent the view of all chambers of commerce—certainly not that of those in my area. Clearly, there is continuing debate about whether people want elected regional assemblies. There is only one way to find out: to go ahead with the referendums with the easiest possible way for people to register their vote. That is why I hope that the orders will be passed. I hope that both Houses will continue to support the important issue of giving the people of the

north a choice on whether they continue with the current system, which has not served them well and increasingly results in inequality.

Mr. Dawson: Given that devolution is a dynamic process, not a single event, does my hon. Friend share my anxiety that, if the people of the north-west choose not to go for an elected regional assembly and other regions, such as Yorkshire and Humber and the north-east, choose to do so, the north-west could find itself swiftly losing out in comparison not only to the south-east, but to those other northern regions?

Mrs. Ellman: I share my hon. Friend's concerns. Devolution has already started to happen in the United Kingdom. Scotland has its Parliament; Wales has its Assembly; and London has its assembly and a directly elected Mayor. If other parts of the United Kingdom start to gain more powers, the northern regions will increasingly lose out.

That is why it is important that the people of the northern regions have the earliest possible opportunity—on 4 November—to vote in referendums to decide whether they want to continue with the current system that has produced inequality or whether they want to start the vital process by taking the great leap forward of having directly elected assemblies that will start to reverse the decline of many years and open up new opportunities for the people of the north.

4.45 pm

Mr. Edward Davey (Kingston and Surbiton) (LD): The hon. Member for Liverpool, Riverside (Mrs. Ellman) has made a powerful and passionate speech. She has put the argument for elected regional assemblies exceedingly well by talking about the voice for the north-west, about the need to get businesses behind the economic development needed to reduce the inequalities that she mentioned and, above all, about the need to democratise the many quangos. She made a point early in her remarks with which I very much agree—we have regional government already; this is about regional democracy. That is why I find the Conservatives' position so bizarre. We hear time and time again from the hon. Member for North Essex (Mr. Jenkin) that we should trust the people and let them speak. The referendums are all about that; that is the whole point.

The last time we debated the issue, we had a change of position from those on the Conservative Front Bench. My right hon. Friend the Member for Berwick-upon-Tweed (Mr. Beith), being his usual perceptive self, noticed that shift of position and intervened on the hon. Member for North Essex and got him to accept that the Conservatives' position had changed and say:

"I say let the people speak."—[*Official Report*, 30 June 2004; Vol. 423, c. 317.]

We are in an interesting position.

Mr. Jenkin *rose—*

Mr. Davey: I shall let the hon. Gentleman intervene, but I hope that he will be able to answer the following point as well. This issue is rather like Iraq for the Conservatives. They are now in favour of the campaign, but they are not prepared to vote for the motion to let that campaign happen. This is about democracy and we should let people have the choice. I would have thought that those on the Conservative Front Bench would be behind all the measures that will make that happen.

Mr. Jenkin: I explained the position to the hon. Gentleman in the Tea Room before we came into the Chamber. The Government have promised the referendums and we should hold them to that promise. I am a politician who likes keeping other politicians to their promises. However, the referendums should be conducted according to a verifiable and safe electoral system. The Government are putting the process at risk by insisting on all-postal balloting instead of having the conventional ballot boxes that would provide the certainty that the referendums would actually go ahead.

Mr. Davey: I think we understand the Conservatives' position, but it could change later in the debate. We seem to be clear that they would support the referendums if they did not involve all-postal ballots. I think that that is their position, but we shall wait to see whether it is clarified.

The Liberal Democrats certainly support the referendums. We support the orders, but not without some concerns and caveats. The proposals are generally right. Indeed, we took the same position on the Regional Assemblies (Preparations) Act 2003. We supported the principle behind it and its direction, but we voiced our concerns and the Government reacted to them constructively.

I have three concerns with the all-postal voting aspects of the first order, but they have largely been dealt with. The first related to blind and partially sighted people, and I see that, in paragraph 29 to schedule 1, the Government are trying to listen to the views expressed by the Electoral Commission, the Office of the Deputy Prime Minister: Housing, Planning and Local Government Select Committee and the Royal National Institute of the Blind.

I hope that, when the Minister replies to the debate, he will be able to say a little more about how he expects the administrators of the elections to assist voters. The idea that voting administrators will knock on people's doors and say, "Can we help you?" will be an unusual exercise and an interesting initiative. We need to understand how that will work and we need to be clear that there are no dangers in the process. We also need to be clear about how people will be able to apply for such a visit. How will that be marketed and how do the Government expect the Electoral Commission and administrators in the regions to advertise the availability of that option? That will be critical to answering the concerns of the RNIB and others.

Our second concern, which I have already raised with the Minister on an intervention, relates to whether the Government will try to hide behind Electoral Commission reports on the all-postal pilots in June.

Mr. George Osborne: Does the hon. Gentleman agree with the Electoral Commission that the regional referendums should not be held on the same day as

[Mr. George Osborne]

another kind of election? I ask only because the right hon. Member for Hartlepool (Mr. Mandelson) is in the Chamber and he might be interested in that.

Mr. Davey: We can always make an exception if there should be a by-election, but the hon. Gentleman is right about what the Electoral Commission said. The Government found that there was no statutory power to ban by-elections, and council by-elections especially, during the relevant period, so his point does not directly relate to the order. He made his political point interestingly.

Will the Government ensure that they will not try to subcontract out the decision on whether the referendums should go ahead? It is vital that a political decision is taken for which the Minister is accountable to the House. The Electoral Commission's judgments and research are important. We have heard that it will make a separate statement on all-postal votes and the referendums, so there will not be a review of only what happened in June. We have also heard that the statement will be brought forward and made before the House returns in September, so I hope that the Minister will confirm that we will have time to debate the Electoral Commission's findings on our return. Although that information is all very well, the decision is fundamentally political. The Minister might decide to go ahead, pull the plug on everything, or go ahead in one or two regions, as the right hon. Member for Skipton and Ripon (Mr. Curry) inferred, but the decision will be political.

I argue that the Minister should not pull the referendums—we want them to go ahead—but there is concern in the north-west, especially, that the Government have not taken our advice or that of many other people and made the elected regional assemblies attractive to people who live in the regions. If they are to be more attractive, more powers must be on offer. The White Paper "Your Region, Your Choice" timidly and limply proposed the powers to be devolved, which was why during our negotiations with the Government when the Regional Assemblies (Preparations) Bill was in the other place, we pressurised them to publish a draft powers Bill. The hon. Member for North Essex made an awful lot of that, but the Government agreed to do it due to our negotiations. We did not have draft powers Bills before the referendums in Scotland, Wales or London. We will have such a Bill for the first time—it will be a major improvement to the process—thanks to negotiations between the Liberal Democrats and the Labour Government.

Joyce Quin: Will the hon. Gentleman give way?

Mr. Davey: In a moment. I know that the right hon. Lady played a part in that process, if I may pre-empt her.

The hon. Member for Lancaster and Wyre (Mr. Dawson) said that devolution is a process rather than an event, and the Government have made it clear that they are open-minded about, and keen for, further devolution. We saw that in the spending review and the Secretary of State for Transport's statement last week, and I hope that we will see it when the draft powers Bill is published.

Joyce Quin: The hon. Gentleman's last words partly pre-empted what I was going to say. Recent announcements such as the transport strategy that he mentioned and the rural strategy that was introduced today represent welcome moves. Does he agree that the Government are pursuing a devolution agenda, which we hope will be reflected further in the draft powers Bill?

Mr. Davey: I think that the Government are doing that, but as the hon. Member for North Essex rightly pointed out, we do not intend to be suckered. We want not only promises and words, but provisions in the draft powers Bill. That is important not only for us and the right hon. Lady, but for the people who will be given the choice. They will want to know that they are voting not for a talking shop, but for something that will be able to make a difference to their lives.

Richard Younger-Ross (Teignbridge) (LD): Hon. Members might be worried about the Government's intentions on the draft powers. Later this afternoon we will debate the Fire and Rescue Services Bill. We had the opportunity to give the elected regional assemblies the same powers that have been given to Wales. The Government declined to go down that path, which implies that they are not as willing as other hon. Members to give powers to the regional assemblies.

Mr. Davey: My hon. Friend is right to suggest caution. We reserve our judgment on such matters, but are keen to see the colour of the Government's money when the draft powers Bill is published later this week.

My third concern with the all-postal vote process is the security statement, which was raised earlier. It is not a matter of such concern that we will vote against the order because, as I told the Minister in other debates on the subject, a referendum does not have an individual candidate so the incentive for fraud is reduced massively. In that respect, I disagree with the hon. Member for North Essex. However, we would have preferred the Government to retain what happened in the pilots—namely, a declaration of identity in a full witness statement. I regret the backsliding on that and hope that fraud will not increase. I am hopeful that when the Electoral Commission makes its statement in early September or possibly late August it picks up that point having read the debate.

I am concerned about the order on expenditure limits, and the Minister was frank in saying that he shares those concerns. We are not convinced that the legislation that established the framework—the Political Parties, Elections and Referendums Act 2000, not the Regional Assemblies (Preparations) Act 2003—is tight enough. There is a danger that a loophole will be exploited in the first test of the 2000 Act as it relates to referendums.

A range of organisations could be set up, register themselves as permitted participants and, under the order, spend £100,000 each. One individual, using friends, relatives and other associates, could set up those organisations, which he would fund to get over his attitude and views. That could undermine the

democratic process. An individual might try to buy a referendum. The Minister said he would leave it to the Electoral Commission to use its best judgment on that. I hear what he says if we do not have statutory powers to turn to, but it is a concern and both sides of the House are responsible for the mistake of letting a loophole remain in the legislation. I hope that the Minister will say a little more on the Government's thinking because we do not want this important democratic experiment undermined.

Mr. Richard Allan (Sheffield, Hallam) (LD): Does hon. Friend have in mind an individual in Yorkshire who has said that he wants to spend a large amount of money on fighting regional assemblies in the election? There is a clear and present danger that such abuse will take place. It is not just theoretical.

Mr. Davey: I do have an individual in mind. Let me make no bones about it: it is Paul Sykes. The United Kingdom Independence party is under the bizarre belief that the proposal for regional assemblies comes from Europe, but the Liberal Democrats have argued for them for decades, even before we went into the European Union. To be fair, many Labour Members also argued for them. The idea that regional assemblies are proposed by Europe is total nonsense.

Mr. Curry: Paul Sykes is one of my constituents and I have a schizophrenic view of him. I disagree entirely with some of the things on which he wishes to spend his money. In other respects, for all the wrong reasons, he may turn out to do a powerful public good. Is it not a fact, however, that if the matter is left to the discretion of the Electoral Commission, it will become locked into legal proceedings? Someone who sets up an organisation that is challenged or disallowed by the Electoral Commission might decide to go to law to challenge that decision in the absence of clear legislation. That could halt the outcome of the whole procedure.

Mr. Davey: The right hon. Gentleman makes a valid point that had not occurred to me. We face the prospect of confusion and chaos for months after 4 November. That is not in the interests of the Government or others who want to see powers devolved from Whitehall, and it would play into the hands of those who want a centralised system of government in this country. *[Interruption.]* I give way to one who does.

Mr. Jenkin: We believe in real decentralisation to existing layers of local government; that is the alternative to this regional bureaucracy.

The hon. Gentleman is making a serious contribution on the question of expenses, which of course reads across to other referendums, of even greater importance, that may take place in future. Two things need to be said. First, constraints on expenditure work in elections because candidates aspire to be respectable, responsible people and are in danger of being disqualified if we wilfully overspend. However, in referendums we are dealing with one-off organisations, and perhaps even individuals, who care not for their long-term political reputation but only for the issue, and it is difficult to imagine what sort of constraints would limit their activity if they wished to circumvent whatever rules were in place.

Secondly, is it not much more of a concern that the Government still have the panoply of the state at their disposal throughout the referendum period? There may be scrupulous rules in place to try to control what they spend money on directly, but the real problem is the fact that the machinery of government is a superb platform from which to make a political case which will have far more influence than any individual.

Mr. Davey: I disagree with the hon. Gentleman on that point. I think that the Government have in many ways been scrupulously fair. They have tied themselves in knots on what they can and cannot spend, but they have failed to plug the loophole for the individual whom I mentioned or others like him. That is the concern that I am expressing. I think that the hon. Gentleman has the wrong target in mind. I hope that when the Minister returns to the Dispatch Box, and possibly in discussions with the Electoral Commission, he can use other election law relating to money used in collaboration. Those rules say that an individual, in this case a permitted participant, cannot work with another individual, another permitted participant, to promote a cause. That may be one way to thwart abuse of that loophole. I certainly hope that the Minister can give me that assurance tonight.

I do not want to detain the House further. I made most of my points on interventions. I simply say to the Minister that the draft powers Bill, which we expect to see on Thursday, will be the key test. My colleagues in the north-west will look at that when they decide how to vote. They are waiting to see whether the Bill provides for true devolution. The Liberal Democrats believe in devolved political decision making, and the Liberal Democrats in the north-west, as a regional party, will take the decision on the Bill. They are waiting to see the colour of the Government's money, so if Ministers want to make sure that the Liberal Democrats in the north-west are united behind the Government, they need to make sure that the Bill contains significant powers, particularly, as I have said, with respect to transport, learning and skills councils and the environmental agenda.

More generally, with the people, the Government need to overturn the apathy that was mentioned. There is concern that out there in the regions there is a degree of apathy and a lack of knowledge about these proposals. I know from my own experience that when people are engaged with these ideas they are excited by them, and they see their value. I talked to some sixth-formers on a visit to Durham a few months ago. One could see that they were passionate about regional devolution. They did not see why their lives in the north-east should always be controlled from here in London. They wanted these powers, and more—more than the Government were offering in the White Paper.

It may be late in the day, and it may be that the parliamentary draftsmen need to work late into the night, but if we are to win the yes vote on 4 November we need to say to people in the regions that real powers are to come down from Whitehall, and that this is the first down-payment on major devolution in our country.

5.4 pm

Tony Lloyd (Manchester, Central) (Lab): I begin by saying to the hon. Member for Kingston and Surbiton (Mr. Davey) that I, too, look forward to seeing the

[Tony Lloyd]

Government's draft Bill. I will support the yes campaign in the north-west almost regardless of what the Bill says, because we know that it will be a significant move to devolve power from Westminster to our regions. But I also say to my right hon. Friend the Minister that it will not be enough. Many of us guarantee that, during the referendum campaign, we will spend our time campaigning to create the groundswell for even more devolution to our regions over the months and years to come, until there is a proper constitutional settlement for regions such as the north-west.

Across the north, among even those who are against regional devolution and among those who are passionately for it, there is a passionate belief that now is the time that we should get down to the serious business of letting the people decide. We heard an interesting speech from the Conservative spokesperson, the hon. Member for North Essex (Mr. Jenkin). There was little spirit left in his speech—perhaps that is a tribute to my right hon. Friend the Minister—and little from the Opposition today that was serious. There was a lot of posturing and bogus point-scoring, but little of substance. Even the Tories now realise that it is the people, not the Tory party, who will decide in the referendum.

It will certainly not be south-east based politicians on all the Front Benches who will make a decision for the people of the regions of the north, particularly the north-west. I say that with no disrespect to my right hon. Friend the Minister. He has realised that the way to get through the process is to give the decision not to Whitehall or to Westminster, but to the people of our regions. That is a decision that the Conservative party has tried to block for a considerable time.

Mr. Clelland: Is my hon. Friend as curious as I am about why those who are opposed to regional government are so opposed to the referendum? Given that they are so convinced of their case that regional government is not popular in their area, one would have thought that they would welcome the referendum to put the matter to bed once and for all.

Tony Lloyd: I would hope that that is the nature of democracy, but we all know that those who speak the language of democracy but use the procedures of this place to try to prevent the public from having the right to decide are no democrats. They do a great disservice.

Not that many years ago, when I came into Parliament, there were still a significant number of Conservative Members of Parliament in the north-west. The Labour party in my region was berated from the Conservative Front Bench. There are disagreements among members of the north-west parliamentary Labour party, but at least there are enough of us to have agreement and disagreement. There are no longer enough Tories from the north-west even to have agreement on these issues. The Tory party in the north-west was massively distrusted because of the Thatcherite legacy, particularly because the Thatcherite Government were identified as government of the north by the south-east, and it will be many, many years before the Tory party is considered a respectable voice for the north-west.

Mr. Neil Turner: My hon. Friend mentioned the parliamentary Labour party. Does he agree that the Labour party in the north-west is 100 per cent. behind a campaign for a successful yes vote, as it decided at its annual conference in February this year?

Tony Lloyd: My hon. Friend is right. It was in the 1930s that the north-west regional Labour party first made the decision to support regional government, and I am not aware that it has ever changed its mind since. Within a democratic party there must be room for dissent, and our colleagues on the Government Benches will debate the issue in a proper and acceptable fashion, not using the specious tactics that have sometimes been used by Opposition parties.

This is an important debate about the future of our region. As somebody from the region, I deeply resent the fact that the disparities between the north and the south are so enormous and have been growing during my lifetime. In particular, they grew in the period between 1979 and 1997, when we had that imposed Thatcher Government here in Westminster—a Government who were so uninterested in what took place in the north.

My hon. Friend the Member for Liverpool, Riverside (Mrs. Ellman) made the powerful and important point that the life chances of a child born in my constituency today are far less than those of somebody born in the south-east. The matter is not simply about comparing inner-city Manchester with the home counties but about how Governments have swept away any semblance of equality across this nation of ours, which is not acceptable. When Tory Members who represent constituencies in the north-west speak, I expect them to bemoan the fact that people in the region that they represent have such a rotten chance in life, and they should take some responsibility for what previous Tory Governments did.

Mr. George Osborne: As the hon. Gentleman knows, some indicators show that regional disparities have grown under this Government. I am not sure whether his point about a child in his constituency having fewer life chances than someone born in the south is statistically correct. I hazard a guess that someone born in Greenwich and Woolwich or Tower Hamlets would have similar life chances to someone born in the hon. Gentleman's constituency, so he should not generalise.

Tony Lloyd: It is not generalisation but reality that a child born in my constituency will die 10 years earlier than a child with the same origins as the hon. Gentleman. The simple truth is that the funding system has favoured certain parts of the country at the expense of others. There are, of course, differences within regions—that has been and always will be the case—but the average difference between the south-east and the north-west is significant and not a statistical quirk. A gulf exists between the south-east and the north-east, which does not suit the south-east because of the problems caused by the overdevelopment at the expense of the life chances and opportunities for people in the northern regions.

Mr. Stringer: I do not agree with my hon. Friend's conclusions, but I agree with much of his analysis.

Differences within regions do not obviate the fact that inter-regional differences exist too, and the huge differences in London do not mean that people at similar levels in society are not worse off in the north-west than elsewhere. Public expenditure is the biggest driver in putting those differences right, and, as the noble Lord Rooker said in the other place; what is wrong with the proposals on devolution is that the north-west will not get an extra penny.

Tony Lloyd: My hon. Friend and I agree on the analysis but draw different conclusions. He is right that the disparity in spending is a fundamental driver behind the disparities in regional performance, and we must begin to address that point. He also mentioned regional disparities, which raises the question where London fits into the south-east. Unlike the northern regions, Greater London can vocalise and negotiate with central Government.

My hon. Friend's point is important: how do we get the northern voice in the corridors of power? Over successive generations, we have failed in the north under both Labour and Conservative Governments—the disaster up at Daresbury was referred to earlier. Yesterday, the Government made the interesting announcement that Crossrail will go ahead in London and that the Metro system in Greater Manchester is up for serious discussion. If we had a devolved strategy for transport, it would be easier to make the case for Greater Manchester in the debate in the north-west. It would also be easier if a strong northern voice, speaking together and operating together, had debated the matter with central Government, where London's voice is heard. The voice from the north has been consistently ignored over the years by all kinds of Governments.

We have the opportunity to seize control of some of the system, which is what today's debate is all about. Today's debate means that the starting pistol has gone off and that it is down to the people of the northern regions to take control of their own destinies and make their own decisions. If Conservative Members campaign against us, we will have a debate, which will occur where it matters—in the region. We must ensure that the debate takes place in the north-east, Yorkshire and Humberside and the north-west, and that it is dictated by the needs of those regions rather than by the posturing of the various Opposition parties.

Electoral fraud is central to the debate about our electoral system. The system must be respected. As the Minister recognises, worrying issues arose from the recent local elections. They must be investigated, but I must tell those who use the charge of fraud as a reason for not supporting postal voting that the increased turnout is the best single guarantee that we have that the decisions are being made by the public in general, rather than by factional and sectional interest groups. It is important to convey that message.

In fact, our system is relatively free of fraud. That was the case even in the local elections. We should root out every instance of fraud and, if the Electoral Commission says that we must look at certain issues again, we must do so. I emphasise to the Minister that there must be serious exemplary penalties for fraud: fraudsters must know that they will go to prison and that no tolerance can be shown to those who are caught and convicted. We must make clear that fraud—which is difficult to prove in the case of both the conventional system and universal postal voting—cannot be tolerated. Nevertheless, we should not confuse the issue and use fraud as an argument against increased participation.

The referendums will be desperately important. We can have different opinions, but in the end it must be left to the people of the northern regions to decide whether this form of devolution takes place. I guarantee to the Minister that, after the draft Bill and beyond, I shall continue to say that we want more and greater powers for our regions. We need those powers.

The debate is a continuous one, but let me say this to the Liberal Democrats. Although they respect devolution to their party in the regions, they should explain to people there in simple terms that, if they miss the opportunity to support the yes campaign, they will betray not just the party but the people of the north.

5.17 pm

Mr. David Curry (Skipton and Ripon) (Con): The only point on which I disagreed with my Front Benchers was the claim that apathy was rife. "Rife" suggests a certain enthusiasm and activity. In a sense, apathy is unrife: no one is very interested.

I occupied the Minister's position when we were trying to extricate ourselves from the problems of local government reorganisation and the Banham review. Looking at the Labour Benches, I have a feeling that the regional agenda is rapidly getting this Government into a situation analogous to ours then. They will be very glad when they can bail themselves out of it.

As I learned when I was trying to take an annuities Bill, which depended on calculations of life expectancy, through the House, life expectancy is overwhelmingly a function of income and education. Of course, on aggregate, certain regions will have a shorter life expectancy than others, but within the regions those in similar social circumstances are likely to have similar life expectancies.

Mr. Stringer: Have not various reports, from the 1981 Black report onwards, said the opposite—that when factors such as age and class are excluded, there are still regional disparities?

Mr. Curry: That does not contradict what I said. It depends on the social and economic composition of the regions involved. I am merely saying that people in similar categories in different regions might well have the same life expectancy.

I feel that the Minister is trying to deliver a wholly undesirable outcome as honourably as possible. Of course, he has had a very busy week. I welcome his efforts to ensure that postal voting does not militate against convenience and equality of opportunity for people in rural areas, but we shall end up with a curious system. There will be peripatetic polling stations and, apparently, peripatetic welfare officers helping people to fill in their forms. Polling stations will open in different places. The outcome will be colourful at least. That does not alter the fact that there will be a denial of choice. Anyone who wants a postal vote can have one under the

[Mr. Curry]

conventional manual system of voting. People have a free choice under that system. There is no analogy between that and the system that is proposed.

The Minister will be aware that, in other countries where postal voting has become the norm, in free elections, the turnout tends to revert to what it was before. The improvement in turnout tends to be temporary. That was the experience in Australia and New Zealand.

With low turnouts, there is always a danger of dealing with the problem by focusing on the process, whereas often the electorate are trying to tell us that we do not seem to be listening to them and that we are not responding to their needs—the substance of the politics needs to be addressed, rather than the process. Politicians may find that unwelcome. Sometimes, the messages are not congenial to hon. Members on both sides of the House. They just happen to be the truth.

The issue of the allocation of expenditure is serious. We discovered in the European elections that the proportional system of representation allowed the expression of a far more diverse range of views than under our traditional first past the post system. In my constituency, the three conventional parties, if I may describe them like that, performed roughly as one may have expected. However, the Green party had a significant vote, the BNP had a reasonably significant vote, and UKIP had a more significant vote, although not as much as in other parts of the country, such as the south-west. In some constituencies, it led the vote.

That means that the number of people contending for designation and the number of players in the campaign could represent a confused picture—quite a kaleidoscope. Because there is no consistency, views on this issue may cut across the normal alliances that one would expect to find on general issues. Therefore, it is possible that one could find oneself in a difficult situation where individuals or even unions seek to express themselves through a number of front organisations. The Electoral Commission would have to decide whether they could be designated. There could be a legal challenge to that designation. Curiously, the equivalent of hanging chads could arrive in our political system, with a great dislocation. I hope that the commission will be able to set out in advance some general principles or rules that it will apply, so that there can be some scrutiny to try to minimise the chances of being challenged on an ad hoc basis, according to who comes forward.

I have great respect for the Minister's honesty but, when he argues against a threshold, he is being perverse. He is saying that we must not set a negative target. Is he saying that he is unconfident of the vote and frightened that, if we set the target of a threshold, we will all set out not to vote in order not to hit the target?

When they decide not to vote, the British people have a powerful determination not to vote. When one canvasses, one finds people who are more resolute about not voting than some people are about voting. The best way to decide something is to vote on it. I will urge all my constituents to vote. Of course I shall tell them to vote no, because I do not want the reorganisation of local government that would be a consequence of a regional assembly, and I want to return power to traditional representative bodies. The Minister will know that yesterday I expressed again my personal belief that business rates should be returned to local government, so I am willing to take the necessary steps to make that a reality. However, we are not going to have a threshold, so there is no point in banging on about that. I will not go into the arguments for and against the assemblies because we have debated that. I am sure that we will get a chance to debate the powers. During the September session, everyone usually scrambles around to try to find something useful to do; this would be helpful.

The hon. Member for Manchester, Central (Tony Lloyd) once again used the wonderful phrase, "take control of their destiny." If he thinks that the assemblies will give anybody a handle on their destiny, he is living in a Harry Potteresque world that is a million miles removed from reality. Some might say that the assemblies will lead to some great destiny; others say that they will lead to precisely nothing. In my view, which is well known and frequently quoted—almost entirely by Members on the other side—they are neither "nowt nor summat", to use the great Yorkshire expression. While they are neither nowt nor summat, I want nothing to do with them and I hope that we will vote no tonight.

5.25 pm

Mr. Gordon Prentice (Pendle) (Lab): I welcome the opportunity to make a short speech. I am very much against the orders. There is huge disquiet on the Labour Benches among my colleagues for the three northern regions.

The issue of turnout has been with us for a long time. The Minister will not give his definition of derisory, but my fear is that turnout in the referendums, if they go ahead, will be modest indeed. In the Scottish devolution referendum in September 1997, turnout was 60 per cent. That was followed by the referendum on Welsh devolution, where the turnout was 50 per cent. We then had a referendum on devolution to the Greater London authority, at which the turnout was 34 per cent. In the northern regions—certainly in the north-west—the turnout could be embarrassing, to be frank.

In the process that triggered this—the famous soundings exercise—there were 10,841,000 electors in the region and 3,069 people called for referendums, representing 0.028 per cent. That persuaded the Deputy Prime Minister that there was sufficient demand in the three northern regions for referendums.

I will speak frankly and bluntly, echoing the words of the Deputy Prime Minister. If the referendums go ahead, Labour will get a good kicking. I will tell the House why. It is a scandal that we still do not have the draft Regional Assemblies Bill. We had a debate in Committee a couple of days ago to discuss a couple of orders and we are having this debate today. There is much speculation. My hon. Friend the Member for Liverpool, Riverside (Mrs. Ellman) said that the new assemblies would transform the north-west, but scandalously we do not have a definitive list of their powers. We are pointed to the White Paper that was published ages ago.

If the assemblies are to be talking shops with planning and strategy responsibilities, people will not vote for them. They will not go out and vote for a body with next to no powers. We need to know precisely what the powers will be. It is not good enough for Labour Members to say that the region will be transformed, that housing will be transformed and that there will be new transport interchanges as a consequence of the regional assemblies. People will say, rightly, that we have had a Labour Government here in Westminster for seven years and nothing has changed.

Mr. Andrew Miller (Ellesmere Port and Neston) (Lab): Nonsense.

Mr. Prentice: The Barnett formula has been mentioned. It is up to this Labour Government, if they wish, to renegotiate the Barnett formula and have equity between the regions. If my hon. Friend the Member for Ellesmere Port and Neston (Mr. Miller) wants to intervene on that point, I will happily allow him.

Mr. Neil Turner: I do.

Mr. Prentice: Indeed.

Mr. Turner: You talked about the powers and about the fact that we do not have a draft Bill—

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. The hon. Gentleman knows that he should not be referring to me. It would also help if he did not turn his back on the Chair.

Mr. Turner: I apologise, Mr. Deputy Speaker. My hon. Friend mentioned the draft legislation. Did he vote for the legislation on Scottish and Welsh devolution, before which there was no draft Bill?

Mr. Prentice: I did vote for the Scottish Parliament and the Welsh Assembly, and we have now experienced those bodies. I have very firm views about the unity of the United Kingdom, and a Labour Government at Westminster should ensure fair allocation among the English regions. I do not want to witness the balkanisation of England that is being introduced by my own Government. I stress that we can revisit the Barnett formula and ensure that money is distributed equitably between the various parts—

Joyce Quin: Will my hon. Friend give way?

Mr. Prentice: I must make progress. The wind-ups start in about 10 minutes and I have a number of points to get through.

We are told that this reorganisation will save money—the leaflets distributed to all households in the three northern regions say so—but of course, the Electoral Commission used a Government-devised financial model that excluded transitional costs and the ongoing costs of change, which will be considerable. Whenever we have embarked on local government reorganisation, it has always cost more than people predicted at the outset.

There is another important point. If these regional assemblies are born, the Labour party will not be running them. We are introducing proportional representation, with constituency members and list members, and as sure as night follows day there will be coalition regional government—even, I suspect, in the north-east. In the light of the results of the elections on 10 June, there is no way that a single party will be running the show. The Deputy Prime Minister constantly tells us what a great first-past-the-post man he is, but yet again this Government are introducing a system that will definitely lead to coalition government.

As a consequence, there will be a democratic deficit and we will lose hundreds of local councillors. My own local authority, Pendle borough council, will disappear and be subsumed into a "Burpendale" plus Ribble Valley body. Burnley, Pendle Rossendale and Ribble Valley combined have a population of 300,000. There is no way that people in my area will have easy access to local councillors, because their numbers will obviously reduce.

I am also concerned about all-postal ballots. Five election petitions are outstanding and they will go through the courts in the normal way. I believe—others may not—that all-postal ballots make it more likely that the integrity of the ballot will be compromised. I have read some of the debates that took place in 1872. In that year, legislation popularly known as the "Ballot Act" introduced the secret ballot for parliamentary and municipal elections. It was hugely controversial at the time; now, we are casually throwing all that away.

I was also disappointed to learn that there is no guarantee of funds for returning officers who want to establish polling stations in areas with modest populations. I am troubled by the thought that, in those circumstances, returning officers will not get their costs reimbursed.

I hope that these orders will not go through today. I suspect that, if the referendums are held, the Labour party will lose them heavily. In my view, there is no demonstrable demand for regional assemblies. It is doubly unfortunate that the Government have impaled themselves on this particular hook, because they probably have no way of getting off it.

5.34 pm

Mr. George Osborne (Tatton) (Con): I find myself in the unusual position of agreeing with every single sentence of what the hon. Member for Pendle (Mr. Prentice) said—and I was looking out for something to disagree with. He spoke with great force and candour, because what he said about the consequences for the Labour party in the north-west was absolutely true: we will end up with coalition Governments in which the Liberal Democrats will no doubt hold the balance of power and decide whether it is a Tory or a Labour Administration between elections.

The hon. Gentleman spoke the great truth that these are unwanted referendums for unwanted regional assemblies. As he said, when the soundings exercise was conducted in the north-west, just 4,000 people responded out of the 7 million who live in the region, and half of them did not want a referendum. There is a growing number of north-west Labour Members—I do not know the proportion of Back Benchers and

[Mr. George Osborne]

Ministers, some of whom are not holding to the collective Cabinet line—who have come out against. They include the hon. Members for Knowsley, North and Sefton, East (Mr. Howarth), for Crewe and Nantwich (Mrs. Dunwoody), for Pendle, for Hyndburn (Mr. Pope), for Stockport (Ms Coffey)—a Parliamentary Private Secretary to a Cabinet Minister, I believe—and for Warrington, North (Helen Jones), and the right hon. Member for Birkenhead (Mr. Field).

Now Labour Members in other regions are starting to speak out, including the hon. Members for Selby (Mr. Grogan) and for Sheffield, Attercliffe (Mr. Betts), and to say that this is not what the Labour party membership wants. If that is the public statement of Labour Members—taking a brave position, as it is not easy to stand up and oppose one's party and one's Government—one can only imagine what the private position must be. The other great unspoken truth concerns what Ministers must be saying privately. It is an open secret that the Prime Minister is not especially keen on regional government but has decided to allow the Deputy Prime Minister to pursue his pet project. It is an open secret that the Foreign Secretary, with his Blackburn constituency, is against regional government. It is an open secret that the Minister for Local and Regional Government himself was not a great enthusiast but decided to go along with it. He will probably get up and deny that, but it is true.

The great problem is that the Deputy Prime Minister has succeeded in getting this on the agenda—the orders are a measure of his political success in getting this on the Government's programme, although I agree with everything that has been said about there now being various let-out clauses—but unfortunately he has not been able to match that political success with success in Whitehall in getting any powers for the proposed assemblies.

Again, it is an open secret that there has been a Cabinet battle with the Secretary of State for Education and Skills over learning and skills. Guess what? The Education Secretary has won. It is an open secret that there has been a battle with the Home Secretary over policing powers. Again, the Deputy Prime Minister lost. Lord Haskins, the chairman of the Yorkshire yes campaign, said that "Stalinist" Ministers were stopping the powers being handed over to regional assemblies.

I can see the disappointment of people such as the hon. Member for Liverpool, Riverside (Mrs. Ellman), who takes an entirely principled position in favour of regional government. She must be deeply frustrated that the Deputy Prime Minister has not been successful in seeking many of the powers that she wants to be devolved to the regions.

Mrs. Ellman: In fact, I am deeply delighted that after so many years of arguing the case for directly elected regional assemblies, it is the Deputy Prime Minister who has succeeded in enabling the Government to introduce a referendum so that the people can decide.

Mr. Osborne: For a start, they are not directly elected—some will be elected by proportional representation, as the hon. Member for Pendle said. The problem for the Deputy Prime Minister and the various yes campaigns is that the Government have not given people anything worth voting yes for. People will face a simple choice: do they vote in favour of an expensive talking shop that will have the power to produce reports and to consult and be consulted, but no real powers over important decisions affecting the future of the north-west? Such a talking shop will, on the Government's own estimates, cost £25 million to set up and £25 million a year to run—just in the north-west.

Mr. Jenkin: And only in the first year.

Mr. Osborne: My hon. Friend makes a good point in reminding us that that is only for the first year. None of that will produce what the people of the north-west want—more investment in schools, hospitals, the police, roads and so forth. None of that £50 million in the first year will be spent on those things. The costs will be borne by people when they pay their council tax bills.

There is also no real democracy. In Cheshire, there are likely to be two assembly members, each representing 300,000 people—the size of a US Congressman's district. That is not democracy or closeness to the people. *[Interruption.]* What is being replaced is a system of district councils with much smaller constituencies. Powers will be taken from local government and district or county councils will be abolished to create a new and expensive re-organisation, which is not democratic.

The regional assembly will do nothing to strengthen identity in the north-west. There is a belief in some quarters that by passing these motions, issuing flags and all that sort of thing, a north-west identity will be created. In practice, such an identity does not exist. People are Mancunians or Liverpudlians, or they come from Cheshire, Lancashire or Cumbria. By the way, Cumbria is not even clear whether it should be in the north-west or the north-east. Identity is not really being created and I believe that it is deeply dangerous to create political institutions where no natural identity exists.

Mrs. Ellman: Is the hon. Gentleman aware that the MORI poll showed people's very strong identification with the north-west region, and it need not be a substitute for other identifications with localities?

Mr. Osborne: We are replacing Cheshire or Lancashire identities or local government identities built on established relationships that have existed for a very long time with an entirely artificial north-west identity. It is a huge region. If someone gets in a car at the Scottish border and drives to London, more than half their time would be spent in the north-west region. As the hon. Member for Pendle says, the Government are riding for a kicking—if that is the right way to put it.

I speak as vice-chairman of the no campaign—a position that I share with a Labour MP, the hon. Member for Knowsley, North and Sefton, East (Mr. Howarth). Our campaign has involved many Labour and Liberal Democrat party members. We are the only broadly based coalition in the north-west—the yes campaign is not a cross-party coalition in any sense of the term—we have the arguments on our side and we

represent the views of people rather than regional quangos and organisations, so I think that, when the referendum comes, we will win it.

5.43 pm

Ms Dari Taylor (Stockton, South) (Lab): I support the orders and I shall campaign with the majority of, if not all, my colleagues in the north-east to support a yes vote in the referendum for a north-east regional assembly.

It is inevitable that many of us speak from a historical perspective. I grew up as a young woman with a young family in the north-east in the 80s. That period more than anything else inspired me to believe that if we cannot trust in our own, we most certainly cannot trust a Westminster Government—especially a Westminster Tory Government. I say that intentionally. I was part of a group in Sunderland that watched ferry boats being built that could not be sold. We had to take them to bits, even though they were there on the Wear, because the Tory Government said that we were outside the regulations.

I saw a Tyneside naval shipyard of considerable value—probably the best in the country—being told, "Sorry, but you are not competent to build naval ships; we are going to take them across to Barrow". They took our work force with them.

Tyneside's Kvaerner shipyard was closed. Shipbuilding and repair went down the pan, thanks to the vindictive regional policy of the Tory Government. I believe that a regional government would never have allowed that to happen. It would have secured the yards, and ensured that they worked well, as they do today.

I understand that I am upsetting Opposition Members, but I remind the House that the Teesside regional development corporation emptied factories and built warehouses in their place. It then had the audacity to decide to place a leisure facility in one of the most beautiful parts of my constituency, even though no one wanted it or could afford it. In the end, we made sure that it was not built, but that is an example of what Conservative Westminster Governments think about the north-east.

It is possible that a Labour Government would have done as badly, but I do not believe that. Even so, I do not wish to have to trust a Westminster Tory Government in future. It is important that local people are able to take robust, focused and principled decisions, because they know best what is needed.

Over 16 years—not 18 years—of a Westminster Tory Government, and after £17 billion had been invested in research and development, product diversity and the local infrastructure, selective regional assistance disappeared from the north-east, to the benefit of the south-east. After that experience, I have every reason to trust a regional government. I never want a Westminster Tory Government to have that influence on my region again. We had a level of unemployment that was second to none, yet we lost manufacturing jobs at an exponential rate.

Our history is bitter, and we will never forget it. We will never trust a Westminster Tory Government again—ever. There is only one Tory Member of Parliament in the northern region. If we had worked a little harder in 1997, it is probable that we would have won that seat as well.

The agenda justifying regional assemblies is not merely negative. Although it is a bitter experience when one sees communities being destroyed before one's very eyes, I believe that there are positive reasons to support the orders. A regional assembly will allow us to develop transport and to spend money on the arts and housing. We will do all that, and those powers will be very valuable for us.

I must tell my right hon. Friend the Minister for Local and Regional Government that, of course, we want to take responsibility for the Learning and Skills Council as well. We want regional assemblies to have more powers, but they must be accountable and visible, so that people in our regions can say what they want and do not want. I make it clear to him that we will want more powers, not fewer.

I shall spend the two minutes that I have left discussing the electoral process, about which there has been much debate this afternoon. Considerable concern has been expressed about electoral fraud, and I respect what hon. Members have said. Of course, it is very important that our electoral system does not allow fraudulent activity.

So far, in the northern region, there has been a little trouble in Newcastle and Gateshead, although there have been few, if any, problems in Stockton and Middlesbrough. Even so, the Electoral Commission has never stated that it considered our voting activity in any of the pilot postal ballots to be a cause for concern. There has been no evidence of improper behaviour or fraud.

Moreover, the participation rate in the pilots was up significantly—staggeringly so. If I were to say anything about fraud in the recent European elections, I would say that it was most evident in the fact that 19,000 voters lost their vote because they put their witness statement in the wrong envelope. I hope that my right hon. Friend the Minister will take that fact on board—we want no more witness statements.

It is my hope that the orders will be approved tonight, and that we have an effective, robust and good campaign for a regional assembly. We have talked today about the values and strengths of our different regions. I have no doubt that after we win the votes tonight—and after the referendums take place in November—we will see for the first time the start of open governance being enjoyed by people from the region, who will deliver the best policy for the people of the region. It is the start of the devolution of real power to the north-east, and I welcome that. I shall support the orders.

5.50 pm

Mr. John Hayes (South Holland and The Deepings) (Con): I am delighted to wind up the debate. I shall be brief, because I want to give the Minister the maximum time to answer the many points that have been made. As my hon. Friend the Member for North Essex (Mr. Jenkin) said, it is remarkable that the Government should have jeopardised the credibility of their albeit incredible policy through their near obsession with postal ballots. I shall deal with that issue at some length, but I shall first say a word about regionalism in general.

The truth is, as my hon. Friend the Member for Tatton (Mr. Osborne) said, that regionalism will not deliver for localities. It is local government, rooted in

[Mr. John Hayes]

communities, time-honoured and with the respect of communities, that will deliver for local people. Those of us with histories in local government, and who believe in local democracy, also believe in empowering local councils—made up of locally elected people—to take decisions on behalf of the communities. We do not believe in ceding power from them to some remote anonymous region, with which they have little connection and less affinity.

Does anyone in this Chamber really believe that people in my constituency in Lincolnshire would owe any loyalty, feel any affinity or offer any support to a regional government that would inevitably be centred on Nottingham, Derby and Leicester, where the people and the money are? The considerations of rural Lincolnshire would be far from the minds of those elected to that regional body. That local case is replicated across the whole of this kingdom. Members on both sides of the Chamber know that, which is why Members from all parties have criticised the Government's regional agenda. The Government know that their regional policy lacks popular support, which is why they are prevaricating and hesitating on the referendums.

The postal ballots add further chaos to what would anyway be a faulty process because of the lack of support for regional government. Three points were made in the debate that I wish to amplify. First, democratic elections are not just about turnout. Their legitimacy is founded on the integrity of the ballot and the electorate's perception of its fairness and honesty. Voting in person, on a particular day and in the locality in which one resides, combines convenience and openness. Casting a vote in a sealed ballot box inspires faith in the system because it delivers fair, honest and free elections.

Turnout is important, but not at all costs. As my right hon. Friend the Member for Skipton and Ripon (Mr. Curry) said, blaming declining turnout on the process ignores the fact that elections are about people, policies, ideas—hearts and souls. It is for people in this Chamber, who were democratically elected, and others who aspire to be so to increase turnout by the way they behave, by advocacy and by example. Simply tinkering with the process will be no guarantee of that.

The second point, which was made the hon. Member for Kingston and Surbiton (Mr. Davey) and others—indeed, the Minister referred to it earlier—is that all-postal ballots disadvantage particular groups disproportionately. We heard something about people who are partially sighted, but what about people who live alone, who have literacy problems or who, for one reason or another, find it difficult to have a vote witnessed? The Minister's response is, "Ah well, we will get rid of witnessing. We will get rid of one of the safeguards of the fairness of the system in order to increase turnout." The Minister will abandon witnessing because of the very real points that have been made in this debate, and which I have highlighted.

The Minister knows that many people want to continue to vote in person as they have done in the past. I offer the House two examples from my locality. First, a young person, who had just come of age and wanted to vote for the first time, said they felt deeply frustrated that they were unable to go to the polling station and put their voting paper into the ballot box, as their parents and forefathers had done before them. The hon. Member for Pendle (Mr. Prentice) is correct. We set aside that right at our peril; it was hard earned and is being treated in a cavalier and careless fashion, as he said. Secondly, an elderly lady told me that she had voted in every election that she could and felt angry that she was not able to cast her vote in person. The idea that mobile voting stations can be set up conveniently for people in remote, far-flung areas is nonsense and the Minister knows it.

My third point is that participation is about active involvement. The Minister knows that there is an aesthetic to democratic elections that should be neither disregarded nor derided—campaigning, the drama of election day, the opening of the ballot box and the count in front of people who have participated in the process. The election is seen to be fair, transparent and open. The balkanisation of Britain that would arise from regional government—in the words of the hon. Member for Pendle—would be exacerbated by a system for electing regional authorities in which local people felt they had no faith.

We have received no assurances about the cost to local government. We have been given no persuasive guarantees about the countering of fraud and impropriety. There has been no draft regional Bill, because there is no popular will for regions and no convincing case for all-postal ballots. There is no good reason to support the orders and I urge the House to vote against them.

5.57 pm

Mr. Raynsford: The debate has been wide ranging, with some rather curious contributions as well as some valuable contributions and perceptive comments.

The hon. Member for North Essex (Mr. Jenkin) was remorselessly negative in his tone. He revealed the position of the Conservative Opposition, who remain utterly hostile to devolution. The tragedy for the Conservative party, which still does not realise why it has been rejected time and again by the electorate, most recently last week in the by-elections, is that it still hankers—*[Interruption.]* The Conservatives were in third place, rejected in seats where they had previously come second. They have no future and no prospects—as the public recognise—because they are locked in the past and do not realise that the world has moved on.

The hon. Member for North Essex made the preposterous claim that the Conservative party trusts the people. The Conservatives' record shows just how ludicrous that claim is. They did not trust the people of Scotland. They did not want the people of Scotland to have devolution, and agreed only after the people of Scotland had voted decisively for it that it was probably a good idea.

The Conservatives did not want the people of Wales to have a referendum and voted against giving them a choice. Again, after the event, they had to relent and change their mind about that, too. In London, not only did the Conservatives not want to give people the opportunity of a referendum, they even took democratic government away from London when they were in power—without a referendum, giving people no say at

all and showing no sympathy with them. It is preposterous to claim that they are in favour of trusting the people.

We gave people the opportunity and they voted in Scotland, Wales and London. We are giving people in the English regions the same option. It is absurd to claim that what is good enough for Scotland, Wales and London is not acceptable for the English regions.

My hon. Friend the Member for Liverpool, Riverside (Mrs. Ellman) made a passionate speech in support of regional devolution. I shall not go over the valid points she made, but will simply reinforce her message that a number of decisions that have gone against the interests of the north-west might have been different had there been a powerful voice speaking for the region. Many, many people who care about devolution recognise the importance of that.

The hon. Member for Kingston and Surbiton supports the Government position in principle, and we are grateful to him for that. He voiced three caveats. First, he mentioned people who are visually impaired, and he accepts that we are making provision to deal with that issue. Secondly, he wanted us to not give the decision to the Electoral Commission, while listening to its views, and that is exactly our view. We will listen carefully to the Electoral Commission's views, but it is ultimately a decision for Ministers to take. I hope that he accepts that. He also expressed support for the idea of witness statements, but we believe that such statements can reduce participation. There is quite a lot of evidence that the requirement to make those statements deterred people from voting in June. Although we are very clear that there must be safeguards for the proper conduct of all-postal ballots, we accept the Electoral Commission's evidence that witness statements are helpful.

The hon. Gentleman also asked about people who could get assistance at home. The hon. Member for South Holland and The Deepings (Mr. Hayes), who made the Opposition's winding-up speech, has clearly not read the orders or taken any care to do his homework. People who are illiterate will also be eligible for assistance in the same way as people who suffer visual impairment. There will be scope for electoral officers to visit them to assist them in filling out their ballots papers, and I should have thought that the Conservative spokesman welcomed any such measure that helps to encourage participation. His position was remorselessly negative, against a form of voting that has hugely increased participation. He is fundamentally anti-democratic in arguing against giving more people an opportunity to vote.

The hon. Member for Kingston and Surbiton also asked about costs—an issue also raised by the right hon. Member for Skipton and Ripon (Mr. Curry)—and suggested that the provision of either additional voting points or visits by electoral officers might increase the costs. Obviously, we will give the returning officers in each region a figure to work with for the costs, but there is provision for exceptional claims where good reasons are given for exceeding those figures. We will consider such claims if they are made. As I said earlier, we expect returning officers to operate in the most cost-effective way and to minimise costs, but provision is made for those circumstances.

My hon. Friend the Member for Manchester, Central (Tony Lloyd) raised the issue of election fraud and said that, although concerns arise from the local elections, he believes that the increase in turnout is a proper safeguard against a small number of people exercising disproportionate influence in low-turnout elections—a very valid point indeed. That is one of the strong reasons to make all-postal provision.

The right hon. Member for Skipton and Ripon welcomed the steps that we are taking to extend options for people to vote, but he argued that, on international evidence, increases from postal voting are likely to be short lived. The evidence so far is that improved turnouts in those local authorities that have held all-postal ballots have been sustained, but we need to continue to look at that issue. Our objective is to increase turnout.

I am afraid that I do not have the opportunity to cover the many other points that have been made.

Mr. George Osborne: What about the hon. Member for Pendle (Mr. Prentice)?

Mr. Raynsford: Frankly, my hon. Friend the Member for Pendle (Mr. Prentice) made a series of allegations that are simply unsubstantiated; there is no evidence for them at all. We have heard speech after speech from hon. Members from the north-east who have made it perfectly clear that they have the greatest experience of all-postal voting and that it has been conducted without problem. He should listen to them, rather than trying to scaremonger in that the way that he did.

We have had a good debate. The orders are necessary to conduct regional referendums and to give people the opportunity to have a say on devolution—

It being three hours after the commencement of proceedings on the motion, MR. DEPUTY SPEAKER *put the Question, pursuant to Order [14 July],*

The House divided: Ayes 349, Noes 140.

Division No. 236] **[6.4 pm**

AYES

Ainger, Nick
Alexander, Douglas
Allan, Richard
Allen, Graham
Anderson, rh Donald *(Swansea E)*
Anderson, Janet *(Rossendale & Darwen)*
Armstrong, rh Ms Hilary
Austin, John
Bailey, Adrian
Baird, Vera
Baker, Norman
Banks, Tony
Barnes, Harry
Barrett, John
Battle, John
Bayley, Hugh
Beard, Nigel
Beckett, rh Margaret
Begg, Miss Anne
Beggs, Roy *(E Antrim)*
Beith, rh A. J.
Bell, Sir Stuart
Bennett, Andrew
Berry, Roger
Best, Harold
Blears, Ms Hazel
Blizzard, Bob
Borrow, David
Bradley, Peter *(The Wrekin)*
Brake, Tom *(Carshalton)*
Breed, Colin
Brennan, Kevin
Brooke, Mrs Annette L.
Brown, rh Nicholas *(Newcastle E Wallsend)*
Browne, Desmond
Bruce, Malcolm
Buck, Ms Karen
Burden, Richard
Burnham, Andy
Burstow, Paul
Byers, rh Stephen
Byrne, Liam *(B'ham Hodge H)*
Cairns, David
Calton, Mrs Patsy
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell, rh Sir Menzies *(NE Fife)*
Campbell, Ronnie *(Blyth V)*
Caplin, Ivor

Carmichael, Alistair
Casale, Roger
Caton, Martin
Challen, Colin
Chapman, Ben *(Wirral S)*
Chaytor, David
Chidgey, David
Clapham, Michael
Clark, Mrs Helen *(Peterborough)*
Clark, Paul *(Gillingham)*
Clarke, rh Tom *(Coatbridge & Chryston)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann *(Cynon V)*
Coaker, Vernon
Coffey, Ms Ann
Cohen, Harry
Cook, rh Robin *(Livingston)*
Corbyn, Jeremy
Corston, Jean
Cotter, Brian
Cousins, Jim
Cox, Tom *(Tooting)*
Cranston, Ross
Crausby, David
Cruddas, Jon
Cummings, John
Cunningham, Jim *(Coventry S)*
Cunningham, Tony *(Workington)*
Dalyell, Tam
Darling, rh Alistair
Davey, Edward *(Kingston)*
Davey, Valerie *(Bristol W)*
David, Wayne
Davidson, Ian
Davies, rh Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Denham, rh John
Dhanda, Parmjit
Dobbin, Jim *(Heywood)*
Dobson, rh Frank
Dodds, Nigel
Dowd, Jim *(Lewisham W)*
Drew, David *(Stroud)*
Drown, Ms Julia
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Ellman, Mrs Louise
Ennis, Jeff *(Barnsley E)*
Field, rh Frank *(Birkenhead)*
Fisher, Mark
Fitzpatrick, Jim
Fitzsimons, Mrs Lorna
Follett, Barbara
Foster, Don *(Bath)*
Foster, Michael *(Worcester)*
Foulkes, rh George
Francis, Dr. Hywel
Gapes, Mike *(Ilford S)*
George, Andrew *(St. Ives)*
George, rh Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr. Ian
Gidley, Sandra
Gill, Parmjit Singh
Gilroy, Linda
Godsiff, Roger
Goggins, Paul
Green, Matthew *(Ludlow)*
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Hain, rh Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, David *(Midlothian)*
Hamilton, Fabian *(Leeds NE)*
Hancock, Mike
Hanson, David
Harvey, Nick
Havard, Dai *(Merthyr Tydfil & Rhymney)*
Healey, John
Heath, David
Henderson, Doug *(Newcastle N)*
Henderson, Ivan *(Harwich)*
Hendrick, Mark
Hepburn, Stephen
Heyes, David
Hinchliffe, David
Hodge, Margaret
Hoey, Kate *(Vauxhall)*
Holmes, Paul
Hope, Phil *(Corby)*
Hopkins, Kelvin
Howarth, rh Alan *(Newport E)*
Hughes, Beverley *(Stretford & Urmston)*
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hutton, rh John
Iddon, Dr. Brian
Illsley, Eric
Irranca-Davies, Huw
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Helen *(Warrington N)*
Jones, Kevan *(N Durham)*
Jones, Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Jowell, rh Tessa
Joyce, Eric *(Falkirk W)*
Keeble, Ms Sally
Keen, Ann *(Brentford)*
Keetch, Paul
Kelly, Ruth *(Bolton W)*
Kemp, Fraser
Kennedy, rh Charles *(Ross Skye & Inverness)*
Kennedy, Jane *(Wavertree)*
Khabra, Piara S.
Kidney, David
King, Andy *(Rugby)*
King, Ms Oona *(Bethnal Green & Bow)*
Kirkwood, Sir Archy
Knight, Jim *(S Dorset)*
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, David
Laws, David *(Yeovil)*
Laxton, Bob *(Derby N)*
Lazarowicz, Mark
Lepper, David
Leslie, Christopher
Levitt, Tom *(High Peak)*
Lewis, Ivan *(Bury S)*
Liddell, rh Mrs Helen
Linton, Martin
Lloyd, Tony *(Manchester C)*
Love, Andrew
Lucas, Ian *(Wrexham)*
Luke, Iain *(Dundee E)*
Lyons, John *(Strathkelvin)*
McAvoy, Thomas
McCabe, Stephen
McCafferty, Chris
McCartney, rh Ian
McDonagh, Siobhain
MacDonald, Calum
McDonnell, John
MacDougall, John
McGuire, Mrs Anne
McKechin, Ann
Mackinlay, Andrew
McNamara, Kevin
McNulty, Tony
Mactaggart, Fiona
McWalter, Tony
Mahmood, Khalid
Mahon, Mrs Alice
Mallaber, Judy
Mandelson, rh Peter
Marris, Rob *(Wolverh'ton SW)*
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury & Atcham)*
Marshall-Andrews, Robert
Martlew, Eric
Meale, Alan *(Mansfield)*
Merron, Gillian
Michael, rh Alun
Miliband, David
Miller, Andrew
Mitchell, Austin *(Gt Grimsby)*
Moffatt, Laura
Mole, Chris
Moonie, Dr. Lewis
Moore, Michael
Moran, Margaret
Morgan, Julie
Morley, Elliot
Mountford, Kali
Mullin, Chris
Munn, Ms Meg
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Naysmith, Dr. Doug
Norris, Dan *(Wansdyke)*
Oaten, Mark *(Winchester)*
O'Brien, Bill *(Normanton)*
O'Hara, Edward
Olner, Bill
Organ, Diana
Owen, Albert
Palmer, Dr. Nick
Perham, Linda
Picking, Anne
Pike, Peter *(Burnley)*
Plaskitt, James
Pollard, Kerry
Pond, Chris *(Gravesham)*
Prentice, Ms Bridget *(Lewisham E)*
Prescott, rh John
Primarolo, rh Dawn
Prosser, Gwyn
Pugh, Dr. John
Purchase, Ken
Purnell, James
Quin, rh Joyce
Quinn, Lawrie
Ramsell, Bill
Rapson, Syd *(Portsmouth N)*
Raynsford, rh Nick
Reed, Andy *(Loughborough)*
Reid, Alan *(Argyll & Bute)*
Reid, rh Dr. John *(Hamilton N & Bellshill)*
Rendel, David
Robertson, John *(Glasgow Anniesland)*
Robinson, Geoffrey *(Coventry NW)*
Roche, Mrs Barbara
Rooney, Terry
Ross, Ernie *(Dundee W)*
Roy, Frank *(Motherwell)*
Ruddock, Joan
Russell, Bob *(Colchester)*
Russell, Ms Christine *(City of Chester)*
Ryan, Joan *(Enfield N)*
Sanders, Adrian
Sarwar, Mohammad
Savidge, Malcolm
Sawford, Phil
Shaw, Jonathan
Sheerman, Barry
Sheridan, Jim
Short, rh Clare
Simpson, Alan *(Nottingham S)*
Skinner, Dennis
Smith, rh Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, rh Chris *(Islington S & Finsbury)*
Smith, Jacqui *(Redditch)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Smith, Sir Robert *(W Ab'd'ns & Kincardine)*
Smyth, Rev. Martin *(Belfast S)*
Soley, Clive
Southworth, Helen
Spellar, rh John
Stewart, David *(Inverness E & Lochaber)*
Stewart, Ian *(Eccles)*
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Stuart, Ms Gisela
Stunell, Andrew
Sutcliffe, Gerry
Tami, Mark *(Alyn)*
Taylor, rh Ann *(Dewsbury)*
Taylor, Dan *(Stockton S)*
Taylor, David *(NW Leics)*
Taylor, Matthew *(Truro)*
Teather, Sarah
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth *(Harrow W)*
Tipping, Paddy
Todd, Mark *(S Derbyshire)*
Tonge, Dr. Jenny
Touhig, Don *(Islwyn)*
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr. Desmond *(Brighton Kemptown)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Tyler, Paul *(N Cornwall)*
Tynan, Bill *(Hamilton S)*
Vaz, Keith *(Leicester E)*
Vis, Dr. Rudi
Ward, Claire
Wareing, Robert N.
Watson, Tom *(W Bromwich E)*
Watts, David
Webb, Steve *(Northavon)*
White, Brian
Whitehead, Dr. Alan
Wicks, Malcolm

Williams, rh Alan *(Swansea W)*
Williams, Betty *(Conwy)*
Willis, Phil
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Woodward, Shaun
Woolas, Phil
Worthington, Tony
Wright, Anthony D. *(Gt Yarmouth)*
Wright, Tony *(Cannock)*
Younger-Ross, Richard

Tellers for the Ayes:
Charlotte Atkins and
Mr. John Heppell

NOES

Ainsworth, Peter *(E Surrey)*
Amess, David
Ancram, rh Michael
Atkinson, David *(Bour'mth E)*
Bacon, Richard
Baron, John *(Billericay)*
Bellingham, Henry
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, rh Virginia *(SW Surrey)*
Brady, Graham
Brazier, Julian
Browning, Mrs Angela
Burns, Simon
Burnside, David
Burt, Alistair
Butterfill, Sir John
Cameron, David
Cash, William
Chapman, Sir Sydney *(Chipping Barnet)*
Chope, Christopher
Clappison, James
Clarke, rh Kenneth *(Rushcliffe)*
Clifton-Brown, Geoffrey
Collins, Tim
Conway, Derek
Cormack, Sir Patrick
Cran, James *(Beverley)*
Curry, rh David
Davies, Quentin *(Grantham & Stamford)*
Davis, rh David *(Haltemprice & Howden)*
Djanogly, Jonathan
Duncan, Alan *(Rutland)*
Duncan Smith, rh Iain
Evans, Nigel
Fallon, Michael
Field, Mark *(Cities of London & Westminster)*
Flight, Howard
Forth, rh Eric
Gale, Roger *(N Thanet)*
Garnier, Edward
Gibb, Nick *(Bognor Regis)*
Gillan, Mrs Cheryl
Goodman, Paul
Gray, James *(N Wilts)*
Grayling, Chris
Green, Damian *(Ashford)*
Greenway, John
Grieve, Dominic
Gummer, rh John
Hague, rh William
Hammond, Philip
Hawkins, Nick
Hayes, John *(S Holland)*
Heald, Oliver
Heathcoat-Amory, rh David
Hendry, Charles
Hoban, Mark *(Fareham)*
Hogg, rh Douglas
Horam, John *(Orpington)*
Howard, rh Michael
Howarth, Gerald *(Aldershot)*
Hunter, Andrew
Jack, rh Michael
Jenkin, Bernard
Johnson, Boris *(Henley)*
Key, Robert *(Salisbury)*
Kirkbride, Miss Julie
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Leigh, Edward
Letwin, rh Oliver
Lewis, Dr. Julian *(New Forest E)*
Liddell-Grainger, Ian
Lidington, David
Lilley, rh Peter
Loughton, Tim
Luff, Peter *(M-Worcs)*
McIntosh, Miss Anne
Mackay, rh Andrew
Maclean, rh David
McLoughlin, Patrick
Malins, Humfrey
Maples, John
Mates, Michael
May, Mrs Theresa
Mercer, Patrick
Mitchell, Andrew *(Sutton Coldfield)*
Moss, Malcolm
Murrison, Dr. Andrew
O'Brien, Stephen *(Eddisbury)*
Osborne, George *(Tatton)*
Ottaway, Richard
Page, Richard
Paice, James
Prentice, Gordon *(Pendle)*
Prisk, Mark *(Hertford)*
Randall, John
Redwood, rh John
Robertson, Hugh *(Faversham & M-Kent)*
Robertson, Laurence *(Tewk'b'ry)*
Roe, Dame Marion
Rosindell, Andrew
Ruffley, David
Selous, Andrew
Shephard, rh Mrs Gillian
Shepherd, Richard
Simmonds, Mark
Simpson, Keith *(M-Norfolk)*
Smith, Geraldine *(Morecambe & Lunesdale)*
Spelman, Mrs Caroline
Spicer, Sir Michael
Spink, Bob *(Castle Point)*
Spring, Richard
Stanley, rh Sir John
Steen, Anthony
Streeter, Gary
Swayne, Desmond
Swire, Hugo *(E Devon)*
Syms, Robert
Taylor, John *(Solihull)*
Taylor, Dr. Richard *(Wyre F)*
Taylor, Sir Teddy
Tredinnick, David
Turner, Andrew *(Isle of Wight)*
Tyrie, Andrew
Viggers, Peter
Walter, Robert
Waterson, Nigel
Watkinson, Angela
Wiggin, Bill
Wilkinson, John
Willetts, David
Winterton, Ann *(Congleton)*
Winterton, Sir Nicholas *(Macclesfield)*
Yeo, Tim *(S Suffolk)*
Young, rh Sir George

Tellers for the Noes:
Gregory Barker and
Mr. Peter Atkinson

Question accordingly agreed to.

Resolved,

That the draft Regional Assembly and Local Government Referendums Order 2004, which was laid before this House on 24th June, be approved.

REGIONAL ASSEMBLY AND LOCAL GOVERNMENT REFERENDUMS (COUNTING OFFICERS' CHARGES) ORDER 2004

Resolved,

That the draft Regional Assembly and Local Government Referendums (Counting Officers' Charges) Order 2004, which was laid before this House on 24th June, be approved.—*[Paul Clark.]*

REGIONAL ASSEMBLY AND LOCAL GOVERNMENT REFERENDUMS (EXPENSES LIMITS FOR PERMITTED PARTICIPANTS) ORDER 2004

Resolved,

That the draft Regional Assembly and Local Government Referendums (Expenses Limits for Permitted Participants) Order 2004, which was laid before this House on 24th June, be approved.—*[Paul Clark.]*

FIRE AND RESCUE SERVICES BILL (PROGRAMME) (NO. 2)

Motion made, and Question put forthwith, pursuant to Orders [28 June 2001 and 6 November 2003],

That the following provisions shall apply to the Fire and Rescue Services Bill for the purpose of supplementing the Order of 26th January 2004:

Consideration of Lords Amendments

1. Proceedings on consideration of Lords Amendments shall (so far as not previously concluded) be brought to a conclusion two hours after the commencement of proceedings on the Motion for this Order at this day's sitting.

Subsequent stages

2. Any further Message from the Lords may be considered forthwith without any Question put.

3. Proceedings on any further Message from the Lords shall (so far as not previously concluded) be brought to a conclusion one hour after their commencement.—*[Paul Clark.]*

The House divided: Ayes 348, Noes 132.

Division No. 237] **[6.17 pm**

AYES

Ainger, Nick
Alexander, Douglas
Allan, Richard
Allen, Graham
Anderson, rh Donald *(Swansea E)*
Anderson, Janet *(Rossendale & Darwen)*
Armstrong, rh Ms Hilary
Austin, John
Bailey, Adrian
Baird, Vera
Baker, Norman
Banks, Tony
Barnes, Harry
Barrett, John
Battle, John

Bayley, Hugh
Beard, Nigel
Beckett, rh Margaret
Begg, Miss Anne
Beith, rh A. J.
Bell, Sir Stuart
Bennett, Andrew
Benton, Joe *(Bootle)*
Berry, Roger
Best, Harold
Betts, Clive
Blears, Ms Hazel
Blizzard, Bob
Borrow, David
Bradley, Peter *(The Wrekin)*
Brake, Tom *(Carshalton)*
Breed, Colin
Brennan, Kevin
Brooke, Mrs Annette L.
Brown, rh Nicholas *(Newcastle E Wallsend)*
Browne, Desmond
Bruce, Malcolm
Buck, Ms Karen
Burden, Richard
Burnham, Andy
Burstow, Paul
Byers, rh Stephen
Byrne, Liam *(B'ham Hodge H)*
Cairns, David
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell, rh Sir Menzies *(NE Fife)*
Campbell, Ronnie *(Blyth V)*
Carmichael, Alistair
Casale, Roger
Caton, Martin
Challen, Colin
Chapman, Ben *(Wirral S)*
Chaytor, David
Chidgey, David
Clapham, Michael
Clark, Mrs Helen *(Peterborough)*
Clark, Paul *(Gillingham)*
Clarke, rh Tom *(Coatbridge & Chryston)*
Clarke, Tony *(Northampton S)*
Clelland, David
Coaker, Vernon
Coffey, Ms Ann
Cohen, Harry
Cook, rh Robin *(Livingston)*
Corbyn, Jeremy
Corston, Jean
Cotter, Brian
Cousins, Jim
Cox, Tom *(Tooting)*
Cranston, Ross
Crausby, David
Cruddas, Jon
Cummings, John
Cunningham, Jim *(Coventry S)*
Cunningham, Tony *(Workington)*
Curtis-Thomas, Mrs Claire
Dalyell, Tam
Davey, Edward *(Kingston)*
Davey, Valerie *(Bristol W)*
David, Wayne
Davidson, Ian
Davies, rh Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Denham, rh John
Dhanda, Parmjit
Dobbin, Jim *(Heywood)*
Dobson, rh Frank
Dodds, Nigel
Dowd, Jim *(Lewisham W)*
Drew, David *(Stroud)*
Drown, Ms Julia
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Ellman, Mrs Louise
Ennis, Jeff *(Barnsley E)*
Field, rh Frank *(Birkenhead)*
Fisher, Mark
Fitzpatrick, Jim
Fitzsimons, Mrs Lorna
Flynn, Paul *(Newport W)*
Follett, Barbara
Foster, Don *(Bath)*
Foster, Michael *(Worcester)*
Foulkes, rh George
Francis, Dr. Hywel
Gapes, Mike *(Ilford S)*
George, Andrew *(St. Ives)*
George, rh Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr. Ian
Gidley, Sandra
Gill, Parmjit Singh
Gilroy, Linda
Godsiff, Roger
Goggins, Paul
Green, Matthew *(Ludlow)*
Griffiths, Jane *(Reading E)*
Griffiths, Win *(Bridgend)*
Hain, rh Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, David *(Midlothian)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Harris, Dr. Evan *(Oxford W & Abingdon)*
Harvey, Nick
Havard, Dai *(Merthyr Tydfil & Rhymney)*
Healey, John
Heath, David
Henderson, Doug *(Newcastle N)*
Henderson, Ivan *(Harwich)*
Hendrick, Mark
Hepburn, Stephen
Heyes, David
Hinchliffe, David
Hodge, Margaret
Hoey, Kate *(Vauxhall)*
Holmes, Paul
Hope, Phil *(Corby)*
Hopkins, Kelvin
Howarth, rh Alan *(Newport E)*
Howarth, George *(Knowsley N & Sefton E)*
Hoyle, Lindsay
Hughes, Beverley *(Stretford & Urmston)*
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hutton, rh John
Iddon, Dr. Brian
Illsley, Eric
Irranca-Davies, Huw
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Helen *(Warrington N)*
Jones, Kevan *(N Durham)*
Jones, Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Jones, Nigel *(Cheltenham)*
Jowell, rh Tessa
Joyce, Eric *(Falkirk W)*
Keeble, Ms Sally
Keen, Ann *(Brentford)*
Keetch, Paul
Kelly, Ruth *(Bolton W)*
Kemp, Fraser
Kennedy, rh Charles *(Ross Skye & Inverness)*
Kennedy, Jane *(Wavertree)*
Khabra, Piara S.
Kidney, David
King, Andy *(Rugby)*
King, Ms Oona *(Bethnal Green & Bow)*
Kirkwood, Sir Archy
Knight, Jim *(S Dorset)*
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, David
Laws, David *(Yeovil)*
Laxton, Bob *(Derby N)*
Lazarowicz, Mark
Lepper, David
Leslie, Christopher
Levitt, Tom *(High Peak)*
Lewis, Ivan *(Bury S)*
Liddell, rh Mrs Helen
Linton, Martin
Lloyd, Tony *(Manchester C)*
Love, Andrew
Lucas, Ian *(Wrexham)*
Luke, Iain *(Dundee E)*
Lyons, John *(Strathkelvin)*
McAvoy, Thomas
McCabe, Stephen
McCafferty, Chris
McCartney, rh Ian
McDonagh, Siobhain
MacDonald, Calum
McDonnell, John
MacDougall, John
McGuire, Mrs Anne
McKechin, Ann
Mackinlay, Andrew
McNamara, Kevin
Mactaggart, Fiona
McWalter, Tony
Mahmood, Khalid
Mahon, Mrs Alice
Mallaber, Judy
Mandelson, rh Peter
Marris, Rob *(Wolverh'ton SW)*
Marsden, Gordon *(Blackpool S)*
Marshall-Andrews, Robert
Martlew, Eric
Meale, Alan *(Mansfield)*
Merron, Gillian
Michael, rh Alun
Miliband, David
Miller, Andrew
Mitchell, Austin *(Gt Grimsby)*
Moffatt, Laura
Mole, Chris
Moonie, Dr. Lewis
Moore, Michael
Moran, Margaret
Morgan, Julie
Morley, Elliot
Mountford, Kali
Mullin, Chris
Munn, Ms Meg
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Naysmith, Dr. Doug
Norris, Dan *(Wansdyke)*
Oaten, Mark *(Winchester)*
O'Brien, Bill *(Normanton)*
O'Hara, Edward
Olner, Bill
Organ, Diana
Owen, Albert
Palmer, Dr. Nick
Perham, Linda
Picking, Anne
Pike, Peter *(Burnley)*
Plaskitt, James
Pollard, Kerry
Pond, Chris *(Gravesham)*
Pope, Greg *(Hyndburn)*
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Prescott, rh John
Primarolo, rh Dawn
Prosser, Gwyn
Pugh, Dr. John
Purchase, Ken
Purnell, James
Quin, rh Joyce
Quinn, Lawrie
Rammell, Bill
Rapson, Syd *(Portsmouth N)*
Raynsford, rh Nick
Reed, Andy *(Loughborough)*
Reid, Alan *(Argyll & Bute)*
Reid, rh Dr. John *(Hamilton N & Bellshill)*
Rendel, David
Robertson, John *(Glasgow Anniesland)*
Robinson, Geoffrey *(Coventry NW)*
Roche, Mrs Barbara
Rooney, Terry
Ross, Ernie *(Dundee W)*
Roy, Frank *(Motherwell)*
Ruddock, Joan
Russell, Bob *(Colchester)*
Russell, Ms Christine *(City of Chester)*
Ryan, Joan *(Enfield N)*
Sanders, Adrian
Sarwar, Mohammad
Savidge, Malcolm
Sawford, Phil
Shaw, Jonathan
Sheridan, Jim
Short, rh Clare
Simpson, Alan *(Nottingham S)*
Skinner, Dennis
Smith, rh Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, rh Chris *(Islington S & Finsbury)*
Smith, Geraldine *(Morecambe & Lunesdale)*
Smith, Jacqui *(Redditch)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Smith, Sir Robert *(W Ab'd'rns & Kincardine)*
Soley, Clive
Southworth, Helen
Spellar, rh John
Stewart, David *(Inverness E & Lochaber)*
Stewart, Ian *(Eccles)*

Strang, rh Dr. Gavin
Stuart, Ms Gisela
Stunell, Andrew
Sutcliffe, Gerry
Tami, Mark *(Alyn)*
Taylor, rh Ann *(Dewsbury)*
Taylor, Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Taylor, Matthew *(Truro)*
Teather, Sarah
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth *(Harrow W)*
Tipping, Paddy
Todd, Mark *(S Derbyshire)*
Tonge, Dr. Jenny
Touhig, Don *(Islwyn)*
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr. Desmond *(Brighton Kemptown)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Tyler, Paul *(N Cornwall)*
Tynan, Bill *(Hamilton S)*
Vaz, Keith *(Leicester E)*
Vis, Dr. Rudi
Ward, Claire
Wareing, Robert N.
Watson, Tom *(W Bromwich E)*
Watts, David
Webb, Steve *(Northavon)*
White, Brian
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, Betty *(Conwy)*
Willis, Phil
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Woodward, Shaun
Woolas, Phil
Worthington, Tony
Wright, Anthony D. *(Gt Yarmouth)*
Wright, Tony *(Cannock)*
Younger-Ross, Richard

Tellers for the Ayes:
Charlotte Atkins and
Mr. John Heppell

NOES

Ainsworth, Peter *(E Surrey)*
Amess, David
Ancram, rh Michael
Atkinson, David *(Bour'mth E)*
Bacon, Richard
Baron, John *(Billericay)*
Beggs, Roy *(E Antrim)*
Bellingham, Henry
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, rh Virginia *(SW Surrey)*
Brady, Graham
Brazier, Julian
Burns, Simon
Burnside, David
Butterfill, Sir John
Cameron, David
Cash, William
Chapman, Sir Sydney *(Chipping Barnet)*
Clappison, James
Clarke, rh Kenneth *(Rushcliffe)*
Clifton-Brown, Geoffrey
Collins, Tim
Conway, Derek
Cormack, Sir Patrick
Cran, James *(Beverley)*
Curry, rh David
Davies, Quentin *(Grantham & Stamford)*
Davis, rh David *(Haltemprice & Howden)*
Djanogly, Jonathan
Duncan, Alan *(Rutland)*
Duncan Smith, rh Iain
Evans, Nigel
Ewing, Annabelle
Fallon, Michael
Field, Mark *(Cities of London & Westminster)*
Flight, Howard
Forth, rh Eric
Gale, Roger *(N Thanet)*
Garnier, Edward
Gibb, Nick *(Bognor Regis)*
Gillan, Mrs Cheryl
Goodman, Paul
Gray, James *(N Wilts)*
Grayling, Chris
Green, Damian *(Ashford)*
Greenway, John
Grieve, Dominic
Gummer, rh John
Hague, rh William
Hammond, Philip
Hancock, Mike
Hawkins, Nick
Hayes, John *(S Holland)*
Heald, Oliver
Heathcoat-Amory, rh David
Hendry, Charles
Hoban, Mark *(Fareham)*
Hogg, rh Douglas
Horam, John *(Orpington)*
Hunter, Andrew
Jack, rh Michael
Johnson, Boris *(Henley)*
Kirkbride, Miss Julie
Lait, Mrs Jacqui
Leigh, Edward
Letwin, rh Oliver
Lewis, Dr. Julian *(New Forest E)*
Liddell-Grainger, Ian
Lilley, rh Peter
Loughton, Tim
Luff, Peter *(M-Worcs)*
McIntosh, Miss Anne
Mackay, rh Andrew
Maclean, rh David
McLoughlin, Patrick
Maples, John
May, Mrs Theresa
Mercer, Patrick
Mitchell, Andrew *(Sutton Coldfield)*
Moss, Malcolm
Murrison, Dr. Andrew
O'Brien, Stephen *(Eddisbury)*
Osborne, George *(Tatton)*
Ottaway, Richard
Paice, James
Prisk, Mark *(Hartford)*
Randall, John
Redwood, rh John
Robertson, Angus *(Moray)*
Robertson, Hugh *(Faversham & M-Kent)*
Robertson, Laurence *(Tewk'b'ry)*
Roe, Dame Marion
Rosindell, Andrew
Ruffley, David
Salmond, Alex
Selous, Andrew
Shephard, rh Mrs Gillian
Shepherd, Richard
Simmonds, Mark
Simpson, Keith *(M-Norfolk)*
Smyth, Rev. Martin *(Belfast S)*
Spelman, Mrs Caroline
Spicer, Sir Michael
Spink, Bob *(Castle Point)*
Spring, Richard
Stanley, rh Sir John
Steen, Anthony
Swayne, Desmond
Swire, Hugo *(E Devon)*
Syms, Robert
Taylor, John *(Solihull)*
Taylor, Sir Teddy
Turner, Andrew *(Isle of Wight)*
Tyrie, Andrew
Viggers, Peter
Walter, Robert
Waterson, Nigel
Watkinson, Angela
Weir, Michael
Wiggin, Bill
Wilkinson, John
Willetts, David
Winterton, Ann *(Congleton)*
Winterton, Sir Nicholas *(Macclesfield)*
Wishart, Pete
Yeo, Tim *(S Suffolk)*
Young, rh Sir George

Tellers for the Noes:
Gregory Barker and
Mr. Peter Atkinson

Question accordingly agreed to.

Orders of the Day

Fire and Rescue Services Bill

Lords amendments considered.

Mr. Deputy Speaker (Sir Alan Haselhurst): I inform the House that privilege is involved in Lords amendments No. 10. If the House agrees to the amendment, I will arrange for the necessary entry to be made in the *Journal*.

Clause 2

POWER TO CREATE COMBINED FIRE AND RESCUE AUTHORITIES

Lords amendment: No. 1.

6.29 pm

The Parliamentary Under-Secretary of State, Office of the Deputy Prime Minister (Phil Hope): I beg to move, That this House agrees with the Lords in the said amendment.

Mr. Deputy Speaker: With this it will be convenient to consider Lords amendments Nos. 2 to 4 and 13.

Phil Hope: Before I come to the amendments, the House will be aware of yesterday's tragic events, which resulted in the death of two London firefighters, Bill Faust and Adam Meere, who were both from Whitechapel fire station. In paying tribute to them today, the Prime Minister recognised the debt that we owe firefighters and the risks that they run to protect people at home and at work. I echo those sentiments and express my personal sadness at those tragic events. My thoughts, and I am sure those of the whole House, are with the families, friends and colleagues of Bill Faust and Adam Meere, to whom I extend my heartfelt sympathy.

6.30 pm

Mr. Philip Hammond (Runnymede and Weybridge) (Con): May I associate everyone on this side of the House with the Minister's remarks and the message of sympathy that he sent to the bereaved families and colleagues of Bill Faust and Adam Meere? No one in this House needs reminding of the risks that firefighters take day in, day out in their duty to protect the public, and no one needs reminding of the vital service that our fire and rescue services deliver to the community.

Phil Hope: I shall deal first with Lords amendment No. 1, which was tabled in response to arguments put forward by Members of both Houses. As originally drafted, clause 2 generated a good deal of concern. It was seen—we remember the debates in Committee—as giving the Secretary of State carte blanche to create regional fire and rescue authorities, whether or not a referendum was being held on the creation of a regional assembly. Because it left the matter of holding an inquiry to the Secretary of State's discretion, some also felt that it allowed the Government to ride roughshod over local objections.

We have not, of course, always accepted those interpretations, and we made it clear throughout the Bill's passage that we have no plans to regionalise the fire and rescue service outside those parts of England in which an elected regional assembly is supported in a referendum. Assurances have been given in both Houses that the only circumstances in which we envisage using the original power in clause 2(2)(b) involve urgent public safety—in particular, if authorities fail to co-operate on a key resilience requirement such as the creation of a regional control centre.

In the light of the Opposition's continued attempts to present that power as a licence to regionalise by stealth, however, we decided to make our intentions clear in the Bill. Hon. Members may recall that we responded to an Opposition amendment in Standing Committee by agreeing that an inquiry into a combination scheme will be mandatory apart from in a very limited number of circumstances—for example, if the authorities themselves suggest the scheme or where urgent public safety needs cannot tolerate any delay. In our view, clause 2 now addresses all the legitimate concerns raised by Members in both Houses.

Lords amendments Nos. 2 to 4 also respond to arguments put forward in both Houses. There has been considerable debate about whether local authorities, as well as fire and rescue authorities, should be included in the list of those consulted on the making, variation or revocation of combination schemes. To allay the concerns expressed, we have stated and restated our aim to allow for the widest possible involvement of all affected stakeholders, including, of course, local authorities. We did not wish, however, to list in the legislation every category of organisation that should be consulted on a scheme, on the basis that such a list could never be exhaustive.

That said, we accept the argument that local authorities are in a unique position and that the Bill should reflect that. Local authorities are the democratically elected bodies representing the people of the areas involved in any proposed combination scheme, and they are also, of course, the bodies from which the existing fire and rescue authorities are themselves constituted. Lords amendments Nos. 2 to 4 therefore add an explicit requirement for the Secretary of State to consult local authorities on the making, variation or revocation of combination schemes, where all or part of their area forms part of the area which would be, or is, covered by the scheme. I hope that hon. Members recognise that that demonstrates our commitment to an inclusive approach and the Bill's non-partisan nature.

Lords amendment No. 13 is consequential and simply adds a new clause in order to define the term "local authority" for the purposes of the Bill—specifically, the amendments relating to consultation.

Mr. Hammond: I am sorry the Minister feels that he must refer to the Opposition parties' attempt to paint this as some sort of covert regionalisation. Perhaps during the next few minutes we shall discover just how far the Government have backed away from that covert regionalisation—or not, as the case may be.

As the Minister said, clause 2(2)(a) of the original Bill allowed the Secretary of State to create a combined fire and rescue authority where that was

"in the interests of greater economy, efficiency and effectiveness".

I do not think anyone has ever argued that the Secretary of State should not have that power. The original Bill, however, went on to create a second ground, quite independent of economy, efficiency and effectiveness. It would have allowed the Secretary of State to create a combined fire and rescue authority simply on the ground that the area he proposed to be the area of the combined fire and rescue authority was that of a regional development agency—in other words, one of the Government's nine English regions.

The Government have made no secret of their proposal, in the event of elected regional assemblies being established in any of the English regions—perhaps I should say "the increasingly unlikely event"—to create a regional fire and rescue service covering an entire region. Be it the north-west region with its 6 million population, stretching from the Scottish border to Crewe, or the rather smaller north-east region with its population of 3 million, the Government in their wisdom have decided that it would be appropriate to have a single fire and rescue authority there.

Many Conservative Members, as well as Liberal Democrat Members—not noted for their hostility to the Government's broader regional agenda—and indeed Labour Members, have expressed serious doubts about the appropriateness of that proposal. We could argue until late into the night about whether regions are appropriate for other purposes, but they were clearly not designed for the purpose of operational effectiveness of fire and rescue services. I am sure that others will cite instances in which regionally organised fire and rescue services might not be the best idea.

I think there was a broad feeling that if the Secretary of State wanted to proceed with combined fire and rescue authorities based on the nine English regions—or the eight outside London—he should justify that by demonstrating, as he would in the case of any combined fire authority whose boundaries were not coterminous with an RDA region, that it was in the interests of greater economy, efficiency and effectiveness of the service. He should not be able to get around that test.

When we introduced amendments to that effect in the Commons, the Government rejected them. They were introduced again by my noble Friend Lord Hanningfield, and again were not accepted. A little later the Government presented their own proposal to amend clause 2, broadening the definition of economy, efficiency and effectiveness to include public safety. That was curious, as we had been told in Committee that the term "public safety" was not required because "economy, efficiency and effectiveness" embraced the concept of enhancing public safety. The Government obviously decided that they had been ill-advised in that regard. They also eliminated clause 2(2)(b) altogether. Under the current Bill, the Secretary of State no longer has powers to create a combined fire and rescue authority simply because it is coterminous with an English regional boundary. That does not mean that he could not create such a combined fire authority. He would have to demonstrate merely that it was in the interests of the efficiency, effectiveness and economy of the service and in the interests of public safety to do so.

We have no problem with that. If the optimum structure of fire and rescue services to deliver the best service to the community happens to be coterminous with an RDA region—I would be very surprised but if it happens to be thus—so be it. That must be the sole criterion against which these things are measured.

Since I do not imagine that the Government have abandoned their plan to create regional fire and rescue authorities, should elected regional assemblies be created, regardless of whether they are in the interests of the service in terms of economy, efficiency and effectiveness, and regardless of whether they are in the interests of greater public safety, we now need to understand how the Government will create such fire and rescue authorities. The Minister did not utter a word about that, presumably because the power to do so, overriding the criteria in this Bill, will be provided in the, shall we say, elusive draft regional assemblies powers Bill.

Phil Hope: Patience.

Mr. Hammond: The Minister says, "Patience." I do not know how long Labour Members are expecting to stay here as we approach the summer recess, but I am getting decreasingly optimistic about seeing the draft powers Bill before I jump on my aeroplane to go on my summer holidays. I understand that the other place will consider the orders that we considered this afternoon tomorrow. Presumably, that makes the earliest time that the Government will be prepared to publish the draft Bill Friday—

Phil Hope: Tomorrow.

Mr. Hammond: We have an announcement that the draft powers Bill will be published tomorrow. Perhaps the Minister would be good enough to tell the House, because it is clearly germane to understanding these amendments, whether the draft Bill will contain the power that Ministers will, I think, need if they are to go ahead with combined regional fire authorities in any regions that opt, in the referendums in November, to have elected regional assemblies. Then he could explain why it is appropriate to override the test that a Government amendment has now clearly written into this Bill in clause 2 and to provide for delivery of combined fire authorities in regions that do not have to satisfy the tests of economy, efficiency, effectiveness and public safety.

We had these debates when the Bill was considered in Committee and on Report, and they took place again in the other place. While a casual glance at the revised Bill may suggest that the Government made a major concession, I suspect that we will hear that the powers to which we object to create regional combined authorities without passing the hurdles of economy, efficiency, effectiveness and public safety will still exist but in a different form.

I welcome amendments Nos. 2, 3, 4 and consequential amendment No. 13. We had debates about the level of consultation that should take place. It is clearly right that the underlying local authorities as well as the relevant fire and rescue authorities should be consulted. Why do we always have to allow the other place to get the credit for introducing eminently sensible small amendments? Why cannot we agree them in Committee in this place, instead of Ministers exercising a

[Mr. Hammond]

predictable stubbornness throughout the process, allowing the other place to get the credit for improving our legislation? I await with interest what the Minister has to say to clarify the position regarding amendment No. 1.

Mr. David Drew (Stroud) (Lab/Co-op): I welcome the additional safeguards, which will at least give us an opportunity to debate the appropriate arrangements for any new body to oversee the fire and rescue services for my area in Gloucestershire, as well as further afield in the south-west. We have rehearsed the implications for Gloucestershire of losing its tri-service control if the fire service control were taken to a different place. As the Minister knows, Gloucestershire has a bid in to be the centre for either part of the region or the whole of region. I suspect it would be the former.

Lest anyone think that this is an academic debate, while we are debating a change to the place where the fire service is run, there are also debates taking place within the police and the ambulance service about similar reorganisations. I am seeking further assurances from the Government; if these services are subject to any changes, rather than piecemeal debates, we should have an open and transparent debate and look at the strengths and weaknesses of how the services are organised.

6.45 pm

Although I am critical of the organisation of counties in some respects, certainly county councils, I see some merit in the emergency services coming together. I am worried that even with the additional safeguards in the Bill, there is a slippery slope down which we are passing. If we lose the fire service from the local area, the police and the ambulance service are bound to follow because of the arguments regarding economy, efficiency and effectiveness. It would be far less effective if the three services were not together.

I ask the Minister to give an assurance that if we look at these matters, we do so with the benefit of full consultation. We ought to listen to the people who run the services as well as those who benefit from them. At the moment, they are not convinced about a sub-regional provision, let alone a regional provision. It is right and proper that people should have their opinions listened to.

Mr. Hammond: The hon. Gentleman may wish to draw attention to the fact that regardless of whether the Government create combined fire authorities in a region, regionalisation is taking place through the regional management boards and the creation of just nine fire control rooms for the whole of England.

Mr. Drew: I am well aware of that and it may be that that train is well on its way. I want to ensure that if that train reaches its destination, the rest of the trains do not have to follow. There is a great deal of interest in this matter, more so than the Government think. People want to be consulted. I hope that Ministers give assurances that there will be a proper debate, that people will be listened to and that the case—if there is one—to stay as we are or to do something slightly different can be factored in rather than wiped out.

Richard Younger-Ross (Teignbridge) (LD): First, I wish to add my words of sympathy and those of my party to those of the Minister and the Conservative Opposition with regard to the two firemen who lost their lives tragically in Bethnal Green. We all know that firemen put their lives at risk every day. The public tend to hear only about disasters such as Chernobyl and 11 September, but other incidents do occur. Indeed, I found this loss particularly poignant and sad because during the war, my father was a firefighter who covered the Bethnal Green area.

I largely agree with the point that the hon. Member for Runnymede and Weybridge (Mr. Hammond) made about giving credit where it is due. It is a shame that it was necessary for the Lords to produce an amendment that says almost exactly what we had already said in Committee. The Minister previously said that the inclusion of a reference to public safety was "unnecessary and potentially unhelpful". He has clearly changed his mind, and I am glad to learn that he has listened to the argument that was advanced.

Of course, amendment No. 1 is not exactly the same as the original amendment. As the hon. Member for Runnymede and Weybridge and I pointed out, we are not parliamentary draftsmen; rather, we were simply trying to establish a principle.

Mr. Hammond: The Government opposed the principle.

Richard Younger-Ross: They opposed it not just in the detail but substantively.

In Committee, we sought to create safeguards in respect of the establishment of regional fire authorities, and the amendments before us go some way towards doing that. Even so, certain issues remain outstanding and the Government will be judged by their actions, rather than their words. As the hon. Member for Stroud (Mr. Drew) will know, people in the south-west fear the prospect of a region stretching from his part of the world all the way down to Penzance. There is real concern in the south-west at the prospect of regional management boards and a single control room for the entire area.

The Minister still has the opportunity to say that it would make sense to have two regional control rooms in the south-west. That would be a step forward, and it would make more sense than having just one regional control room located in Bristol or Exeter. The hon. Member for Stroud made a very good case for having a tri-service control room, but he knows that he is fighting a hard, if not losing battle in that regard. The people of Cornwall would be extremely upset to discover that their control centre was in Gloucestershire.

I am not going to rehearse the various debates that we had in Committee. The Minister made it clear then that computers and other new technology will ensure that everything works fine. Since then, I have spoken to various people in the service and they are not convinced; they would like a little more flexibility.

Legitimate concerns about regionalisation remain. Hard-won concessions on inquiries were secured in Committee, and other more minor concessions have been made. The reputation of this House would be higher if, instead of fighting over adding the odd word or phrase such as "public safety", we took a more

consensual approach to these matters. Had we done so in Committee, the Bill, instead of being good—substantially, it is good—would have been very good.

Phil Hope: I thank Members for their contributions. It is slightly odd to be criticised for being a listening Government—a Government who understand the points that are being made, be it on Second Reading, in Committee, on Third Reading, on Report or in the other place. It seems a shame that we could not get some recognition for the fact that we listened to the concerns of Members from all parts of the House.

I should make it clear that as a result of the amendments, we could have combinations of fire and rescue authorities below, at and above the regional level. That flexibility remains, and the safeguards are in the Bill.

The draft regional assemblies Bill, which will be published very shortly, will explain how, if there is an elected regional assembly, responsibility for fire and rescue services will be at the regional level. I am afraid that the hon. Member for Runnymede and Weybridge (Mr. Hammond) will have to wait—I hope he does not miss his flight tomorrow—but it will not be for long, and when he has seen the draft Bill we can have the discussions about that.

We responded to the concerns expressed in Committee, and now we have an alternative approach.

Mr. Hammond: Without giving away too much about the still under wraps Bill, can the Minister tell us whether it contains any test for the creation of a regional fire and rescue authority similar to the one in this Bill? Is there a requirement that it be demonstrably in the interests of safety or indeed efficiency, economy and effectiveness?

Phil Hope: I understand the hon. Gentleman's desire to have early sight of certain parts of a Bill yet to be published, but I regret that I cannot satisfy him on this occasion. I am sure that when he sees the Bill tomorrow he will be as pleased as we are about the powers that regional assemblies will have to provide a better focus for the regions of the north.

I understand the concerns of my hon. Friend the Member for Stroud (Mr. Drew) about regional control centres. The national framework, which he has no doubt seen, clearly states the rationale for introducing a network of regional control rooms, because of the need to support resilience requirements and achieve major efficiencies that consultants have pointed out. I cannot say any more to him about the actual process, as we are right in the middle of it, with bids being received for control centres in various regions and being properly and fully evaluated. The decision on regional control rooms followed wide consultation, and a detailed appraisal is now being made of the bids.

Mr. Hammond: The Minister mentioned the national framework and what it says about regional control rooms. Can he confirm that, following other amendments that the Government tabled in the Lords, it is a draft national framework and it will not have effect until both Houses agree to the order that implements it?

Phil Hope: The framework currently before us is already in operation, although it is true that we have made a further concession, and I will say more about that when we get to the relevant amendments. An order will need to be made through the negative resolution procedure for the draft national framework in the future. The current framework is being used by fire and rescue authorities as guidance. We are introducing a contract between central Government and fire and rescue authorities, which will have the strength of being approved through negative resolution as part of this legislation.

Mr. Hammond: I am confused, and I seek the Minister's guidance. Lords amendment No. 5 introduces a provision whereby the framework will

"have effect only when brought into effect by the Secretary of State by order."

If—

Mr. Deputy Speaker: Order. We must not get into the next group of amendments. Let us dispose of the first group first.

Phil Hope: On that point of clarification, to come into effect in law, the national framework will require a statutory instrument, but in effect it is being put into operation now in relationships between Government and fire and rescue authorities. It is working, but it is in draft form and becomes legal when the order is made. I am sorry if I have strayed into other territory, Mr. Deputy Speaker, but I did not want the hon. Gentleman to be misled.

7 pm

On the question raised by the hon. Member for Teignbridge (Richard Younger-Ross) we were not opposed to use of the term "public safety" in principle when we were in Committee. Indeed, I have read the Committee *Hansard* and it was made quite clear in those proceedings that the Government intended to keep clause 2(2)(b) in the interests of public safety. The fact is that we have listened and responded positively and we are now including a reference to public safety, as the hon. Gentleman requested. We could not accept the amendment that he proposed in Committee because it was technically flawed. I do not want to rehearse the arguments about why it was flawed, but that is why we did not accept it.

With those points of clarification, I urge the House to accept the amendment.

Lords amendment agreed to.

Lords amendments Nos. 2 to 4 agreed to.

Clause 21

FIRE AND RESCUE NATIONAL FRAMEWORK

Lords amendment: No. 5.

Phil Hope: I beg to move, That this House agrees with the Lords in the said amendment.

Mr. Deputy Speaker: With this may discuss Lords amendments Nos. 6 to 9 and No.14.

Phil Hope: Lords amendment No. 5 acknowledges and addresses the concerns that were raised in the House and in the other place about the level of parliamentary scrutiny attached to the national framework—an item that we were discussing just a moment ago. Concerns were raised that Parliament would not get an opportunity to examine the framework before it came into effect. The amendment meets those concerns by requiring the Secretary of State to make an order, subject to negative resolution, to bring the national framework into effect. An order would also have to be made before the Secretary of State can introduce any "significant" changes to the framework. By "significant", we mean that the revision represents a change in policy or a new requirement for fire and rescue authorities. The amendment will provide Parliament with an opportunity for greater scrutiny and I hope that it will reassure those who were concerned that there had been insufficient opportunity to examine the national framework.

Turning briefly to Lords amendment No. 14, it is straightforwardly consequential on Lords amendment No. 5. It removes clause 60(2), which at present disapplies the reference to "Parliament" in clause 21(6) to the exercise of the Bill's powers by the National Assembly for Wales for the simple reason that it is the UK Parliament, not the Welsh one. Lords amendment No. 14, if agreed to, will mean that clause 21(6) no longer includes such a reference—hence clause 60(2) is unnecessary.

Lords amendments Nos. 7 to 9 commit the Government to reporting to Parliament on the extent to which fire and rescue authorities are acting in accordance with the national framework at least once in every two years. The Bill as originally drafted stated that the Secretary of State would report on the national framework from "time to time", which had been interpreted as a somewhat vague commitment, and while we always intended to make regular reports to Parliament, we believe that the amendments present a clearer timetable for that process.

Finally, Lords amendment No. 6 builds into the Bill a requirement for the Secretary of State to consult on and publish an intervention protocol under which the powers to intervene in clause 22 would be exercised. We have always said that we are happy to follow the provisions of the local government intervention protocol in exercising those powers. We therefore propose to consult fire and rescue service stakeholders on the application of the local government intervention protocol to the powers contained in clause 22. That will give fire and rescue authorities and other stakeholders the opportunity to comment on the procedures that we will follow, should intervention under clause 22 prove necessary.

Since the local government intervention protocol is specifically designed to address the needs of poorly performing authorities, we believe that it will be appropriate to apply it to the powers contained in clause 22. However, the amendment gives us the opportunity to review the protocol if, following consultation, it becomes clear that there are additional factors that need to be taken into account. Following all necessary consultation, we will publish the protocol that has been agreed. I hope that this provision, in addition to our previous amendment to clause 21, which makes the national framework subject to parliamentary approval, serves to address the concerns that the Opposition have expressed about the way in which the powers in clause 22 may be used in practice.

Mr. Hammond: I wish that it had been this easy in Standing Committee. I wish that the Minister had agreed at that time that the Opposition's comments and concerns were justified, and that he had said that he would take them on board immediately and incorporate them in the Bill. We could have saved ourselves a lot of time and trouble.

Phil Hope: No, we could not.

Mr. Hammond: The Minister says that we could not have done that, but we will examine that in a moment.

As the Minister said, Lords amendment No. 5 provides for proper parliamentary scrutiny of the national framework. As I shall explain, we think that that is very important. In Committee, we moved similar amendments, although they were less strong than these. Lords amendment No. 91, rejected in Standing Committee, would have required the Houses of Parliament merely to note the national framework.

We agree that the Government's solution is better, and it is more than I dared to ask for in Committee. It is excellent that the Government now require a statutory instrument to be used in this matter. However, it is a pity that the Government rejected our amendment, which required that Parliament should have to do something positive—that is, take note of the document—before the framework came into effect. At the time, the Minister for Local and Regional Government said:

"The process of parliamentary scrutiny has many virtues, but it does not encourage the production of intelligible and easily accessible documents. I counsel the hon. Gentleman"—

that is, me—

"against pursuing the amendment, which could seriously undermine the value of the national framework as an accessible document, which people involved and interested in the fire and rescue services can read and understand without referring to a lawyer."—[*Official Report, Standing Committee G*, 24 February 2004; c. 243.]

Yet that is the same national framework that the Minister is now laying before us with a provision that will render it subject to parliamentary scrutiny by means of a statutory instrument. Apparently, he no longer thinks that it will be impossible for people to understand it without the aid of a lawyer. That is an interesting turn of events.

David Taylor (North-West Leicestershire) (Lab/Co-op): The hon. Gentleman is too kind to the Minister.

Mr. Hammond: Perhaps I am too kind, and I am sure that other hon. Members will contribute to the debate in a moment.

We are delighted that we have got what we wanted—the proper parliamentary scrutiny of the framework. Coincidentally, the final draft version of the framework has just been published. I confess that I have not had a chance to read it in minute detail but, as the Ministers will know, this has been a busy week for the Office of the Deputy Prime Minister. It would be helpful if the

Minister were to tell the House whether there are any substantive changes from the draft that hon. Members absorbed all those months ago.

Anyone glancing at the document will see how substantive it is. It is longer than the Bill. The Bill effectively incorporates the framework, by reference, so that the framework is to a large extent the meat in the Bill's sandwich. It deals with vital matters such as targets. The Minister does not like me talking about targets, but they are one reason why we were so concerned to secure proper parliamentary scrutiny of any changes to the national framework.

Last year, Ministers changed the targets for accidental fire deaths in the home, and for deliberate fires. They extended the deadline for achieving a certain percentage reduction in accidental deaths in the home from 2004 to 2010—a massive relaxation of the target. They also reduced substantially the target for the number of deliberately caused fires, saying that the collapse in the scrap metal market made it difficult to achieve.

Phil Hope: Correct.

Mr. Hammond: The Minister says that that is correct, but the changes were sneaked out without fanfare. The fact that they had been made emerged only in debate.

Quite properly, the targets are at the heart of the framework document. They are the objectives that everything else in that document drives towards. If Ministers want to change such substantive matters of policy, that deserves some scrutiny. Changes should not just be sneaked in. The targets presented in the framework document will, I assume, be capable of being scrutinised when we get the statutory instrument in due course, presumably in the autumn or spill-over sittings.

When the Minister winds up, perhaps he can tell us something about the situation on targets for a reduction in deliberate fires. Ministers have made great play of the problems in the scrap metal market as a driver of their need to relax those targets, but I read articles in the Sunday newspapers this week telling us that the scrap metal industry would effectively shut down on Monday and no longer accept redundant vehicles for processing. That was because the Department for Environment, Food and Rural Affairs, in implementing EU directives on landfill and the classification of waste as hazardous, had failed to clarify the status of what is known, inelegantly, as shredder residue from the scrapped car processing industry. My immediate thought when I read that article was of the Minister and his problem with the 35,000 redundant vehicles that the scrap processing industry would no longer accept. What is happening, and what will it do to the targets set out in the national framework for a reduction in deliberately set fires? Are we not on the brink of a massive explosion in the number of abandoned vehicles on our streets? Local authorities will have to deal with them, and many will be the subject of arson attacks.

Integrated risk management programmes and regional management boards are vital components of the Government's programme, as set out in the national framework, but they do not appear in the Bill. The national framework, in many ways, is the substantive document and the Bill is the enabling mechanism.

Lords amendment No. 6 deals with the intervention protocol. We tabled an amendment and debated the issue in Committee that made the same proposal. The Minister gave us an assurance that the local government intervention code would be used, and I understand that that is still the starting point for Ministers. However, Ministers have recognised that, in the special circumstances of the fire and rescue services, especially a failing fire and rescue service, it might be a good idea to have a consultation with the various stakeholders to see whether any mission-specific provisions need to be included in the intervention code to make it fit for the purpose of dealing with a failing fire and rescue service. That is eminently sensible, but it could have been done in the Commons, saving the Lords a lot of time. In fact, it could have saved the Commons a lot of time arguing over the same issues, in Committee and on Report.

Similarly, we are delighted that the Government have accepted, in Lords amendments Nos. 7 to 9, a requirement to report not less than once in every two years to Parliament. Those were almost precisely the words of the amendment we tabled in Committee, which stated,

"leave out 'from time to time' and insert 'at least once in every two years'".

The Minister will, no doubt, have a convoluted argument, devised by highly paid civil servants, as to why those words would not do the job as well as Lords amendment No. 9, but we cannot help feeling that it would be nice, once in a while, if such amendments could be accepted in the Commons.

Perhaps when amending clause 24 the Government should have considered including a provision for a report on their performance against the national framework. There will be reports on the performance of fire and rescue authorities and on the Government's interventions where they fail. I have already mentioned that the Government slacked off in achieving their objectives under the national framework relating to targets on dealing with deliberately set fires and accidental fire deaths in the home, so it would be interesting for an annual report to be made to Parliament, in which the Government carry out a self-assessment on how they are achieving those objectives.

There are three improvements to the Bill in this group and we welcome them. It is a shame about the way they were made.

7.15 pm

Richard Younger-Ross: Earlier, the Minister complained that we had not given him credit for the fact that the Government were listening. We are grateful to the Government for listening but, although we support the amendments, we are concerned that the tone of the debate has become slightly Shakespearean. I am referring not to the Minister's oratorical style—or suggesting that he is speaking in rhyme—but to the fact that Shakespeare rewrote a lot of history. I suspect that some of what Ministers are telling us today is a rewriting of what actually happened in Committee.

Mr. Hammond: While the hon. Gentleman was listening to the Minister lauding this listening Government, did he notice that they seem to be better at

[Mr. Hammond]

listening in the House where they do not have a majority than in the one where they normally can command a majority?

Richard Younger-Ross: The hon. Gentleman makes a valid point—that may have something to do with it.

The Government told us that the amendments could not be tabled earlier due to technicalities and that it was not a matter of principle. However, when we were discussing amendments to clause 22 in Committee, the Minister for Local and Regional Government said:

"In our view, the amendments are unnecessary and remove the flexibility for the Secretary of State to respond effectively to a range of circumstances when deciding, for example, on priorities and objectives for the service."

Later, he said:

"I would not want to undermine the document by turning it into a statutory instrument."—[*Official Report, Standing Committee G*, 24 February 2004; c. 238–242.]

I am pleased that the Government have listened and we give them credit for that. Our debate in Committee would have been shorter and more conciliatory if they had listened to us then, but I am pleased that they have listened to the points made by the hon. Member for Runnymede and Weybridge (Mr. Hammond) who tabled the amendments in Committee. I congratulate him on tabling them and the Government on eventually listening.

Phil Hope: I shall try not to speak in iambic pentameters—*[Interruption.]* I know about iambic pentameters—I went to a comprehensive school.

The hon. Member for Runnymede and Weybridge (Mr. Hammond) described the amendments as excellent. I am glad that he is so pleased. I want to make it clear that the amendment means that there will be an order by negative resolution to bring the national framework into effect. We are not turning the framework itself into a statutory instrument, but an order will have to be passed by the House.

Mr. Hammond: Can the Minister explain to those of us who are not well versed in the subtleties of such things the difference between the order being effectively in effect, with everybody having to abide by it, and legally in effect? What would be the situation if the House chose not to approve the order to bring the national framework into effect, when regional centres and control rooms have been reorganised on the back of it?

Phil Hope: There will be a lot of disappointed people in the fire and rescue services—as my right hon. Friend the Minister has just told me. The debate on targets that the hon. Gentleman would like us to engage in, but on which I shall not be drawn, is one that he may choose to initiate when we debate the order to bring the national framework into effect. It is a matter for him and other hon. Members to take that option if they so wish.

There are no substantive changes to the original draft. If the hon. Member for Runnymede and Weybridge wants to see the detailed responses to the consultation on the original draft, he is more than welcome to look them up on the ODPM website, which is excellent, and I recommend other hon. Members to use it.

On the local government intervention protocol, it is true that we have taken on board hon. Members' views. The hon. Gentleman does not like the fact that we did not accept the amendment that he tabled in Committee. Let us say that we have taken the spirit of the intent of that amendment—flawed though it was—and drafted a better amendment. It is the privilege of Government to be able to do that.

The hon. Member for Teignbridge (Richard Younger-Ross) supports what we are doing, and I am glad that we have achieved consensus across all parties on accepting the amendment.

Lords amendment agreed to.

Lords amendments Nos. 6 to 9 agreed to.

Clause 33

PENSIONS ETC.

Lords amendment: No. 10.

Phil Hope: I beg to move, That this House agrees with the Lords in the said amendment.

Madam Deputy Speaker (Sylvia Heal): With this we may discuss Lords amendment Nos. 15 to 17.

Phil Hope: Lords amendment No. 10 would rectify a possible gap in the powers to establish arrangements for the funding of fire and rescue service pensions. My colleague, Lord Rooker, made it clear when moving the amendment in the other place that the White Paper, "Our Fire and Rescue Service", committed us to

"introduce alternative arrangements for local authority funding of service pensions, in consultation with the fire and rescue authorities".

In 2001, a joint Treasury, Home Office and Department for Transport, Local Government and the Regions working group reviewed the current finance arrangements for funding police and firefighter pensions and recommended that a new pension account system should be developed. We announced our intent to pursue that option in the 2004–05 fire and rescue national framework, which was published on 16 July.

The underlying principle of the scheme is that Government would pay current pensions and that employers and employees would make contributions to the Government to meet future pension liabilities. In practical terms, authorities would pay pensions from a separate pension account to which employers and employees both contribute. Normally, a payment would be made by the Government to the fire and rescue authorities to balance the account at the end of the year. Provision for those payments could be made under clause 33(2)(e).

An authority's pensions account could be in surplus at the end of the year— the contribution that it and its employees made to future liabilities exceeded the authority's existing pensions payments. Therefore, to ensure that the system works fairly and consistently and to protect the national taxpayer and other authorities, we need to ensure that a balancing payment can be made

to central Government. New clause 33(2)(ea), proposed under Lords amendment No. 10, would permit such payments to be made.

Lords amendments No. 15 and 16 amend clause 61, so that all the provisions in schedules 1 and 2, which amend or repeal pension legislation, extend to Scotland. Lords amendment No. 17 amends the reference to the Pensions (Increase) Act 1971, in schedule 1, so that it applies to Scottish fire authorities in the same way as it does to English and Welsh fire and rescue authorities. Pensions are a reserved matter in relation to Scotland.

Mr. Hammond: I think that the Minister will find that Lord Evans, and not Lord Rooker, moved the relevant amendment in the other place.

The Minister will forgive me for being slightly suspicious and sceptical of any provision enabling money to be paid to the Secretary of State that is inserted late into arrangements for the operation of a pension fund set up for the benefit of employees. We remember the Chancellor's attempt to get himself paid from pension funds, with his £5 billion annual pension smash-and-grab raid. We want to be sure that this is not another smash-and-grab raid on employees' pensions funds.

When Lord Evans moved the amendment in the other place, he said:

> "However, it is possible that an authority's pension account will be in surplus at the end of the year—in other words, that the contribution that it and its employees make to future liabilities will exceed its existing pension payments. Therefore, to ensure that the system works in a fair and consistent way, we need to ensure that a balancing payment could be made to central government."—[*Official Report, House of Lords*, 24 May 2004; Vol. 661, c. GC 414.]

I had always worked on the assumption that if employees and employers over-contributed to future liabilities, the benefit of that over-contribution would accrue to future contributors, who would need to contribute a little less.

I hope the Minister does not think that I am labouring the point, but this is a fairly unusual provision. It also seems unusual that the Treasury, which presumably has some oversight of the provisions when they are drafted, should have missed a tiny clause providing for payments to be made to the Secretary of State. Can the Minister elaborate on how, when and where it was decided that the provision, which was not included in the original drafting, was necessary? Who spotted the need for it, and in what circumstances do the Government expect that such payments will be made?

What auditing will there be of the pension arrangements? If payments are to be made out of a pension fund to the Secretary of State from contributions that have been made or partly been made by employers and employees, it will be reassuring to know that proper independent auditing of the pension fund accounts is taking place to ensure that the Secretary of State does not have a slush fund that he could get his hands on. The matter should be dealt with properly at arm's length.

The Minister said that amendments Nos. 15 and 16 add to schedule 1 new statutes that extend the scope of the provisions to Scotland. However, he did not make clear to the House whether the Government determined that the change was required because of the other change that had been made through amendment No. 10 or whether it was simply an omission or error in the original drafting. Were statutes that should have been specified in schedule 1 omitted? If it is the latter, that is again an example of the dangers of rushed legislation. If the additional provisions in schedule 1 arise from the changes made by amendment No. 10, that is a different matter, and I accept that they are consequential on the amendment. Will the Minister clarify that?

John McDonnell (Hayes and Harlington) (Lab): I am relieved by the Minister's explanation of the provision for making payments to the Secretary of State. For one minute, I thought that we were going to pay the Secretary of State's pension and that this was a new incentive scheme for Ministers on some form of productivity deal.

May we clarify who will make the decision on the payments and on what criteria, how that decision will be independently assessed and verified and what role the House will play in determining or verifying the payment? Is this a standard clause as used in other public sector pension schemes that have been introduced by legislation in recent years?

Richard Younger-Ross: The points made by the hon. Members for Runnymede and Weybridge (Mr. Hammond) and for Hayes and Harlington (John McDonnell) were extremely valid. If the fire service and fire officers are to have any faith in their pension schemes, those questions put need to be answered. I shall say no more because the points have been concisely made.

7.30 pm

Phil Hope: I understand the concerns that hon. Members have expressed, so I am pleased to say that I can clarify matters and give them the reassurances that they want to hear.

A pension account is simply an account held specifically for receiving pension contributions and making pension payments. A pension fund—that is what we are not talking about—is something in which pension contributions are invested to pay for future pension liabilities. Let me say a little more about this so that the House can be clear about the matter.

The firefighters' pension scheme is currently financed in the same way as police pensions—on a pay-as-you-go basis. There are no pension funds. Individual fire and rescue authorities administer the scheme locally, and they meet the cost of pension outgoings, such as pension awards, lump-sum payments and outgoing transfer values, from their revenue accounts.

There are two main problems with the current arrangements. First, volatility exists because of significant fluctuations in the number of firefighters retiring or transferring out of an authority's employment in any given year. Indeed, many fire and rescue authorities cited one-off pension payments as a major factor behind this year's high increases in council tax precepts. Secondly, there is a problem with transparency. The high proportion of expenditure by fire and rescue authorities on pension payments

[Phil Hope]

obscures the actual level of available resources for operational work. As pension costs increase over time, the proportion of an authority's expenditure on pension payments will also increase.

The option of allowing fire and rescue authorities to pay pensions from a separate pension account to which both employers and employees contribute, with a payment from central Government to balance the account at the end of the year, would alleviate those problems. However, it would be possible for an authority to end up with its pension account in surplus at the end of a particular year, so to protect the national taxpayer any such balance should be able to travel in the opposite direction.

Early indications from the Local Government Association and fire and rescue authorities show that they would welcome changing the financial arrangements. I make it clear that the Secretary of State would recoup only audited surpluses from fire and rescue authorities' pension accounts. That would happen after all pension payments and awards for a year had been made. I hope that my clarification of the technical points satisfies hon. Members.

Mr. Hammond: I am slightly confused, although perhaps there is just a linguistic problem. The Minister carefully set out the distinction between a pension fund and a pension account and said that payments will be made to the Secretary of State from a pension account. However, Lords amendment No. 10 refers to "a fund". Is he saying that the fund to which the amendment refers is not a fund, but an account?

Phil Hope: I think that I am. The hon. Gentleman will be pleased to know that I asked similar questions during my discussions about the amendments, which is why I am able to give him such reassurances.

I was asked whether the consequential amendments were tabled due to an error. There was an oversight, so we are dealing with that now. Given my explanations and reassurances, I hope that hon. Members will agree to the amendment.

Lords amendment agreed to [Special Entry].

Clause 43

POWERS OF FIRE-FIGHTERS ETC IN AN EMERGENCY ETC

Lords amendment: No. 11.

Phil Hope: I beg to move, That this House agrees with the Lords in the said amendment.

Madam Deputy Speaker: With this it will be convenient to discuss Lords amendment No. 12.

Phil Hope: Lords amendments Nos. 11 and 12 to clause 43 will extend the powers of a firefighter so that he or she can do anything that he or she reasonably believes to be necessary if he or she believes that a fire is about to break out for the purpose of preventing that fire. The question of whether to extend the powers of firefighters in such a way has been discussed in both Houses during the passage of the Bill—I remember our exchanges in Committee well.

Although in our view the likelihood of such an event occurring remains small, we believe that it would be prudent to take the opportunity offered by the Bill to give firefighters this modest, yet potentially important, extension of powers. I emphasise that the power could be exercised only if firefighters had a reasonable belief that a fire was about to break out, so they would thus have to account for and justify their actions.

Mr. Hammond: Once again, the amendments are technical and, once again, we asked for them in Committee. They address real issues raised by real firefighters who gave us real examples. I was disappointed to hear the Minister say again that he thought the powers were unlikely to be needed. We recited in Committee examples of firefighters facing the dilemma of seeing a dangerous situation developing that they could easily intervene to prevent, but could not do so legally. The perhaps slightly artificial example is the candle knocked over on the table when the gas jet on the cooker is turned on. Under the Bill as originally drafted, the firefighter would not have the power to break in to prevent that from happening. He would have to stand, looking in through the window, until the explosion occurred, whereupon he would be permitted legally to break into the premises and extinguish the fire, which two minutes earlier he could easily have prevented from happening.

We thought that that was absurd. The fire commissioner for London also thought that it was absurd. I am glad that the Government have finally decided to agree with us. It is not satisfactory for only a constable to be legally protected when breaking into premises in that situation. A constable may not be to hand. Goodness knows, the way things are going they might become rare commodities indeed.

Phil Hope: There are a lot more under Labour.

Mr. Hammond: There may well be, but they are all standing around Westminster and people in Surrey cannot find one when they need one. If the Minister doubts that, I invite him to come and have a look. I am very willing to take him on a tour of Guildford town centre on a Friday evening—*[Interruption.]* Yep, a night out with Hammond is on offer. He could reciprocate by inviting me to spend a Friday evening in Corby, but we will leave that on ice for the new Session.

There is no doubt that a firefighter presented with a fire that is about to break out would undoubtedly break in and do what needed to be done, but he would expose himself to a risk in doing so. If people act in good faith while serving the community, it is right that they enjoy the protection of the law. We are pleased that at the last knockings, as it were, of the Bill we have managed to persuade the Government that that should be the case.

Richard Younger-Ross: The Government should be given slightly more credit. The Minister said in Committee that they were sympathetic to such an amendment. In his summation, he made sympathetic noises on extending the powers, so much so that the

hon. Member for Runnymede and Weybridge (Mr. Hammond) withdrew his amendment. We can congratulate the Government wholeheartedly on saying that they would listen and then returning to the House with an amendment.

Phil Hope: It appears we have consensus. I am grateful to the hon. Gentleman for reminding the House that we were sympathetic to such an amendment. We wanted more evidence and examples. Those were forthcoming and we have the evidence to agree to the amendment.

I do not get many offers of a good night out in Guildford, but if this amendment has achieved nothing else, it has provided the opportunity not only for that but for the hon. Member for Runnymede and Weybridge (Mr. Hammond) to visit Corby, my constituency, which has the Rockingham motor speedway, one of the finest racing tracks in Europe.

Richard Younger-Ross: If the Minister wants the opportunity of visiting Guildford, he does not have to go to the house of the hon. Member for Runnymede and Weybridge (Mr. Hammond). My mother lives in Weybridge and we would be quite happy to show him around.

Phil Hope: I am not going to visit anyone's house.

Lords amendment agreed to.

Lords amendments Nos. 12 to 17 agreed to.

Schedule 1

MINOR AND CONSEQUENTIAL AMENDMENTS

Lords amendment: No. 18.

Phil Hope: I beg to move, That this House agrees with the Lords in the said amendment.

Madam Deputy Speaker: With this we may consider Lords amendment No. 19.

Phil Hope: The amendments amend schedule 1 to make minor consequential amendments to the Local Government Act 1985 and the Severn Bridges Act 1992. Unfortunately, the need for these amendments was not picked up at an earlier stage of drafting, so the changes were made during the Bill's consideration in the Lords.

Mr. Hammond: It is more sloppy drafting due to the pressure of legislation, the artificial curtailment of debate and the improper consideration of Bills.

There may be those who think that there could be no question to ask on these amendments, but I have one question for the Minister. Lords amendment No. 19 deletes the reference to

"fire authority under the Fire Services Acts 1947 to 1959"

and substitutes the term "fire and rescue authority". We understand why: the Bill introduces that term. Why is it not necessary to provide a statutory reference to the term—in other words to a fire and rescue authority under the Fire and Rescue Services Act 2004—when clearly the architecture of the Severn Bridges Act previously required the term "fire authority" to be clarified by the words

"under the Fire Services Act 1947 to 1959"?

I know that the Minister will have given consideration to that point and I would be grateful if he could clarify that apparent inconsistency.

Phil Hope: I was, of course, well aware of the concern that the hon. Gentleman has expressed. Unfortunately, I am unable to respond at this precise moment, but I can assure him that the change is of minor consequence. I will write to him and clarify the point that he has raised. *[Interruption.]* Inspiration has arrived. Lords amendment No. 19 amends section 8 of the Severn Bridges Act 1992 so that it refers to fire and rescue authorities under the Bill rather than fire authorities under the 1947 Act. It is consequential to the primary legislation.

Lords amendment agreed to.

Lords amendment No. 19 agreed to.

PETITIONS

The Causeway Campaign

7.43 pm

Roger Casale (Wimbledon) (Lab): I rise to present a petition on behalf of more than 1,700 of my constituents who are supporters of The Causeway campaign—The Causeway being a road that runs across Wimbledon common.

The petition

Declares that the status of The Causeway, SW19, as a free parking area should be safe-guarded and brought within the jurisdiction of the Wimbledon and Putney Commons Conservators.

The Petitioners therefore request that the House of Commons pass legislation to clarify or otherwise amend the provisions of The Wimbledon and Putney Commons Act 1871 such that The Causeway be brought within the jurisdiction of the Wimbledon and Putney Commons Conservators and remain a free parking area.

And the petitioners remain, etc.

To lie upon the Table.

Post Office Closures

7.44 pm

Mr. Andrew Rosindell (Romford) (Con): I present a petition on behalf of no fewer than 783 constituents of mine in Romford from the Rush Green and Crowlands areas of the Romford constituency.

The people of those communities are very concerned that two local post offices could be closed following a review by Post Office Ltd. They are the Rush Green post office and the Crowlands post office. Both post offices look after the western side of my constituency, covering two thirds of the Brooklands ward, close to the border with Dagenham. They serve a diverse community of many elderly people and young families as well. Many local shopkeepers and residents are worried that if both post offices were to shut, that would have a detrimental effect on the local community.

[Mr. Andrew Rosindell]

The Rush Green post office is situated in the Dagenham road and serves both the Dagenham and the Romford constituencies. The petition is supported by members of St. Augustine's church in Rush Green and St. Andrew's and St. Agnes' church in central Romford. It is also supported by the local councillors for the Brooklands ward, Councillor Jean Gower and Councillor Barry Tebbit. The main signatory is Robert Benham, the Brooklands ward co-ordinator.

The petition reads:

The Petition of the People of the Rush Green and Crowlands areas of Romford Declares that the Rush Green and Crowlands Post Offices are threatened with closure. The Petitioners therefore request that the House of Commons does all in its power to keep Rush Green and Crowlands Post Offices open.

And the Petitioners remain, etc.

To lie upon the Table.

Department of Trade and Industry (Job Cuts)

7.45 pm

John McDonnell (Hayes and Harlington) (Lab): In the interests of productivity I have two petitions to present. The first is on behalf of the staff of the Department of Trade and Industry and states:

The staff in the Department of Trade and Industry have grave concerns about the recent announcement of job cuts in the Department of Trade and Industry; and express their opposition to any compulsory redundancies within the Department or compulsory relocations.

The petitioners therefore request that the House of Commons urge the Secretary of State for Trade and Industry to further consider the implications of the job cuts and relocations and the effect on the staff in the Department, and further urge the Chancellor of the Exchequer to reconsider his recent announcement of further job cuts and relocations.

And the petitioners remain, etc.

To lie upon the Table.

Department for Education and Skills (Job Cuts)

7.46 pm

John McDonnell (Hayes and Harlington) (Lab): The second petition is on behalf of the staff of the Department for Education and Skills—more than 1,400 petitioners—and declares

that the petitioners have grave concerns about the recent organisational review within the Department for Education and Skills, especially the proposed job cuts; and express their opposition to any compulsory redundancies, site closures, contracting out or increases in workload.

The petitioners therefore request that the House of Commons urge the Secretary of State for Education and Skills to further consider the implications of the organisational review and the effect on the staff in the Department, and to amend his decision.

And the petitioners remain, etc.

To lie upon the Table.

Penistone Recreation Ground

7.47 pm

Mr. Michael Clapham (Barnsley, West and Penistone) (Lab): I present the petition of the Penistone against greenspace encroachment campaign and others. It declares

that the Petitioners object to Planning Application B/03/2171/PU which allows "Busy Bees" to build on Penistone Recreation Ground. The Petitioners further declare that the loss of the playground and re-positioning of other facilities on the Recreation Ground will be detrimental to the community as well as to the traditional events held there, including Penistone Agricultural Show.

The Petitioners therefore request that the House of Commons urge the Deputy Prime Minister to call in "Busy Bees" Planning Application B/03/2171/PU for his own assessment.

And the Petitioners remain, etc.

To lie upon the Table.

Police Officers (Southend)

7.48 pm

Mr. David Amess (Southend, West) (Con): I have the honour to present a petition on behalf of a great campaigning local newspaper, the *Yellow Advertiser (Southend)*. The petition has been signed by more than 2,000 local residents in Southend, West, who feel that Southend is in desperate need of extra police officers who are properly trained to patrol the streets of Southend in order to make it a safer place in which to live, work and socialise.

The petition states:

The petition of the Yellow Advertiser Newspaper, Southend and others

Declares that Southend Police Division is in need of 10 extra police officers to patrol the streets.

The Petitioners therefore request the House of Commons to pass legislation to provide for the deployment of extra police officers in Southend.

And the Petitioners remain, etc.

To lie upon the Table.

Driving Instructors

7.49 pm

David Taylor (North-West Leicestershire) (Lab/Co-op): I rise to present the petition of the Derby and District Driving Instructors Association, which overlaps my constituency. Approved driving instructors throughout the country are alarmed by the Driving Standards Agency's proposal to introduce multiple-choice questions and hazard perception tests for all currently registered approved driving instructors. They believe that to require an ADI to undertake a hazard perception test is at best ridiculous and at worst insulting, because if instructors were not on top of hazard perception skills, they would not survive the average working day. They say that the DSA has discussed continuous professional development over the past two years, and they believe that that is the preferable way forward rather than the threat to remove them from the register if they fail a computer game. They point out that removal from the register is always possible under the fit and proper clause.

The petition states:

To the House of Commons, the petition of 60 driving instructors and others in and around North-West Leicestershire declares that we the undersigned formally protest at the decision of the Driving Standards Agency to impose on qualified driving instructors a requirement to pass a further theory exam—including a hazard perception test—and to threaten to remove the livelihoods of those not successful within three attempts. The Petitioners—

who are led by Pamela A. Davies of 18 Iveagh close, Measham—

therefore request that the House of Commons do reject the decision aforementioned of the DSA. And the petitioners remain etc.

To lie upon the Table.

Post Office Closure

7.51 pm

Mr. Parmjit Dhanda (Gloucester) (Lab): I rise to present a petition bearing the signatures of 3,520 Gloucester residents, compiled by me, the "Gloucester Citizen" newspaper, Councillor Andrew Gravels and a range of community groups.

The petition declares:

To the House of Commons, the petition of residents of Gloucester declares that they oppose the plans by Morrisons to close the local post office in Abbeydale and that they are leading a campaign to keep the local post office open. The petitioners therefore request that the House of Commons urges the Government to ensure that supermarkets consult Post Office Ltd., Postwatch, hon. Members and local communities before closing local post offices. And the petitioners remain etc.

To lie upon the Table.

ME

7.52 pm

Mr. Anthony D. Wright (Great Yarmouth) (Lab): I rise to present the petition of Action for ME on behalf of the 240,000 people in the UK affected by ME.

The petition

Declares that the direct cost to the nation of lost revenue, benefits and healthcare spend for the 240,000 people with ME amounts to £3.5 billion per annum. The petitioners further declare that a minimum of 1 per cent. of that cost, being £35 million, is required to begin research into this disabling chronic illness for which there is no cure or effective treatment at present.

The petitioners therefore request that the House of Commons pass legislation to provide for a cross-government response to the wide scale health problem of ME and for the implementation of a fully funded research programme. And the petitioners remain etc.

To lie upon the Table.

Dr. Raj Mattu

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Heppell.]*

7.53 pm

Mr. Jim Cunningham (Coventry, South) (Lab): I begin by thanking Mr. Speaker for granting the debate, and my hon. Friend the Member for Coventry, North-West (Mr. Robinson) and I appreciate his allowing us once again to debate the matter. The debate is by no means meant to constitute an attack on the staff at Walsgrave hospital, who have done a wonderful job, especially since the change in leadership.

This debate is probably the fourth on Dr. Mattu's suspension, and it is the third case of an unresolved suspension at Walsgrave hospital. The current cost of those three suspensions amounts to £1.2 million, which could have been used to deliver better NHS services. It is therefore vital that we resolve the matter, especially given the growing economic cost to the public, which has caused much community protest, not to mention the loss of a competent doctor from Walsgrave hospital.

Dr. Mattu's suspension has lasted for more than two and a half years and, given that the time period for the panel to examine the case will extend to the end of January and possibly February, I think—my hon. Friend the Member for Coventry, North-West probably agrees—the doctor should be reinstated without prejudice until the matter is sorted out.

We now find that the disciplinary panel chosen to deal with the case will not meet until the end of January 2005, a further six months away. Surely such a procedure cannot be deemed adequate. I believe that in such cases it benefits neither the doctor in question nor the hospital for action to be delayed for more than two and a half years—approaching three, in fact. This is having a lasting effect on the doctor and his family, and the cost to the NHS is growing.

There is something fundamentally wrong with a system that has no time for the resolution of cases such as Dr. Mattu's. What has happened to the implementation of the National Audit Office's report and recommendations? I am sure my hon. Friend the Member for Coventry, North-West agrees that there should be an independent inquiry into the three cases that have occurred over the past three or four years, to find out exactly how the trust has handled them. There is a big question mark over the way in which it deals with such cases.

I stress that we are not prejudicing the outcome of the case, and only want to resolve the issue once and for all. We are asking for justice for Dr. Mattu. While we must question the competence and efficiency of a disciplinary process that has continued for perhaps more than three years and has yet to reach a conclusion, we believe that Dr. Mattu was suspended for whistleblowing. If there are other documented reasons—my hon. Friend the Member for Coventry, North-West will probably mention this—the trust should make us aware of them, rather than allowing rumours to fly about all over Coventry. That is in the public interest, and will restore confidence in the competence of the trust's decision making.

We understand that the cost of Dr. Mattu's case is now probably more than £500,000, although it should be borne in mind that that goes back to about six

[Mr. Jim Cunningham]

months ago. There should be an independent inquiry into the way in which the case has been handled. It should be dealt with by an independently selected panel to ensure its validity, and to ensure that there is a timely resolution at the least possible cost to the public. As far as we are aware, Dr. Mattu was not suspended for medical reasons.

I believe that Dr. Mattu's human rights are being denied because of the time that his case has taken, and the inappropriate way in which the trust has been handling matters. The trust should bring to a conclusion any other allegations against Dr. Mattu, and state what they are and the reasons for his suspension. As I am sure my hon. Friend the Member for Coventry, North-West will agree, the Minister should intervene directly. It is no good passing the matter on to the trust; the Minister has the powers, and should deal with it in a proper manner. He should set up a proper independent inquiry, and reinstate the doctor until such time as the panel does meet and decide whether he is guilty as charged.

As I am sure the Minister knows, there is public concern in Coventry and rumours—not very pleasant rumours—are flying about. I hope that he will take what I have said on board, and look into the matter. It seems to me that every time a consultant or other doctor is suspended at that hospital, all sorts of stories circulate and we eventually find that there was no basis for them. That is no way in which to conduct the business of a hospital and, in particular, a disciplinary procedure.

Mr. James Plaskitt (Warwick and Leamington) (Lab): I greatly admire the hard work done by my hon. Friends the Members for Coventry, South (Mr. Cunningham) and for Coventry, North-West (Mr. Robinson) on this case. I intervene because, during this lengthy inquiry, Dr. Mattu has become a constituent of mine. When I contacted my hon. Friend the Minister on behalf of my constituent, he confirmed that the matter had been unresolved for too long. Does that not add weight to my hon. Friend's point about the need for further ministerial intervention?

Mr. Cunningham: I endorse that, and I am interested to learn that the Minister has considered the argument that the case has gone on for too long. The question for him now is, what will he do about it? As I have said, many people in Coventry are very concerned. My hon. Friends and I are not taking sides; what concerns us is that justice should be done and the doctor's human rights protected. If this had happened in a factory in Coventry, there would have been a strike because people would not have tolerated it. Why is it taking nearly three years to deal with a disciplinary matter? An industrial relations dispute outside the hospital would have been resolved within a maximum of about three months. It utterly defies belief.

We want the situation to be resolved as soon as possible. Someone has to cover for the doctor. People tend to forget that. They also tend to forget that, while Dr. Mattu has not been practising his trade, medicine has advanced and there is a danger that we could lose his skills because he has not been allowed to practise and develop his skills using the latest techniques. If he had been a football player and denied the opportunity to ply his trade, the European Court of Justice would have intervened—someone would have intervened and said, "Enough is enough."

I ask the Minister to sort the matter out. Let us get it cleared up once and for all. It is a running sore in Coventry and it must be sorted out.

8 pm

Mr. Geoffrey Robinson (Coventry, North-West) (Lab): I join my hon. Friend the Member for Coventry, South (Mr. Cunningham) in thanking the Speaker for granting this debate, and I thank my hon. Friend for securing it. May I say how pleased we are to see my hon. Friend the Member for Warwick and Leamington (Mr. Plaskitt) lending us his support?

Whatever else is said about this matter, it has gone on far too long and has cost far too much money. The longer it has gone on, the murkier it has got. We put it to the Minister that his intervention is absolutely required. If he cannot go to the extent of reinstatement, there are certain things that he can do. They were alluded to by my hon. Friend the Member for Coventry, South when he referred to the rumours that are flying around Coventry.

The wretched rumours that I heard just yesterday—I am in no way critical of the staff at Walsgrave; to my knowledge, it is the chairman and chief executive who seem to be leading the campaign against Dr. Mattu—were to the effect that Dr. Mattu was involved in a court case, that the charges against him in that case were serious and that therefore the people who support Dr. Mattu had to be careful because there was new information that was damaging to his case, about which they should be aware before continuing that support.

It is a serious business to have such briefing, which is emanating, as far as we can see, from the top at the trust, brought to our attention by Tory Members and by the chairman of the campaign to reinstate Dr. Mattu. One of our Labour councillors who is closely associated with the case also referred to it in a conversation with me.

I thought that the best way to get the matter cleared up—it coincides neatly with today's debate, which I only heard about yesterday—was to write to Bryan Stoten, chairman of the University Hospitals Coventry and Warwickshire NHS Trust, to ask him whether there was anything in the rumours about new information. I received a remarkable letter straight back, from which it is appropriate to read and to which I specifically draw the Minister's attention: Bryan Stoten says:

"Thank you for your letter, received this morning.

It is indeed the case"—

this is important—

"that new information has arisen concerning Dr. Mattu."

The chairman identifies the new information as being as follows:

"I received a letter, copied to the General Medical Council (GMC), from a member of the public regarding Dr. Mattu. The individual claimed that Dr. Mattu had appeared in court on a serious charge and stated that the case was 'not proven'."

That is an interesting use of words.

Mr. Cunningham: Scottish law.

Mr. Robinson: I think that the chairman must have thought that Dr. Mattu had migrated to the sheriff court in Glasgow or Edinburgh, as if that would wash. What he was really trying to do was much more insidious and I will come to that shortly.

The chairman goes on to say that the GMC has requested that the trust provide

"any relevant information which the Trust has in its possession pertaining to these issues, so that these issues can be considered under the GMC's Fitness to Practise procedures."

He finishes by saying that the trust has sought its own legal opinion and we will be following that.

I spoke to a solicitor, Mr Paul Dentith, who has agreed that I can name and quote him tonight. I believe that he represented Dr. Mattu in the only court case in which Dr. Mattu was involved; at least it is the only court case I know of in which he was involved. I asked Mr. Dentith what the case was about. He said that the case occurred about seven and a half years ago, so it is pretty new. The result of the court case is in the public domain, so that cannot possibly be new. The outcome of the case was an absolute, unequivocal acquittal of Dr. Mattu, who was also awarded costs, all of which information is in the public domain.

Why does the chairman of the Walsgrave trust write to me—his letter was not labelled personal, or private and confidential; therefore, it is quite right for me to put it into the public domain via this debate—to say that the outcome of the court case was not proven? First, we all know that, in English law, one is either guilty or not; we do not have the third option that is available in Scottish law. So why put that into the public domain? I can tell the House why; he wants to create doubts about Dr. Mattu's character, which will then influence public opinion and influence us against continuing to support him. I do not think much of that.

The information has been available since a snippet on the "Today" programme about Dr. Mattu on 29 May. It is now 21 July. Why has not the chairman informed himself so that he does not continue to spread this sort of disinformation to the public?

Keith Vaz (Leicester, East) (Lab): I congratulate my hon. Friend and my hon. Friend the Member for Coventry, South (Mr. Cunningham) on pursuing the matter. I came to the last debate on the subject in Westminster Hall. Is he as disappointed as I am at the lack of progress over the last few months and at the attitude of Ministers? Should not they be doing much more to bring the trust to account?

Mr. Robinson: I agree with every word that my hon. Friend has said. It may be unpleasant for the Minister; I recall that, on the last occasion we debated the issue, he felt that we were being unfair to the trust and were using a position of which they could not avail themselves.

Keith Vaz: That is why we are here.

Mr. Robinson: Precisely. If the trust had not put disinformation into the public domain and had put in some real facts about the situation, it would have helped a great deal.

I fear that the same will happen tonight but, on that occasion, the Minister said that he could not do anything about it and that procedures were procedures. However, some Ministers take a different view about procedures. We will be into the fourth year of this poor doctor's suspension. What in God's name can be right about these procedures—on a simple test case of alleged bullying, which happens every day of the week and has to be sorted out—that prevents a Minister from stepping in?

Instead, we have a continuing campaign of snide implication, instead of getting to the bottom of the facts and dealing with them. I have written to the chairman, copying to him my words tonight, to the Minister and to the GMC to make sure that the actuality of the court case is brought to everybody's attention. Of course it should not be used at all; Mr. Paul Dentith authorised me to say that any organisation or person who sought to make reference to the case or go behind the decision of the court would be behaving very improperly.

I hope that the Minister will take that on board, but if we hear the usual thing tonight—that we are being irresponsible, that he is a Minister and that procedures must continue—we can cut the debate short because we know it all before he starts. One thing he could do tonight would be to make it clear that this sort of briefing against Dr. Mattu should not continue. That is the minimum we ask for and I ask him to do that now.

The answer, as my hon. Friend the Member for Coventry, South has said in all the debates we have had on the issue, is to have an independent inquiry. That is different from using the existing procedures and processes, but the fact is that the procedures have already been changed. It was the trust that insisted that we should deal with Dr. Mattu under the old procedures, which can last for an eternity. Why do we not use the current ones? That is the minimum that the Minister should do, and he could do it with no loss of face to anyone involved. Why does he not stop people continuing to brief against Dr. Mattu?

If we had had an independent inquiry all those months ago, when we began this process—indeed, that is three or four Adjournment debates ago—the matter would have been settled by now and there would be no problem. One way or another, a conclusion would have been reached. As we have said all along, it is not for us to prejudge the outcome of whatever inquiry takes place. I am afraid that the inquiry will not finish by next January but will go on at least until March, by which time we will be into the fourth year of Dr. Mattu's suspension. If that is normal procedure, heaven help us when the procedure is abnormal.

There are two other points to which I should like to draw the Minister's attention. *[Interruption.]* Sadly, having been through this issue with him at least once before, I think that I know what he is going to say. The trust found that it was within its rights to deny three recommendations that were made to the panel by Dr. Sancassia, a most distinguished surgeon at the trust. On what grounds did it do so? That spun things out for another few months; indeed, everything that the trust does seems to point in that direction.

The Minister will doubtless tell us that we are locked into this process and that we are to have another six or seven months of unjustified suspension. It is no good

[Mr. Robinson]

telling us that this is a neutral act, because we all know that it is by no means neutral. One only has to talk to the Deputy Prime Minister about trying to get a chief police officer suspended to see how neutrally that act is regarded; one has to go to a court of law to get a suspension—a neutral act—agreed. If the Minister can do nothing in this regard, will he at least deal with the continual briefing against Dr. Mattu? I can show the Minister the relevant correspondence, so that he can see the way in which matters have been handled. Can he not at least take direct ministerial action to stop the briefing?

8.11 pm

The Parliamentary Under-Secretary of State for Health (Dr. Stephen Ladyman): I am grateful to my hon. Friend the Member for Coventry, South (Mr. Cunningham) for his continuing interest in his local national health service, and for his persistence in securing a further Adjournment debate on this issue. I fear that I will be every bit as disappointing as my hon. Friend the Member for Coventry, North-West (Mr. Robinson) expected, and I shall do my best to explain why.

I am concerned about this case. As my hon. Friend the Member for Warwick and Leamington (Mr. Plaskitt) said, I confirmed to him in writing my view, which I have stated publicly, that this matter has gone on too long and at no little cost to the NHS. I have an ongoing interest in it, and the University Hospitals Coventry and Warwickshire NHS trust has kept me informed of progress. However, I should make it clear from the outset that our position has not changed, and nor can it. Contrary to what my hon. Friend the Member for Coventry, North-West said, the trust's suspension of Dr Mattu is a neutral act. It is not, and should not be regarded as, a disciplinary sanction, and I can assure my hon. Friends that I am not taking sides on this issue.

My hon. Friend the Member for Coventry, North-West accuses the trust of putting matters into the public domain, but he has just told us that he wrote to the chairman of the trust. Was the chairman not supposed to reply? My hon. Friend has chosen to put this matter on the public record in Parliament—the most public platform of all.

I am aware that, from Dr Mattu's perspective, the last two years have been anxious and frustrating, as they have been for—

Mr. Geoffrey Robinson: Will the Minister give way?

Dr. Ladyman: No I will not. My hon. Friend has already taken up most of the time and I need to deal with some of the points that were raised.

I realise that this has been an anxious and frustrating time for Dr. Mattu, but it has also been so for those who made the allegations. As I asked in the previous Adjournment debate on this issue, is somebody going to represent those who made the allegations? I suspect that one of the Members in this House tonight is the MP for those who made the allegations. When is somebody going to stand up for those people? That is why we must consider this a neutral act and make sure that it is properly investigated.

I want to make it clear that the allegations that were made in February 2002—that is far too long ago—were serious and substantial. They were of a nature whereby Dr. Mattu could not remain on duty while they were investigated. The trust rightly took the view that they should be thoroughly investigated.

An internal investigation was carried out, led by the trust's joint medical director, and in accordance with its agreed employment procedures. That investigation found that there was a prima facie case to be answered, and under those circumstances, and given the seriousness of the allegations, it was clearly correct for Dr. Mattu to be suspended while a formal investigation was undertaken.

The trust also decided that the matter was too serious to be dealt with as a personal misconduct case within the trust, so it was obliged to take it to a professional misconduct disciplinary process. The professional disciplinary process is a carefully laid down and legalistic process, and I fear it takes time. It has been agreed nationally between the BMA and the Government, and the process applied locally gives Dr. Mattu a great deal of representation and protection, so my hon. Friends should be confident that his best interests are being served by going down that route.

Mr. Jim Cunningham: I do not necessarily disagree that there should be a full investigation. Our problem is about why it has taken nearly three years. That is what bothers us.

Dr. Ladyman: One of the reasons for that is that it is a legalistic process, and the BMA, in agreeing the process with the Government, built in a series of measures to ensure that people who are complained against have the time and the opportunity to build a defence case.

It has been suggested, however, that the trust has been delaying the progress of the case, and even that it is in some way hoping that the issue will go away. I believe that such suggestions are disingenuous, and I can assure my hon. Friends that delays in progressing the case cannot be blamed entirely on the trust. For example, I am advised that there have been a number of occasions on which Dr. Mattu, I am sure for quite proper reasons, has cancelled pre-arranged meetings at the last minute, even telephoning the trust on the day of the meeting. I do not want to criticise—and I do not criticise—Dr. Mattu for the time that the case has been unable to make progress because of his unfortunate sickness in 2003, but it is not appropriate to blame the trust for that either.

In addition, Dr. Mattu and his supporters have kept up a correspondence and media campaign, and it is their right to do so, but in doing so they have tied up resources at the trust that could otherwise have been used to deal more expeditiously with the case. Given all this, and given the fact that the disciplinary process is in any case a thorough and full one in order to protect Dr. Mattu's rights and allow him to build his defence—

Mr. Richard Bacon (South Norfolk) (Con): Who wrote this rubbish?

Madam Deputy Speaker (Sylvia Heal): Order. The Minister is responding to the debate.

Dr. Ladyman: Nobody should be blaming the trust for the slow progress.

Keith Vaz: I am absolutely astonished at the complacency of the Minister's answer. He is a Minister of the Crown. Members of Parliament representing Coventry and other areas—Dr. Mattu has come to see me at my surgery—have raised these issues with him. What has he done to ensure that our concerns, properly raised in this place—where else would my hon. Friend come to raise them—are dealt with? What has he done since the last time the matter was raised in the House?

Dr. Ladyman: I have made sure that the case goes through the proper process, which has been agreed with Dr. Mattu and his solicitors. That is the simple fact, even if my hon. Friends choose to ignore it.

My hon. Friends will also appreciate that the trust is restricted in the response that it has been able to make to allegations and criticisms put in the public domain. My hon. Friends can go much further tonight than I can, or than I would consider wise, but to a great extent we have a situation in which Dr. Mattu and his supporters, and Members of the House, have opportunities to spread around allegations and even attack the credibility and good will of those involved in making the complaints, while the trust and Ministers are unable to put the other side of the case, as we would then be seen to be prejudicing the disciplinary process.

Since Dr. Mattu was suspended, Ministers have been urged through both correspondence and pressure by the local media to intervene to bring this matter to a close. Frankly, I would be ill advised to intervene in a contractual matter between an employer and an employee, especially as NHS trusts are independent organisations. Ministers are certainly not experts in employment law and I am not party—nor would it be right for me to be so—to the detail of the allegations made against Dr. Mattu. Neither am I party to Dr. Mattu's response to those allegations or the complex legal arguments that are ongoing. This is, therefore, clearly a matter that has to be resolved between Dr. Mattu and the trust.

Every NHS trust, as an employer, has its own procedures for suspending and disciplining doctors. That is right and proper and protects employees from Whitehall interference. Since 1990, that disciplinary procedure has been a matter for the trust, as an employer. The Department of Health has issued guidance as to what the procedure should include, and has monitored trusts to ensure that it is in place. The trust reviewed its procedures for handling suspensions in the light of that guidance, so we can be confident that its procedures are robust.

That brings me to the suggestion that Dr. Mattu should be reinstated while the disciplinary process continues. *[Interruption.]* The trust has been keeping this case under review and is satisfied that grounds remain for keeping the suspension in place. I would again ask my hon. Friends, as I did the last time we had an Adjournment debate, also to think about the rights of other parties involved and their feelings in this matter.

Ultimately, reinstatement is a matter for the trust to consider in its discussions with Dr. Mattu, but it would not be reasonable of the trust to ignore either the allegations or the rights and feelings of other parties. Nor would it be reasonable for Ministers to put pressure on the trust to do so.

All of that leads me to conclude that this complex and difficult matter is best dealt with using the formal procedures now agreed and with all sides agreeing that Dr. Mattu's suspension is a neutral position, suggesting neither innocence nor guilt. Indeed, I understand that the trust has now agreed with Dr. Mattu and his solicitors that the case should go through the formal disciplinary hearing, where both sides will air their views in front of an independent panel of three members, chaired by a QC. The agreed procedure allows that both parties should agree on the selection of the chair of the panel and Andrew Stafford, QC, has been agreed by both the trust and Dr. Mattu.

According to the trust's professional disciplinary procedure, the chair of the trust's senior hospital medical staff committee is then responsible for approving the other two panel members from suggestions made by the General Medical Council's joint consultative committee. One of the panel members, Dr. Robert Bain, an experienced consultant cardiologist based in Grimsby, has been selected. I understand that a name is currently being considered for the third place on the panel. The trust is making final checks that the person recommended does not know Dr. Mattu—either personally or in a professional capacity.

In my view, that is a sensible way forward as it will allow both parties to present the whole of their case in a fair and even-handed setting. It will also allow a proper review of the credibility of the evidence presented. Of course, it will take time—time for both sides to prepare their arguments and time for the panel to consider them. I repeat that—

The motion having been made after Seven o'clock, and the debate having continued for half an hour, MADAM DEPUTY SPEAKER *adjourned the House without Question put, pursuant to the Standing Order.*

Adjourned at twenty-three minutes past Eight o'clock.

House of Commons

Thursday 22 July 2004

The House met at half-past Eleven o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

ENVIRONMENT, FOOD AND RURAL AFFAIRS

The Secretary of State was asked—

Climate Change

2. **Mr. Graham Allen** (Nottingham, North) (Lab): If she will make a statement on progress in arresting climate change. [185741]

The Secretary of State for Environment, Food and Rural Affairs (Margaret Beckett): Deep cuts in global carbon dioxide emissions are needed to avoid dangerous climate change. Our energy White Paper shows the way and the degree of ambition that industrialised countries need to show. The Kyoto protocol will provide the incentive for others to start down the same path.

Mr. Allen: I know that my right hon. Friend is far too busy to watch much television, but the other evening she might have caught Jeremy Clarkson's programme about air travel in which he mentioned that when air traffic movements were suspended for three days following the 9/11 disaster, the temperature in the atmosphere fell by 1°, and it went back up by 1° when air traffic resumed. Will she do everything she can to ensure that aircraft emissions become part of the trading arrangements that are being negotiated at European level, and thus tackle a difficult and long-term problem?

Margaret Beckett: I sometimes watch Jeremy Clarkson's programmes, but I missed that one, so I am grateful to my hon. Friend for the information. I assure him that although aviation emissions are not currently included in any of the responsibilities that countries undertake, because there has been no opportunity to discuss how they could be allocated fairly, there is considerable discussion about how we in Europe might put aviation emissions into the emissions trading scheme, say, from 2008. Not only the UK but many European Union member states take a keen interest in such a proposal.

Rev. Martin Smyth (Belfast, South) (UUP): Will the Secretary of State discuss with colleagues in the United States, India and China what they are doing to cut emissions that are greatly polluting the atmosphere?

Margaret Beckett: I have had discussions with people in all those countries. The hon. Gentleman might know that a great many interesting proposals have been made by some of the states of the United States that are major emitters. Several of America's states are among the world's top 10 emitters as individual states and they are considering trading schemes, which they wish to make compatible with the EU's. Like many people in other parts of the world, they are also looking at standards for vehicle emissions and so on.

Similar discussions are taking place in India and China. The hon. Gentleman might know that China has been quite successful in ensuring that its emissions increase at a much slower rate than its economy grows. Although in the long term China wants its economic capacity to quadruple, its goal is to ensure that its emissions only double during the same period. Of course emissions growth remains a concern, but that is an indication of the extent to which China understands the issues and is beginning to take responsibility for what happens in its own country.

Mr. Win Griffiths (Bridgend) (Lab): Will my right hon. Friend discuss with our right hon. Friend the Secretary of State for Trade and Industry how to realise the huge potential of tidal power in an island nation such as ours? Especially, will they discuss the DTI providing some funding for an exciting pilot scheme that could take place in Swansea bay in the very near future?

Margaret Beckett: Given the years of experience that we in this House share of proposals for Cardiff bay, I am a little nervous about suggestions for Swansea bay. However, I take my hon. Friend's point and assure him that my right hon. Friend the Secretary of State for Trade and Industry and I often discuss such issues. She shares my regret that the UK has not invested more in research into and exploitation of the potential of tidal power. The Government are looking closely at the matter.

Mr. Michael Jack (Fylde) (Con): The Department for Environment, Food and Rural Affairs has shown enthusiasm and commitment to a UK biofuels industry; sadly, however, the Treasury, the Department for Transport and the Department for Trade and Industry do not seem to share that enthusiasm and commitment. When will the Government get their act together, and when will we see the beginnings of a proper bioethanol and biodiesel industry in this country based on UK-produced crops?

Margaret Beckett: The right hon. Gentleman is being a little unfair to my Treasury and DTI colleagues: they take precisely the interest in biofuels and their potential that he wants them to. There has been a certain amount of dispute between the Treasury and the industry over how great an incentive is needed to stimulate UK production but not suck in imports. However, there is no dispute about the fact that the industry and the Treasury both want a domestic industry to be stimulated and to flourish and neither wants to suck in imports. The only dispute is about how, technically, to achieve that.

I am sure that the right hon. Gentleman noticed that, not so long ago, the Chancellor announced capital allocation programmes. Through fiscal and economic

incentives my right hon. Friend has done quite a lot to stimulate the right behaviour in respect of fuels generally, and he takes the issues seriously.

Mr. Michael Clapham (Barnsley, West and Penistone) (Lab): I welcome my right hon. Friend's statement that she is to approach the European Commission for a hybrid solution to the implementation of the large combustion plants directive. On the question of carbon dioxide, will she say what she is doing, with the DTI, to press for more investment in clean coal technology? If we are to tackle CO_2 emissions, especially in China and India, we need to be able to transfer new clean coal technology to those countries so that we can effect a reduction in CO_2 emissions.

Margaret Beckett: The Government's approach to the Commission about the potential for a hybrid approach to the large combustion plants directive has been a joint one. There have been joint discussions and joint decisions by the DTI and ourselves because we both share the view that there should be a degree of beneficial flexibility. Although I entirely understand and take the point that my hon. Friend makes about clean coal technology, and not least the potential for that technology in China and India, where there are large resources of coal and a considerable need for energy supply, that is more specifically a matter for the DTI. I know that my right hon. Friend the Secretary of State for Trade and Industry and my hon. Friend the Minister of State for Energy, E-Commerce and Postal Services share my hon. Friend's interest and concern in and for this subject.

Mr. Tim Yeo (South Suffolk) (Con): Will the Secretary of State confirm that when the last Conservative Government left office in 1997, carbon dioxide emissions in Britain were falling, and that after seven years of a Labour Government these emissions are rising? Against that background, how long will it be before the Government have to abandon their target of reducing emissions by 20 per cent. by 2010?

Margaret Beckett: First, there is no question of the Government abandoning our domestic target. Secondly, we have already not just met but exceeded our Kyoto target. Unfortunately, we have seen some fluctuations in CO_2 emissions, specifically over the past couple of years, as a result of continued economic growth as well as the implications of fluctuations in fuel prices. To be fair to the hon. Gentleman, he is right that there were some successes under the Conservative Government. Those successes resulted in their flattening the economy.

Mr. Peter Pike (Burnley) (Lab): I want to press my right hon. Friend, who has obviously been committed 100 per cent. to these issues for many years, on the issues facing countries such as India, Pakistan and China, to which she referred. Obviously, we want to see their economies grow, but it is essential that they do so in a way that is environmentally friendly and does not cancel out what we and other developed countries are doing. Will my right hon. Friend say more about how she sees progress in that direction?

Margaret Beckett: Anyone who studies this subject is extremely conscious of how much needs to be done at a global level to reduce emissions to mitigate the most potentially damaging effects of climate change. Equally, however, I think that everyone who is close to the subject is conscious that, quite rightly, the approach that the international community has adopted is, to use the jargon phrase, one of common but differentiated responsibility. In other words, the developed countries that are most responsible at present for increased emissions have the greatest capacity to tackle the increase in emissions and should be the first to demonstrate that emissions can be reduced. One of the things that we are engaged in with our European colleagues is a determination to ensure that developed countries show the way forward. For example, our economy has grown by about 36 or 37 per cent. while our emissions have fallen by about 15 per cent. We have shown that emissions can be cut without sacrificing growth in the economy. We and others need to demonstrate that so that we can show to some of the poorest countries in the world that they can have increased prosperity for their peoples without ruining the planet.

Norman Baker (Lewes) (LD): Has the Secretary of State seen the official statistics that were released today after being suppressed in May showing that there has been a 47 per cent. increase in greenhouse gas emissions in the transport sector since 1990, although there has been a 10 per cent. decrease overall? This week, her colleague, the Secretary of State for Transport, projected a further 10 per cent. increase in carbon dioxide and greenhouse gas emissions from the transport sector by 2010. Is she content with that record, and is it not pointless her Department saying the right things and making the odd cut here and there if the Department for Transport is out of control? When will she put the brakes on that Department?

Margaret Beckett: I have not seen that report nor, indeed, am I aware of any report being suppressed.

The Minister for the Environment and Agri-environment (Mr. Elliot Morley): It is on the website.

Margaret Beckett: If that is the case, it is not a very good way to suppress something.

On the general point about the Department for Transport, the hon. Gentleman may not have noticed that it is now associated with the public spending targets that my Department and the Department of Trade and Industry share for the reduction in emissions.

Mr. Dennis Skinner (Bolsover) (Lab): To get the historical facts right, would my right hon. Friend bear in mind that in the late 1980s and '90s the all-party group on coalfield communities considered the question of emissions and called for clean fuel technology. A pilot project was set up at Grimethorpe, and not only did the hon. Member for South Suffolk (Mr. Yeo) fail to tell the House that the Tories closed the pits but he did not reveal that they closed that clean fuel technology plant. No wonder the miners were brassed off.

Margaret Beckett: My hon. Friend is entirely right, and I well recall that at the time many people were concerned that the then Government were prepared to abandon a technology that clearly had considerable potential for the future.

Badgers

3. **Mr. Anthony Steen** (Totnes) (Con): If she will propose legislation to remove badgers' protected status. [185743]

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Mr. Ben Bradshaw): No.

Mr. Steen: Does the Minister not accept that badgers are vermin and have no known predators? Disease is thus rampant and spreading throughout the south-west, inflicting enormous damage and losses on herds. Does he not agree that farmers are now less protected than badgers, and that the Government appear not to care less?

Mr. Bradshaw: No, I do not accept that. The latest figures for Devon, the south-west and the country as a whole are slightly down on last year. The difficulty that the Government face—I am sure that the hon. Gentleman understands, as he is a reasonable man—is that there is an absence of scientific evidence that a particular badger culling policy would help to prevent the spread of tuberculosis. No Government would make a decision to go ahead on that basis, as was recently stated in a report by the Environment, Food and Rural Affairs Committee, which is chaired by his right hon. Friend the Member for Fylde (Mr. Jack).

Mr. Brian Jenkins (Tamworth) (Lab): As my hon. Friend will know, all badger carcases on British roads are removed as soon as possible and taken away for analysis. Does he have figures showing what percentage of those carcases in fact have TB? Is the incidence of the disease higher in certain areas of the country, and has progress been made on a vaccine so that we can at least vaccinate the animals rather than eradicate them?

Mr. Bradshaw: We very much want to make progress on vaccination for badgers and, indeed, cattle. I have recently expressed a wish to progress scoping studies on both areas as quickly as possible, but I must tell my hon. Friend and the House that successful vaccination for both animals is probably some time away. We hope soon to have a more reliable live test for badgers, which might help if a badger culling policy were adopted at some stage. As for the road traffic accident survey, yes, there are variations across the country, as one would expect, with a higher level of TB in badgers in areas where there is also a greater prevalence of TB in cattle. I do not have the latest figures to hand, but I shall write to my hon. Friend and place a copy in the Library of the House so that hon. Members can see them.

Bob Spink (Castle Point) (Con): Is the Minister aware that Castle Point has one of the largest urban badger populations in the country? Of course, they can cause havoc, especially to domestic property, but nevertheless the current systems for managing badgers work well. The badger is one of the most wonderful British wild animals, and we must continue to protect it.

Mr. Bradshaw: That was a statement, rather than a question, but I note the position taken by the hon. Gentleman. I know that he has had some interesting badger issues as a local constituency MP, which I think he will acknowledge have divided his constituents and divided residents of the streets where the badgers have been causing problems. There is no simple answer to the question.

Mr. David Drew (Stroud) (Lab/Co-op): I am sure my hon. Friend will agree that the only answer is to go back to the science. The recent report of the Environment, Food and Rural Affairs Committee made some recommendations, which we hope the Government can respond to. We cannot ignore the fact that bovine TB is present not only in cattle and badgers, but in a number of other species, particularly the deer population, so we must take the right action, rather than precipitate action. Will my hon. Friend comment on the measures that the Government propose with regard to the problem with the deer population?

Mr. Bradshaw: We have already undertaken some research into the deer population. The interaction between deer and cattle and between badgers and cattle is rather different and of a different degree. I take this opportunity to thank my hon. Friend and other members of the Select Committee under the chairmanship of the right hon. Member for Fylde for their excellent and balanced report, most—if not all—of whose recommendations the Government accept and intend to progress as rapidly as we can.

Sir Patrick Cormack (South Staffordshire) (Con): While anyone brought up on "Wind in the Willows" or who has watched badgers at play knows that they are delightful animals, there is a pretty clear case that they are causing a great deal of trouble to our farmers. Has the hon. Gentleman anything to say about putting them on the pill?

Mr. Bradshaw: Well, there is a certain amount of research from this country, and from other countries such as New Zealand that have had problems with possums, on the potential for oral contraception or sterilisation. I am afraid we have not yet reached the stage where a reliable or effective method has been found, but I am sure that many people, not least those who would like to get rid of grey squirrels, await such a contraceptive or sterilisation pill with great expectation.

Carbon Dioxide Emissions

4. **Mr. Bob Blizzard** (Waveney) (Lab): What assessment she has made of progress towards carbon dioxide emission reduction targets. [185745]

9. **Mr. David Amess** (Southend, West) (Con): What progress has been made towards meeting the Kyoto carbon dioxide target. [185750]

The Secretary of State for Environment, Food and Rural Affairs (Margaret Beckett): The UK remains on course to achieve its Kyoto target to reduce greenhouse gas emissions by 12.5 per cent. below 1990 levels by 2008–12. Provisional estimates suggest that greenhouse gas emissions in 2003 were about 14 per cent. below the baseline. The Government have a separate goal to reduce carbon dioxide emissions by 20 per cent. below 1990 levels by 2010. Emissions of carbon dioxide for 2003 are provisionally estimated to be about 7 per cent. lower than in 1990.

Mr. Blizzard: Is it not the case, though, that based on the Government's own recently published energy and emissions projections, even if we meet the difficult 20 per cent. renewables target and implement all our energy efficiency policies, the 60 per cent. CO_2 reduction target for 2050 will go off course in 2010 and will not be achieved? Should we not be looking at carbon capture and storage technology now, so that we can bridge that emissions gap and maintain security of supply? The only other option would be the nuclear option.

Margaret Beckett: I do not entirely accept my hon. Friend's analysis because, although I take his point that the 60 per cent. target is a challenging one, there are a number of trajectories that one could follow to reach it. There has always been a discussion about whether we ought to try to pursue a straight line path, or whether there is merit in back-end loading as, for example, the newer technologies become available, recognising that we may be able to make greater moves at a later date than we can at present. However, my hon. Friend is right that there is considerable interest in carbon abatement technology. A great deal of thought and study is going into it and I anticipate that we shall hear more of it in the not too distant future.

Mr. Amess: Does the Secretary of State agree that the Warm Homes and Energy Conservation Act 2000, apart from helping to eliminate fuel poverty, has made a considerable contribution to the reduction of carbon dioxide emissions? Given the fact that, according to DEFRA's figures, those emissions have been going up since 1997, does she believe that the targets will be reached by 2010?

Margaret Beckett: In fact, the trend since 1997 has been downwards, although in the past couple of years there has been the fluctuation that I mentioned. The hon. Gentleman is absolutely right to say that attacking fuel poverty is the right course in itself. It also makes a considerable contribution to reducing emissions. I am sure that he knows, because he takes a great interest in such issues, that we are reviewing the effectiveness of the previous fuel poverty, or warm front, programmes and intend to produce proposals in a few months' time. I expect that he has also noticed that, thanks to the Chancellor's spending review, substantial extra resources have been allocated to tackling fuel poverty. We are hoping to publish an implementation plan for the new funding and the new proposals later in the year.

Richard Ottaway (Croydon, South) (Con): Does the Secretary of State recognise that Conservative Members colleague announced the energy efficiency target of a 5 million tonne reduction in carbon emissions? That figure was confirmed by the Minister with responsibility for energy efficiency, Lord Whitty. Industry was more than satisfied when the Chancellor, no less, endorsed the 5 million tonne target. The final seal of approval was put on it by the Secretary of State for Trade and Industry only three months ago. Can the Secretary of State therefore explain why, after all this spin and hype, she has announced a target that is significantly lower? Does not that send completely the wrong signals to industry and to everyone who is trying to cope with the situation?

Margaret Beckett: I can understand why the hon. Gentleman reaches that view, but I assure him that he is mistaken. The figure of 5 million tonnes was very much an illustrative figure in the energy White Paper. It was never intended to be a goal or a target, but an initial indication of what was then thought might be possible—*[Interruption.]* Yes, I am conscious of the document that the hon. Gentleman indicates. Since the energy White Paper was produced, a great deal more detailed analysis has been carried out. That led us to conclude that 5 million is not a realistic figure, but 4.2 million would be. However, that is certainly not the wrong signal to be sending to business. The hon. Gentleman must have noticed that through the energy efficiency plan, we plan to make more savings as a result of energy efficiency than under the previous proposals. On the basis of that further, more detailed analysis, we think that although we may not be able to make quite as much of a saving from the domestic sector, we can make more of a saving from the business sector.

Illegal Dumping (Dee Estuary)

5. **Mr. Ben Chapman** (Wirral, South) (Lab): If she will make a statement on illegal dumping in the Dee estuary. [185746]

The Minister for the Environment and Agri-environment (Mr. Elliot Morley): Responsibility for controlling the deposit of materials within the Dee estuary is split between the Department in English territorial waters and the National Assembly in the waters adjacent to Wales.

I am not aware of any illegal disposal of materials anywhere within the Dee estuary prior to devolution, nor of any subsequently within the English sector of the estuary. In 2001, there was a prosecution for the illegal dumping of dredgings in the Welsh sector.

Mr. Chapman: Is my hon. Friend aware that, to the best of my knowledge, two companies were fined for illegally dumping tens of thousands of tonnes of sand in Mostyn deep? Is he equally aware that the effects on that vastly important and ecologically fragile site are incalculable? Does he make any connection between that and the current application to dredge, and what proposals does he have for preventing its happening in future?

Mr. Morley: I assure my hon. Friend that we in this Department take our environmental duties very seriously and that we work in close conjunction with the

DEFRA lawyers, and DEFRA technical staff have been giving advice on dredging in the Mostyn area and on the disposal of dredgings. As my hon. Friend says, it is a very sensitive environmental site, and it has to be protected with proper regulation. Of course, we will have no hesitation in taking appropriate action if people break the rules.

Richard Ottaway (Croydon, South) (Con): Does the Minister agree that illegal dumping in the Dee estuary would be reduced if the legal disposal of waste was encouraged and made easier for the public? That means more resources. Under the circumstances, is he aware that the Gershon review, which was adopted by the Treasury only last week, announced a £300 million cut in waste services. What impact will that have on dumping on the Dee estuary? Is not that simply code for sacking dustmen and closing tips? Where will a third of a billion pounds of cuts in waste services fall?

Mr. Morley: That appears a bit bizarre given that the Conservative party made a big thing about rooting out waste and becoming more efficient in spending money. The Gershon inquiry is examining ways in which to achieve the same and even better service delivery by reducing cost. Gershon pointed out that there are considerable potential savings, for example, in procurement, in the regional approach to waste management. The Conservative party appears to want to waste money rather than use it efficiently to improve service delivery, which is our commitment.

Fisheries

6. **Mr. Michael Weir** (Angus) (SNP): What recent discussions she has had with the Fisheries Ministers of (a) Norway, (b) Iceland and (c) the Faroes. [185747]

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Mr. Ben Bradshaw): I discussed fisheries issues with Nordic ambassadors last month and I hope to visit Norway, Iceland and the Faroes soon. All three were represented at this week's annual conference of the International Whaling Commission at which, on behalf of the United Kingdom, I strongly criticised their support for the resumption of commercial whaling.

Mr. Weir: Has the Under-Secretary discussed fishing issues in his meetings with those Ministers? The common fisheries policy meant a management regime that is unacceptable to most fishing communities, yet the Norwegian, Icelandic and Faroese have all created more environmentally friendly and sustainable fishery management regimes, especially through the inclusion of fishermen, community leaders and other stakeholders. Does he believe that the European constitution's inclusion of article 12, which establishes exclusive EU competence, gives any scope for the development of such a scheme in Scotland, or is there to be even more centralisation and destruction of our industry?

Mr. Bradshaw: It is wrong to suggest that the proposed constitution changes the competence on Gentleman's support for withdrawal from the EU. It did not do his party much good in the recent European elections in Scotland, where its vote dropped substantially. However, we are keen to learn from best practice in other countries, as the Prime Minister's strategy unit makes clear.

I urge the hon. Gentleman to examine exactly what has happened in the Faroes and Iceland. The capacity of their fleets has reduced massively. If we adopted the same effort control as the Faroes, we would have to cut the amount of fish that we catch in the North sea by almost half. I do not believe that he would like that.

Kali Mountford (Colne Valley) (Lab): When considering the preservation of fish stocks, will my hon. Friend take into account the effect on marine mammals? He has already mentioned whaling, and my constituents will be grateful for his comments. Is he also concerned about the welfare of dolphins? If we are not careful about our fishing methods, are not the lives of those lovely marine mammals at risk?

Mr. Bradshaw: Yes, my hon. Friend is right. She may have noticed that, this morning, we announced that we would seek the closure of the Bass pair trawl fishery off the south-west of England because of concerns about the stranding of dolphins and porpoises. We are asking for emergency action by the Commission under article 7. We have also made it clear that, if the action is unsuccessful, we are prepared to consider unilateral measures, which will help to prevent such carnage.

Mr. Robert Key (Salisbury) (Con): Has the Minister discussed with the Ministers of Norway, Iceland and the Faroes their important freshwater fisheries and the shared problem of pollution of our rivers, especially through sewage overflow, endocrine disruptors and phosphorous?

Mr. Bradshaw: I have not yet had the opportunity to discuss those matters, but I hope that I shall shortly. I am aware of the problem. I draw the hon. Gentleman's attention to the recent Environment Agency report, which showed that the state of the rivers and most of the stocks in them in this country were better than they have ever been. However, we can always improve and we are especially worried about, for example, the amount of salmon in many rivers in my part of the world, where they were previously abundant.

Andrew George (St. Ives) (LD): I welcome today's announcement of the Government's request for emergency measures to close the Bass pair trawl fishery, which, as the Under-Secretary said, is known to result in the deaths of many thousands of dolphins and porpoises. Will the Government make similarly robust and determined efforts, through Europe and with the co-operation of Norway, the Faroes and Iceland, on industrial fisheries and the introduction of a meaningful regional dimension to fisheries management?

Mr. Bradshaw: We made some progress on industrial fisheries at the last December Council, in that we introduced a reduction in the total allowable catch and, for the first time, an effort control regime in those

progress on establishing the regional advisory councils. The United Kingdom will always look for ways in which we can make improvements to the common fisheries policy to set it on course for a profitable and sustainable future, in contrast to the cruel deception perpetrated by some parties who suggest that we could solve all our fisheries problems if we simply withdrew from the CFP, which would also mean withdrawing from the European Union.

Mr. Kelvin Hopkins (Luton, North) (Lab): I had hoped to get in on question 1 and ask my hon. Friend whether he had any information on the stocks of grayling. Unfortunately, I was unable to do so. [HON. MEMBERS: "Grayling's off!"] We are obviously one short here today.

More seriously, does my hon. Friend have precise figures for the fish stocks in Norwegian and British national waters before the introduction of the common fisheries policy that could be compared with the level of stocks today?

Mr. Bradshaw: I do not have those figures to hand, but I will ask my officials to dig them out and to write to my hon. Friend. I repeat what I said to the hon. Member for Angus (Mr. Weir): Iceland, Norway and the Faroes have undergone substantial reductions in the capacity of their fleets. They use different means of managing their fish stocks—indeed, the methods used by Iceland and the Faroes are quite different from each other—and those methods are not problem-free. We have a more complicated mixed fishery. We are much closer to the European mainland, and we have scores of different stocks that we have traditionally shared with other countries. So we face a more complex set of challenges.

In response to the question on grayling that you very generously allowed, Mr. Speaker, I can report that the stocks of grayling in our rivers and streams are extremely healthy. I recommend that my hon. Friend the Member for Luton, North (Mr. Hopkins) read the recent Environment Agency report on this subject, which shows that that is largely a result of measures that the Government have taken to clean up our rivers.

Mr. Alistair Carmichael (Orkney and Shetland) (LD): I accept what the Minister says about the welcome reduction in the total allowable catch for industrial fishing that was achieved last year. He will be aware, however, that fishermen, fishery scientists and fisheries managers in the Nordic Council countries are still scathing about the unsustainable level of industrial fishing that we maintain. When are the Government going to get real about the need to tackle the level of permitted industrial fishing under the common fisheries policy? Does the Minister share my disappointment that the Prime Minister's strategy unit report was absolutely silent on that issue?

Mr. Bradshaw: No, I do not accept that at all. The Prime Minister's strategy unit report was the first comprehensive, strategic look at the future of our fishing industry in living memory. It pointed out that, if we get our capacity right, our fishermen and their communities can have a profitable and sustainable future. I hope that the hon. Gentleman will work with the Government and the fishing industry to ensure that the recommendations are implemented. I agree with him on industrial fishing: that is a case that United Kingdom Governments of both political colours have been making for some time, and we are making those arguments more and more successfully. We must, however, have the science to back those arguments up and, this year, we are again investing more than £1 million in scientific collaboration with fishermen to get the evidence that we need to make the case that the hon. Gentleman advanced. I repeat that it is simplistic to think that we can adopt the systems that are used in countries such as Iceland, Norway and the Faroes, which have very different fisheries from ours.

Paddy Tipping (Sherwood) (Lab): What progress did my hon. Friend make at the International Whaling Commission on the demise of so-called scientific whaling and, more importantly, on developing a conservation agenda?

Mr. Bradshaw: I am pleased to report that the countries led by Britain, the so-called like-minded countries, were successful in regard to the main issues of concern, namely Japanese attempts to introduce secret voting in the IWC, to close one of the biggest whale sanctuaries in the southern oceans and to lift the moratorium on commercial whaling. However, the majority that we have had in the IWC over the years is slowly being eroded by an aggressive recruitment campaign by the Japanese of small, mainly poor and developing countries that appear to have no obvious interest in hunting whales, whose representatives suddenly turn up and read out speeches supporting the Japanese position and vote with the Japanese. This is a serious issue, and we and the countries that agree with us on whaling really have to get our act together if we are to prevent a reverse of the advances that have been made in conserving the whale in the past 20 years.

Mr. John Whittingdale (Maldon and East Chelmsford) (Con): Is it not the case that one advantage enjoyed by fishermen in Norway, Iceland and the Faroes is that they are not covered by the working time directive? Does he accept that the nature of fishing makes it wholly inappropriate to impose limits on working times, and will he say whether the Government intend to make exceptions for fishing based on the compensatory rest proposals that have been submitted by the industry? If so, on what basis will those exceptions operate?

Mr. Bradshaw: Discussions on the working time directive are going on at the moment. I will examine the issue that the hon. Gentleman raises, and write to him.

Orchards

7. **Mr. David Heath** (Somerton and Frome) (LD): What assessment she has made of the value of orchards in terms of *(a)* the environment and *(b)* biodiversity. [185748]

The Minister for the Environment and Agri-environment (Mr. Elliot Morley): Traditional orchards form an attractive and important habitat for a wide

range of species including wild flowers, lichens, insects and birds, and the Government fund their conservation through the countryside stewardship scheme.

Mr. Heath: It is hard to imagine a more benign agricultural practice than orchards, particularly the cider orchards in my county. The Minister will be aware of the concerns of many fruit growers at the implications of the single farm payment scheme and the intention of many of them to grub up old and unproductive orchards before the end of the year. I know that the Department is working on that and that it is making progress. He could make a big difference to the future of traditional cider orchards, in particular, if he could clarify the position for dual-use orchards that are grazed by livestock. Is any thought being given to a density limit for application of the single farm payment scheme for traditional orchards?

Mr. Morley: The hon. Gentleman is right that we are discussing with the European Commission the definition of grazed or grazeable land in relation to orchards, which may have an implication. It is worth bearing it in mind that orchards were not included in the previous subsidy regime and the regime that has been proposed is the same for the whole of Europe. There is not an incentive to grub up orchards because, in the initial stages of the new payment, those who did so would be eligible for only £20 per hectare. In contrast, older orchards, which are important for biodiversity, can go into stewardship schemes, which involve payment of hundreds of pounds per hectare. On top of that, in the hon. Gentleman's area, some orchards have gone into the organic scheme. Bulmers has been active in promoting that and I saw some of the work that it was doing, for which it deserves great credit. He will also be aware of measures to support that side of industry, which have been welcomed in his part of the world.

Mr. Barry Sheerman (Huddersfield) (Lab/Co-op): Does my hon. Friend realise that not only has there been great discontent, even in Yorkshire, about the threat to orchards, the grubbing up of orchards and the impact on biodiversity, but that, if it has been covered extensively on "You and Yours", perhaps it must be true? Will he now scotch the rumours that have been going round and which have been carried on the BBC? Are orchards in this country under threat or not?

Mr. Morley: This is a hypothetical threat, because it assumes that there are people in this country who would bulldoze ancient orchards simply to get access to funds under the revised common agricultural policy. I do not believe that many people will fall into that category. Some of the allegations have been exaggerated. At this moment, we do not have much evidence that that is happening. I repeat that a range of other support mechanisms are available, not least stewardship, under which considerable financial support can be provided in recognition of the range of environmental benefits that older orchards provide.

Mr. Bill Wiggin (Leominster) (Con): What the Minister has not mentioned is that the stewardship scheme is closed for this year. Will he confirm that all traditional orchards will be eligible to join whatever the new scheme is when it reopens next year?

Mr. Morley: The rules will be more or less the same as those that apply now, in the sense that applications were made in relation to the old stewardship scheme, and we are now moving into the entry-level scheme. That scheme will have a higher tier, which depends on point-scoring, the range of options, eligibility criteria and what people can offer in terms of meeting the demands of the scheme. Many orchards will fall within that scheme and, when it opens, people will have that option. In addition, with the changes in the mid-term review—my right hon. Friend the Secretary of State for Environment, Food and Rural Affairs had a considerable success in getting that agreement—increased resources will go into our agri-environment programmes, which will mean a wider range of options and more flexibility.

Veterinary Laboratories Agency

8. **Mr. Jim Cunningham** (Coventry, South) (Lab): How many of the reductions in the numbers of civil servants announced in the spending review will take place in the Veterinary Laboratories Agency; and if she will make a statement. [185749]

The Minister for Rural Affairs and Local Environmental Quality (Alun Michael): Work is in progress to identify the scale of reduction in staff numbers at the Veterinary Laboratories Agency. It is too early to give specific figures.

Mr. Cunningham: Which other parts of his Department is my right hon. Friend looking at to reduce the numbers of staff?

Alun Michael: The efficiencies coming from each of the non-Rural Payments Agency executive agencies involve the VLA, the Veterinary Medicines Directorate, the Centre for Environment, Fisheries and Aquaculture Science, the Pesticides Safety Directorate and the Central Science Laboratory. The figures are being worked out to deliver the efficiencies that DEFRA has to achieve.

Carcase Disposal

10. **Mr. Paul Goodman** (Wycombe) (Con): What recommendations her Department makes in relation to the disposal of carcases from farms. [185752]

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Mr. Ben Bradshaw): Fallen stock must be disposed of in accordance with the EU animal by-products regulation. An industry-led fallen stock collection scheme, backed by Government funding, is expected to be introduced this autumn.

Mr. Goodman: Given that carcases now cannot be buried on farms and that the new scheme has not come in yet, what would the Minister say to farmers in my

constituency who are quite reasonably concerned that they cannot find an outlet for disposal at reasonable cost?

Mr. Bradshaw: If the hon. Gentleman would care to write to me with details of where farmers are having that sort of difficulty, I will happily look into them. Farmers should be complying with the regulations, but the Government made it clear when we initially signalled our intention to set up the fallen stock scheme that, until the scheme was up and running, we would expect the local authorities, which are the enforcers in this matter, to act with a light touch.

Mr. James Gray (North Wiltshire) (Con): Since we last met at oral questions, the Minister has answered a series of written questions on the statistics relating to disposal of carcases. He made it plain that DEFRA does not collect statistics on whether carcases are disposed of in hunt kennels, knackers' yards or elsewhere and does not know how carcases are disposed of. How does he account for his answer at a previous DEFRA oral question time, that

"hunt kennels play a role, but it is small in terms of the amount of stock they collect."—[*Official Report*, 20 May 2004; Vol. 421, c. 1079.]

As he does not collect the figures and does not know who disposes of carcases at the moment, how can he, or for that matter the chairman of the National Fallen Stock Company, know what effect the abolition of hunting would have on the disposal of dead stock?

Mr. Bradshaw: We do not have the exact figures, but the "small" role to which I referred in my previous answer was based on estimates and the agreed view of the National Farmers Union, the renderers and the knackers. They have made it clear on many occasions that, while hunts play a role in some parts of the country, they collect a relatively small quantity of fallen stock and the renderers and knackers have ample capacity to fulfil the role 100 per cent. should the hunts not be interested in doing it any more.

GM Crops

11. **Joan Ruddock** (Lewisham, Deptford) (Lab): When the Government will consult on a regime of co-existence and liability for GM crops. [185753]

The Minister for the Environment and Agri-environment (Mr. Elliot Morley): I announced our consultation plans last Friday. We will first hold a number of workshops with stakeholders over the summer and early autumn. Then we will publish our specific proposals and options, on which everyone will be able to comment.

Joan Ruddock: My hon. Friend is aware that our constituents do not wish to see the contamination of non-GM crops with GM crops, yet he told the Environment, Food and Rural Affairs Committee that the UK was legally obliged to ensure that co-existence measures did not go beyond those necessary to meet the 0.9 per cent. labelling threshold. Is my hon. Friend aware that Germany's co-existence plans go substantially beyond those thresholds? Is he really telling us that the UK cannot establish stronger co-existence measures designed to ensure that contamination is at a lower level than the EU labelling threshold or to avoid it?

Mr. Morley: We have already said that in our consultation we will look into the option, for organic crops, of a threshold lower than 0.9 per cent., but I repeat that 0.9 per cent. is the legal threshold set by the EU and we are obliged to take that into account in our calculations. I am not aware that Germany is doing anything different. In fact, I understand that, unlike the UK, Germany is applying a 0.9 per cent. threshold to the organic sector, so we are going a bit beyond what the Germans propose.

Gregory Barker (Bexhill and Battle) (Con): Will the Minister confirm that the new co-existence and liability regime will be in place and on the statute books before any further commercial planting of GM crops or any further trial planting?

Mr. Morley: Trial plantings are a different proposition. We do not have any applications at present, but the idea of trials is to examine the real concerns that people have about environmental impact, and we make no apology for that. We have led the way in ascertaining the biodiversity impact of various GM crops, and no one else internationally has done that on the scale that we have.

We are consulting on the timing of the regime. The original timetable was designed to bring the scheme in at the beginning of 2005, but we are unlikely to see commercial plantings in this country before 2007–08, so there will be no difficulty having the scheme in place, up and running and agreed before commercial planting takes place.

Alan Simpson (Nottingham, South) (Lab): The letter from my right hon. Friend the Secretary of State about consultation mentions co-existence, and I have no doubt that it will address issues relating to thresholds and separation distances. However, I am concerned that the letter makes no mention of liability. Given the biotechnology industry's central concern about not being held liable, can my hon. Friend the Minister give the House an assurance that liability will be at the centre of the discussions and that we will not end up with proposals that show that the greatest separation distance in our policy is that between contamination and those who should be held liable for it?

Mr. Morley: We have made it clear that we are responding to the recommendations of the Agriculture and Environment Biotechnology Commission on both co-existence and liability. My right hon. Friend the Secretary of State outlined that in a statement that she made to the House. In parallel with the consultation on co-existence, we are also consulting on the basis of the liability scheme, how it should work and who should be responsible.

Emissions Trading Scheme

12. **Andrew Mackinlay** (Thurrock) (Lab): if she will make a statement on the proposed allocation of carbon allowances under the EU emissions trading scheme. [185754]

The Secretary of State for Environment, Food and Rural Affairs (Margaret Beckett): The UK's national allocation plan was approved by the European Commission on 7 July. The number of allowances in the UK plan that was submitted to the Commission is based on the UK as a whole reducing emissions by 15.2 per cent. by 2010. The allocation for the second phase of the scheme will be based on the trading sectors' contribution to meeting the UK goal of a 20 per cent. reduction in carbon dioxide from base year levels by 2010.

Andrew Mackinlay: May I draw to my right hon. Friend's attention the fact that I wrote to her at the end of May, and I followed up with another letter, drawing attention—*[Interruption.]* If the hon. Member for South Suffolk (Mr. Yeo) does not mind, I am talking to my right hon. Friend the Secretary of State on a constituency matter. I would have thought that he would be interested in the fact that I wrote to her in May and have not had a reply. If the Opposition were any good, they would be pursuing that.

My Tilbury power station is unfairly disadvantaged by the proposal and, overall, some of the proposals are anti-competitive and do not reflect the expertise, innovation and investment proposals of many good power stations. I am meeting people from Tilbury power station tomorrow, and I wonder whether my right hon. Friend will help me by agreeing that she or one of her junior Ministers will meet us to discuss the issue. We could then show that there is room for improvement and fairness in the second phase she mentioned, to the advantage of my Tilbury power station, the industry as a whole and the United Kingdom. My Tilbury power station is being required to make a cut of 44 per cent. in emissions, compared with a national average of 15 per cent. That is unfair.

Margaret Beckett: I was sorry to learn that my hon. Friend had not received an answer to his letter. I was not aware of that until I saw the proposed answer to his question. I apologise, and I assure him that an answer is urgently in preparation as we speak. We will, of course, take very seriously the concerns that he expresses. He will know, too, that the Government have tried hard to strike a balance between what is necessary to make the emissions trading scheme work, which is in everybody's interest, what is necessary to meet the criteria for a satisfactory allocation plan that would stand a chance of being approved by the Commission and competitiveness issues. We believe that in almost all cases the concerns that have been expressed about competitiveness are not well founded. Many companies have assumed that others, elsewhere in Europe, would be treated differently. We have been urging the Commission to be both robust in its assessment of national allocation plan proposals and transparent in reaching its decisions. My hon. Friend may not be aware that several countries have already been asked to revise their initial proposals.

Departmental Job Losses

13. **Dr. Vincent Cable** (Twickenham) (LD): What net reductions in staff levels she expects in her Department and the agencies for which she is responsible as a consequence of the spending review; and what estimate she has made of the savings accruing therefrom. [185755]

The Minister for Rural Affairs and Local Environmental Quality (Alun Michael): The number of posts across core DEFRA and its executive agencies will be reduced by about 2,400 by the end of 2007–08.

Dr. Cable: Following the headline announcements about net job losses of 2,400 and 390 relocations, when does the Minister propose to set out precisely where those cuts will occur? In particular, how many of them will flow from the announcement made yesterday about the creation of the new integrated institution? Will that institution be located in London or elsewhere?

Alun Michael: May I make it clear to the hon. Gentleman that the reduction of staff numbers and the announcement made by my right hon. Friend the Secretary of State yesterday are both about increasing and improving delivery and achieving greater efficiency? They are not just about random numbers. The majority of job reductions will be achieved through the implementation of change programmes; for instance, the Rural Payments Agency change programme will lose about 1,600 posts and change programmes in finance, IT and human resources will contribute about 250 posts—some of that has already happened. We need to produce an efficiency delivery plan and when that is completed, the Office of Government Commerce will look at it and make a report to the Prime Minister and the Chancellor. It will then be available on the website.

Mr. Nigel Evans (Ribble Valley) (Con): As the Minister takes the axe to jobs in his Department, will he also look into the number of special advisers—who are termed civil servants—which has more than doubled since 1997? How many special advisers will face the axe?

Alun Michael: That is a repetitive question. They are not the same at all. We are looking into the contribution made by civil servants and considering how to use core civil service staff appropriately; for instance, through improving quality by the more efficient delivery of IT. Rather than examining serious questions on the improvement of efficiency, the hon. Gentleman is just trying a cheap jab.

Animal Transportation

14. **Mr. David Kidney** (Stafford) (Lab): What plans she has to change the rules relating to the transportation of live animals. [185757]

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Mr. Ben Bradshaw): Following the failure earlier this year to agree new EU rules on animal welfare during transport, the Government's priority is now to ensure that the current rules are enforced properly in all member states.

Mr. Kidney: I continue to receive representations from constituents about maximum journey times and

travel conditions for live animals, as may other Members and Ministers. The draft Animal Welfare Bill contains a new rule-making power, so is it the Government's intention to make new rules to provide for the more humane transportation of live animals in Europe, and will they do that whether or not they have the support of other EU nations?

Mr. Bradshaw: I share my hon. Friend's concern. We were deeply disappointed that, despite the best efforts of the Irish presidency and countries of a like mind to the United Kingdom, which wanted strict limits on journeys, we were unable to achieve a majority and that in fact the less welfare-minded countries were able to block any meaningful improvement on the status quo. However, we think that implementing the existing rules properly in a number of countries—not least the accession countries—will lead to a big improvement in animal welfare overall. My hon. Friend is right: the Animal Welfare Bill, which we published last week, introduces for the first time a duty of care, and will apply not only to pets but to all animals. That should help to improve animal welfare across the board.

Farm Produce

16. **Mr. David Cameron** (Witney) (Con): What discussions she has had with *(a)* the National Farmers Union and *(b)* other farming organisations about ensuring a strong domestic market for the produce of British farmers. [185759]

The Minister for Rural Affairs and Local Environmental Quality (Alun Michael): All Ministers at DEFRA, including my right hon. Friend the Secretary of State, regularly meet farming organisations, including the NFU. Our policies are designed to give farming a sustainable future, which will be helped by the hard-won reforms to the common agricultural policy.

Mr. Cameron: Does the Minister agree that the best friend of the British farmer is the well-informed British consumer insisting on quality British produce? Does he agree that it is difficult to insist on quality British produce without proper labelling? Will he explain the Government's position in principle on country of origin labelling and why they cannot do more in practice on supermarket pre-cooked meals, which often include produce from foreign countries where welfare standards are low and food is often pumped full of drugs?

Alun Michael: A well-informed consumer is certainly a good friend to the farmer. Another good friend is the Government, who have assisted the farming industry with their marketing. Consumers have responded positively to the many brands that are now identified as local and regional in this country, which has enabled many farmers to be successful. Linking farmers with their markets and what consumers want creates a two-way process between the consumer and the farmer, which is the best way forward. That approach underpins our plans for a sustainable future for farming and food.

Business of the House

12.31 pm

Mr. Oliver Heald (North-East Hertfordshire) (Con): Will the Leader of the House please give us the business?

The Leader of the House of Commons (Mr. Peter Hain): The business for the week after the summer recess will be as follows:

TUESDAY 7 SEPTEMBER—Second Reading of the Companies (Audit, Investigations and Community Enterprise) Bill *[Lords]*.

WEDNESDAY 8 SEPTEMBER—Opposition day [16th Allotted Day]. There will be a debate on an Opposition motion. Subject to be announced.

THURSDAY 9 SEPTEMBER—A debate on the European constitution on a motion for the Adjournment of the House.

FRIDAY 10 SEPTEMBER—The House will not be sitting.

I should also like to inform the House that the business in Westminster Hall for the first sitting week in October will be:

THURSDAY 14 OCTOBER—A debate on the UN international year to commemorate the struggle against slavery and its abolition.

As we rise for the summer recess, I thank on behalf of the House all the staff of the House for their hard work, courtesy and support for all of us. I also record my personal thanks to the parliamentary Clerks across Whitehall for their assistance and support. I wish you, Mr. Speaker, all hon. Members and, more importantly, the staff of the House a happy and, I hope, relaxing recess.

Mr. Heald: May I associate all on these Benches with those remarks about the staff, the Serjeant at Arms, you, Mr. Speaker, and the Clerks Department?

The Leader of the House has announced the business for September, but may I ask for an urgent oral statement later today from the Minister for the Cabinet Office about the jurisdiction of the ombudsman in the reopened inquiry into Equitable Life? The ombudsman has stated that the Government Actuary's Department is not within her jurisdiction, but that she would like to include it in her inquiry, and she has written to the Minister requesting that that happen. The matter is hugely important to our constituents, who have lost so much financially through the crisis, not to mention the misery, anxiety and distress that they are suffering. May we have an urgent oral statement and will the Leader of the House ensure that the necessary order to make that happen is laid today?

After yesterday's announcement of deep cuts to our armed forces, may we have an assurance that a full debate will take place in Government time when we come back after the recess?

Yesterday, the Leader of the House issued a written statement designed to stop the abuse by Ministers of the reply, "I will write to the hon. Member and place a copy in the Library", which is a way of burying bad news because the true reply never appears in *Hansard*. Will he consider making a short oral statement in September on that and on delays in replies to parliamentary questions? His solution to the problem is that Ministers will simply abandon questions unanswered at the end of a Session.

Last year, there were 1,550 "will write" replies, and on the last day of the Session, the Home Office alone put out more than 150 "will write" replies. Is the Leader of the House seriously saying that 1,500 questions a year will now simply be abandoned by Ministers, so that instead of burying bad news, they never give it at all? Will he also explain why, according to the Library, there are still 427 of those replies where Ministers have never got around to writing and placing the letter in the Library?

Finally, as an end-of-term report—a sort of tidying-up exercise—can the Leader of the House tell us now, or will he make a statement, more than six months after these matters were first raised with him, what he is doing to review the Osmotherly rules, so that Select Committees can receive the documents and witnesses that they need so that we do not have to call in an outsider every time we want a serious inquiry? What is he doing to give legal effect to the Sessional Orders; what is he doing to have a vote on the Tuesday sitting hours; and what is he doing to change the Standing Orders to allow the European Scrutiny Committee to sit in public, as it has asked to do? In his youth, he used to take direct action. He would reclaim the streets from the National Front. He would tear up cricket pitches to stop the tours. May we have some of that sense of urgency now with those parliamentary questions?

Mr. Hain: That was a nice seasonal rant—was it not?—and very enjoyable it was too. [HON. MEMBERS: "Answer then."] I am about to give the answers. On the Osmotherly rules, I will meet the Liaison Committee at its meeting, probably in October, at a date still to be fixed. The Liaison Committee has asked me to report back to it on that issue, and I am doing precisely that.

On the Sessional Orders, when we are ready to come forward, we will do so, as I have already promised. I am astonished that the hon. Gentleman asks me about the sitting hours and whether the European Scrutiny Committee should sit in public. He asks me what is going on. He is a member of the Modernisation Committee, which I chair. In fact, he sits right next to me, and quite a congenial companion he is. Both subjects—sitting hours and providing the House with greater opportunities to scrutinise European matters—are before us now. In fact, we were discussing sitting hours yesterday, so I do not know what on earth he is on about. Perhaps I should not be surprised by the standard of those questions: the shadow Leader of the House is not even in the shadow Cabinet. *[Interruption.]* The previous shadow Leader of the House was in the shadow Cabinet, of course.

Mr. Eric Forth (Bromley and Chislehurst) (Con): Look what happened to me!

Mr. Hain: Yes, look what happened to the right hon. Gentleman. His successor has been demoted— *[Interruption.]* Since I have been provoked in such an outrageous fashion, let me say that it is interesting that the shadow Leader of the Lords is in the shadow Cabinet, whereas the shadow Leader of the House is not. It rather indicates the Conservatives' view of the House.

[Mr. Hain]

On Equitable Life, I understand the important issues that the hon. Gentleman raises. There is real concern among policyholders, and right hon. and hon. Members have properly raised this with me in the past. The Parliamentary Commissioner for Administration—who, of course, is an Officer of the House—is entirely independent of the Government. The decision that she made and the reasons for it are matters for her, but we will co-operate fully with the commissioner's investigation. Only this week we received a request from the commissioner to extend her jurisdiction to cover the Government Actuary's Department. We are considering that request and will respond to the commissioner as soon as possible.

On defence, which the hon. Gentleman also raised with me, he referred to defence cuts.

Mr. Heald: Deep cuts.

Mr. Hain: Well, we know about deep cuts—the deep cuts mounted by the Conservative party when in government. The Conservatives cut planned defence spending by 15 per cent. when the shadow Secretary of State for Defence was Minister of State for the Armed Forces between 1994 and 1997. We have now had the largest sustained increase in defence spending for 20 years. In real terms, the increase will be 1.4 per cent. a year over the next three years—a further £3.7 billion of defence spending over the spending review period, which will continue to make our fighting forces the best in the world.

On the "I will write" issue, the shadow Leader of the House must do his job and try to oppose me. I understand all that—we all understand it—but he really should concentrate on the facts. What I did in this instance—with your encouragement, Mr. Speaker, because we share concern about the "I will write" situation—was to say that rather than a Minister replying, "I will write" and placing a letter in the House of Commons Library, which means that is not accessible for inspection by hon. Members with ease or members of the public, the replies will be put online and in *Hansard* so that everyone will be able to see them. That represents an advance for parliamentary scrutiny, so I cannot for the life of me understand why the hon. Gentleman thinks that it will bury bad news. The replies will go online immediately and will be printed in *Hansard*. The fact that letters that Ministers would previously have put in the Library will be available for inspection by everybody represents an advance in parliamentary accountability, which has been a feature of everything that I have done in the past year as Leader of the House.

Mr. David Heyes (Ashton-under-Lyne) (Lab): Is my right hon. Friend aware of the great consternation in my constituency and, indeed, the whole of Greater Manchester about the announcement on Tuesday that cast a shadow over the expansion of light rail in our area? Expectations for Metrolink are at the heart of all our ambitions for economic regeneration in Tameside and Oldham, so its loss would be a tragedy. I am heartened that the Secretary of State for Transport confirmed that the door has not closed on Metrolink and that his officials will work with the Greater Manchester Passenger Transport Authority to find a way forward. Will my right hon. Friend the Leader of the House ensure that there will be an opportunity for the Secretary of State to come to the House after the recess to report on the progress that I hope will be made during the summer to get the Metrolink extension to Ashton-under-Lyne and Oldham back on track?

Mr. Hain: I understand the point that my hon. Friend raises. I know that there are real worries about the matter, because it affects the constituency of the Deputy Leader of the House and he has expressed the same concerns to me. The tram has been an important part of the transport network in the area and I know that a meeting is taking place with the transport authority. The Secretary of State for Transport will want to study closely the representation that my hon. Friend the Member for Ashton-under-Lyne (Mr. Heyes) makes to me.

Mr. Paul Tyler (North Cornwall) (LD): May I associate myself and my colleagues with the comments made about the staff of the House, although I would not like anybody to think that they are on holiday throughout the whole recess any more than most Members? A great many of the staff of the House work hard during the recess to ensure that we can work efficiently from the moment when we come back in September.

I am hardly reassured by what the Leader of the House said about Equitable Life, so I hope that he can be a bit more specific. The matter is important and urgent, and many of our constituents are anxious about what will happen next.

May we have an early statement—or, even better, a debate in Government time—when we come back in September on school funding? Hon. Members will recall that a year ago, many schools were placed in an extraordinary state of financial turmoil following the Government's re-ordering of local government and school budgets. The impact of those proposals was compounded by radical changes to pensions, national insurance contributions and the standards fund, so governing bodies and heads were put in a difficult position. The Secretary of State for Education then accused local authorities of pocketing £500 million for other purposes, and when that accusation wore thin, head teachers were accused of being financially incompetent.

As the Leader of the House will know, this week the Audit Commission published an important report on education funding, which made it absolutely clear that the fault lay almost entirely with the Government and especially with the Secretary of State. Will he arrange an early opportunity for the Secretary of State to come to the House and apologise for falsely accusing everybody else for what went wrong, and especially to apologise to governing bodies and heads?

Mr. Hain: I very much agree with the hon. Gentleman's point that many members of staff continue to work by maintaining the House and doing all sorts of preparatory work for our return after the recess. I understand the point that he makes about Equitable Life, which the shadow Leader of the House raised. The

Financial Secretary is seized of the issue, and the hon. Gentleman will remember that she made a statement to the House on the matter and faced detailed questions.

On the question of school funding, obviously mistakes were made—there is no question about that—as the Audit Commission points out, and responsibility for them has been allocated. We are now over that period. I would not have guessed from the hon. Gentleman's question that education spending at the end of the spending review will be £12 billion higher. That is an enormous increase over and above what has been provided for. We have a fantastic record in education, with more than 28,000 extra teachers recruited, 105,000 more school support staff, the best ever GCSE and A-level results, and average spending per pupil up by £800 in real terms compared with the Conservatives' miserable record when they were in power.

Mrs. Lorna Fitzsimons (Rochdale) (Lab): May I further add to the call by my hon. Friend the Member for Ashton-under-Lyne (Mr. Heyes) for an urgent debate on the future of light rail in Government time when we return in September? The constituencies surrounding Greater Manchester, specifically Oldham and Rochdale, are concerned about the continuing extension of light rail. As has been said, it is at the heart of the economic regeneration. Although we welcome the Secretary of State's moves to help ensure that we get an affordable scheme, we need that to happen urgently. A debate in Government time will add to the sense of urgency and reassure the people we represent that it is not "never", but it just needs to be more affordable.

Mr. Hain: I understand my hon. Friend's point, which she properly raises on behalf of her constituency. The Metrolink extension is important. I also remind her, however—no doubt she would be the first to say this, if she had the opportunity—that we have seen enormous investment and improvements in the dreadful legacy of public transport that we inherited. There has been a 25 per cent. increase in rail passenger journeys since May 1997 and more than 1,500 extra rail services are timetabled every week day. Some 19 new rail stations have been built, nine reopened and more than 2,000 improved, and 34,000 new buses have been introduced since we came to power. That is a pretty impressive record compared with the dreadful one we inherited.

Sir Teddy Taylor (Rochford and Southend, East) (Con): Is the Leader of the House aware of how desperately disappointed many people in Britain will be that, once again, there is no time for a debate on the abolition of fox hunting? Does not that mean that there is no prospect of getting legislation through by the next election? Is he aware that many of those who voted Labour years ago feel cheated because they were given the impression and the promise that time would be given at an early stage to make a decision on fox hunting? He should do something about that and give the House of Commons the opportunity to decide the issue.

Mr. Hain: The hon. Gentleman is a welcome, if unusual, advocate for Labour voters. I made it clear last week, and have done so before, that we intend to resolve the matter. I said last week that I would not make an announcement on the subject today, and I have not.

Mr. Dennis Skinner (Bolsover) (Lab): Does the Leader of the House recall that when he made those statements about getting rid of fox hunting, he almost gave me a wink and a nod that it would be dealt with when we return in September. We know that it will not happen in the first week and he conveniently said nothing about the second week. Do I take it as read that we will deal with it in that second week?

Mr. Hain: That is foxy question. I am not sure that winks and nods are appropriate for the Leader of the House at the Dispatch Box. I think they might be spotted by you, Mr. Speaker, and others. It is normal not to announce all the business now for when we return in more than six weeks' time.

Sir George Young (North-West Hampshire) (Con): May I put to the Leader of the House an alternative topic for debate in the second week in September? He wrote to my hon. Friend the Member for Macclesfield (Sir Nicholas Winterton) and me regretting that he could not find time before the summer recess for a debate on the Procedure Committee reports, including the one on Sessional Orders. He will know that the eyesore and disturbance in Parliament square continues. Can we have that debate on the Sessional Orders report when we return in September? It is urgent, in any event, because the date for the next Session is advancing quickly.

Mr. Hain: I understand the point that the right hon. Gentleman properly raises. We are all unhappy about the eyesore and you, Mr. Speaker, have persistently raised the matter with me. It is not easy to resolve. It may require a change of law, for example, and we are in the process of deciding how to move forward. We will bring the Sessional Orders report to the Floor of the House as soon as we can, but I cannot say whether it will be in the second week of September.

David Winnick (Walsall, North) (Lab): Will my right hon. Friend take the opportunity today to give a splendid present to virtually everyone in the parliamentary Labour party—I imagine that 90 per cent. of us would regard it as such—by telling us that the Parliament Act will be used to make sure that the Hunting Bill becomes law? Is he aware that we will continue to raise the issue at every opportunity in the House of Commons, as I am doing now, in the parliamentary Labour party and outside until we get a firm pledge that the Government will ensure that a House of Lords veto on the matter is to be overcome, the wishes and decision of the elected Chamber will be honoured and respected, and hence the Bill will become law?

Mr. Hain: My hon. Friend mentions splendid presents. When I was a boy I always looked forward to Christmas, rather than the summer, for those, and I advise him to bear that in mind.

Mr. Nigel Dodds (Belfast, North) (DUP): There continues to be a serious issue in Northern Ireland of

[Mr. Nigel Dodds]

racially motivated attacks on innocent people and families. The latest such deplorable attack took place last night on an Asian family in the constituency of my hon. Friend the Member for Belfast, South (Rev. Martin Smyth). Will the Leader of the House have a word with the Secretary of State for Northern Ireland and suggest that such deplorable attacks, and what can be done about them, may be a suitable subject for debate in the Northern Ireland Grand Committee?

Mr. Hain: The hon. Gentleman understands that the Northern Ireland Grand Committee can meet in Northern Ireland only with the agreement of all parties. Obviously, this incident is very serious, and I know that the Secretary of State is well aware of it and will bear in mind the points that the hon. Gentleman has made.

Joan Ruddock (Lewisham, Deptford) (Lab): Is my right hon. Friend aware that the presidential and parliamentary elections in Afghanistan have had to be postponed due to the terrible violence in that country and that the promises made by NATO to increase the troops in the country to ensure security for the elections have not been fulfilled? Now that the presidential election date has been set for 9 October, will he do everything in his power to ensure that NATO troops are in place well before that date, so that the courageous Afghans who have come forward to be registered for the elections—some have died in the process—are given the strongest impression that when we said that we would not walk away from that country, we really meant it?

Mr. Hain: The Prime Minister has made it absolutely clear that we will not turn our backs on the long-suffering Afghanis, and my hon. Friend is right to re-emphasise that point on her own behalf. We continue to work very closely with President Karzai, the United Nations and other countries throughout the world to make sure that a decent future is built for the people of Afghanistan, notwithstanding the problems there.

Mr. Hugo Swire (East Devon) (Con): Depressingly, but all too predictably, in her statement yesterday on the future of the rural economy the Secretary of State for Environment, Food and Rural Affairs gave scant acknowledgement to the plight of many of the country's farmers. Does the Leader of the House share the concern of many members of the Women's Institute in East Devon about the continuing plight of Devon's dairy farmers? Can he guarantee us a debate on the future of the country's dairy farmers, in Government time, when Parliament returns in September?

Mr. Hain: I shall certainly bear in mind the hon. Gentleman's points, and the Secretary of State will obviously note very carefully the representations that he has made.

Alan Simpson (Nottingham, South) (Lab): May I pay tribute to the Leader of the House for the zeal that he brings to reforming the proceedings of the House and increasing our ability genuinely to scrutinise and hold the Executive to account? Does he accept, however, that one area in which we have been unsuccessful in making progress is the US-UK mutual defence agreement, which can be renewed for a further 10 years under the Ponsonby rule without the House having any right to scrutinise it? In view of the fact that a legal opinion issued today says that renewal of the agreement would put Britain in breach of the non-proliferation treaty, will the Leader of the House, first, agree to look at that legal opinion and, secondly, arrange a full day's debate in the House on the renewal of the agreement?

Mr. Hain: My hon. Friend has long experience of raising these matters, and he is acknowledged throughout the House as an expert on them, but I do not agree that we have no opportunity to scrutinise this matter. He has just asked me a question about it. He is able to ask questions of the Foreign Secretary or the Defence Secretary, depending on which aspect he wishes to raise, to table early-day motions and to apply for debates, and he can continue to do so.

Mr. Peter Lilley (Hitchin and Harpenden) (Con): Can the Leader of the House explain why no decision has been announced while the House is sitting about the appointment of a British Commissioner to the European Commission? Can he reassure us that the Prime Minister is not having second thoughts about appointing the right hon. Member for Hartlepool (Mr. Mandelson), who, as someone who has resigned twice from the Cabinet, strikes many Conservative Members as the ideal candidate for a post that is unaccountable and unelected and from which no one would dream of resigning for the sort of outrageous behaviour for which he has been responsible in the past, and to be a member of a body that, when it collectively resigns, immediately reappoints itself?

Mr. Hain: Let me remind the right hon. Gentleman and the whole House of the situation: European Commissioners have always been chosen by the Prime Minister of the day, and the appointments have not been subject to parliamentary debates, so the question whether that happens during the recess is not material. I shall remind the right hon. Gentleman of the timetable in Brussels. The President-elect of the Commission, former Prime Minister Barroso, is appearing before the European Parliament at the moment. His nomination as President should be approved by the European Parliament tomorrow; he will then take office on 1 November. In the meantime, the 24 member states will offer their nominations for their Commissioners over the coming weeks, and in August President-elect Barroso will agree the appointments with each of the member states. That list will then be agreed by qualified majority voting and submitted, before the end of August, to the European Parliament. The Parliament then prepares for hearings with Commissioners-Designate, which will take place from 4 to 14 October. From 25 to 28 October, the Parliament will vote to approve the new Commission as a body.

Mr. David Kidney (Stafford) (Lab): It is now more than three years since we last had a debate on road safety in Government time. Given that since then road deaths have stuck stubbornly at about 3,400 a year, given the public outcry about soft sentences for drivers who kill innocent passers-by, and given the lively debates here

about speed cameras and road traffic policing, is it not time in the autumn for another debate on road safety in Government time?

Mr. Hain: If my hon. Friend catches your eye, Mr. Speaker, he will have an opportunity to take part in an Adjournment debate on road safety on the very day that we come back, when he can raise those important issues.

Mr. Patrick McLoughlin (West Derbyshire) (Con): May I ask the Leader of the House to consider making a statement when we return about the transferring of parliamentary questions? I point out to him a question to the Department for Environment, Food and Rural Affairs, which I drew as No. 3 today. I was told by DEFRA that the issue did not relate to it, so its Ministers could not answer and it was transferred to the Department of Trade and Industry. However, on 10 March my hon. Friend the Member for Meriden (Mrs. Spelman) asked a similar question and DEFRA gave an answer.

I am told that part of the reason for transfers is that Ministers are not allowed to answer questions on subjects that they feel may come within the remit of another Department. That does not seem to stop Ministers answering such questions on the radio; why cannot they answer them in the House?

Mr. Hain: As a Government, we have a proud record of answering questions. As a result of the modernisation of the House, the provision of extra Westminster Hall debates, the strengthening of Select Committees and the fact that the Prime Minister comes before the Liaison Committee, we have advanced parliamentary scrutiny and accountability in a number of areas. That has made it much easier to keep Ministers on their toes. On that issue, I am absolutely clear that the hon. Gentleman is simply missing the point. The other point that he made, about transferring questions, he raised as a point of order with you yesterday, Mr. Speaker, and it is not a matter for me.

Mr. Gordon Prentice (Pendle) (Lab): Sir Hayden Phillips delivered his report on reform of the honours system to the Prime Minister last Friday, and we have pretty radical proposals from the Public Administration Committee on how the honours system could be recast. Will my right hon. Friend arrange a debate in Government time on that important issue?

Mr. Hain: I acknowledge that my hon. Friend has consistently taken an interest in how the honours system is operated. The PAC's interesting report needs to be studied; the Government will do that, and we will consider Sir Hayden's recommendations alongside that.

Sir Sydney Chapman (Chipping Barnet) (Con): Will the Leader of the House confirm that, as promised, the Government will publish a draft Civil Service Bill in this Session? Will he explain the Government's apparent tardiness in doing so, given that two excellent drafts have already been published, one by the Public Administration Committee, and the other a private Member's Bill promoted by the shadow Leader of the House, my hon. Friend the Member for North-East Hertfordshire (Mr. Heald)?

Mr. Hain: There is no issue—the question is simply one of publishing at the right time. I shall bear in mind the hon. Gentleman's remarks.

Tony Lloyd (Manchester, Central) (Lab): My right hon. Friend was quite sympathetic in his responses to our hon. Friends the Members for Ashton-under-Lyne (Mr. Heyes) and for Rochdale (Mrs. Fitzsimons), but I put it to him that there is real anger in Greater Manchester about the apparent decision to drop the Metrolink scheme. The regional newspaper, the *Manchester Evening News*, described it as a betrayal. Will my right hon. Friend take that message back to the Secretary of State for Transport and make sure that he understands that Greater Manchester expects him to return with proposals agreed with the passenger transport authority and the contractors, and to ensure that our conurbation has the Metrolink that it badly needs for both public transport and environmental reasons?

Mr. Hain: I understand the point that my hon. Friend properly raises. Given that he has raised it, I am sure that our right hon. Friend the Secretary of State for Transport will take even more careful note of it than before. However, part of the anger to which my hon. Friend referred might have arisen from a misconception that the north-west of England is somehow cross-subsidising Crossrail in London. That is simply not the case. There is a long way to go before the funding mechanism for Crossrail is put in place, not least the negotiation of the passage of a private Bill through Parliament.

Mr. Michael Weir (Angus) (SNP): No mention was made of the Royal Marines in yesterday's statement on defence, yet after I left the Chamber I received a letter from the Ministry of Defence informing me that RM Condor at Arbroath in my constituency is under review. Any threat to the base has a huge impact on the local economy. Does the Leader of the House think it appropriate that information is released in such a way? May we have a debate in Government time on the effect of base closures on local communities?

Mr. Hain: It is important that local MPs be properly notified. I know that my right hon. Friend the Secretary of State for Defence wants to do that, and that the process of consultation is continuing.

Mr. Stephen McCabe (Birmingham, Hall Green) (Lab): May we have an early debate on the extraordinary decision by the Tory-Liberal coalition in Birmingham to pull the £2 billion highway private finance initiative scheme at the eleventh hour? Such a debate is needed for two reasons: first, we need to understand how any private company can be expected to commit the necessary resources and submit a bid by August for a project that might now not go ahead; secondly, I want to know whether the people of Birmingham will be liable to pay compensation to the

[Mr. Stephen McCabe]

companies for the losses that they have incurred. Will my right hon. Friend advise me on how to bring some sanity to bear on this latest act of civic vandalism?

Mr. Hain: That does sound like a bit of a shambles from the Conservative-Liberal Democrat administration. I was interested to read in an editorial in *The Birmingham Post* of 16 July:

"The message from the council's new Conservative-Liberal Democrat administration, whether intentional or not, was one of dithering while the roads crumble."

That sounds spot-on to me.

Mr. Andrew Mackay (Bracknell) (Con): As the Leader of the House, most uncharacteristically, was over-prepared in his reply to my right hon. Friend the Member for Hitchin and Harpenden (Mr. Lilley), may I invite him to have a second go but to leave his notes behind? Does he agree that the appointment of a European Commissioner is very important to this country, that it is vital that the right person be appointed, and that it would be appropriate to have a statement on that appointment, especially if the appointment proves to be controversial, as the newspapers lead us to believe it will be?

Mr. Hain: The right hon. Gentleman courteously invites me to respond in greater detail than before. I am sorry, but I am unable to respond to that courteous invitation.

Julie Morgan (Cardiff, North) (Lab): This morning, I received a telephone call from one of my constituents who works in Tesco house in Cardiff to say that this afternoon Tesco will publicly announce a further 160 job losses in its head office in Cardiff. That is in addition to the 230 jobs lost last year. The jobs are to be outsourced to Bangalore. I am sure that my right hon. Friend realises how great the disappointment is, especially after all the reassurances that Tesco gave. Many long-standing employees will lose their jobs. Will he arrange an urgent debate on the issue when we return?

Mr. Hain: I know that the management of Tesco will take careful note of my hon. Friend's comments, because there will be real concern in her constituency about the job losses. If anything can be done, I hope that her representations will help it to be done. Tesco is now the biggest private sector employer in the country and therefore very important, but I am sure that it will review the situation in Cardiff in the light of her comments.

Mr. Eric Forth (Bromley and Chislehurst) (Con): Will the Leader of the House try a lot harder in respect of Equitable Life? He will know—or perhaps he does not—that on today's Order Paper, No. 32 in the list of these peculiar written ministerial statements that we now have is an announcement that the Minister for the Cabinet Office will say something about "Extending the Jurisdiction of the Parliamentary Commissioner for Administration (The Ombudsman)." Is that a tease or a hint? Will he please be a lot more specific about what the Government will do in response to the request by the ombudsman in respect of Equitable Life? It is not good enough to keep hundreds of thousands of people waiting and frustrated again and again on a matter that should be straightforward for the Government. If there is any transparency and decency in the Government, let us have an answer.

Mr. Hain: The first part of my answer is that I do not accept that to make a written ministerial statement is peculiar. On the contrary, it is perfectly proper to use such a statement as an alternative to the previous practice—with which, presumably, the right hon. Gentleman was happy—whereby the Government were required to plant questions in order to provide information to the House by answering them. Today's practice is far better: Ministers can make written ministerial statements in which they give the information that the House is entitled to have.

Dr. Brian Iddon (Bolton, South-East) (Lab): When we had a drugs tsar, he produced an annual report and we debated misuse of drugs on the Floor of the House. Since then, the National Treatment Agency has been set up and things have moved on in other ways, but as chairman of the all-party drugs misuse group, I ask my right hon. Friend to reinstate the annual debate on the subject.

Mr. Hain: I shall certainly give it consideration. Coming from the chairman of the all-party group, that question is important. However, my hon. Friend knows that drugs misuse is high on the Home Secretary's agenda and that he has plenty of opportunities to question my right hon. Friend on the direction of Government policy. In addition, he can apply for a debate himself if he feels that one is needed.

Mr. Roy Beggs (East Antrim) (UUP): Will the Leader of the House make time available to debate the merits of introducing a Health and Safety Executive business awards scheme in conjunction with the insurance industry? Small and medium-sized companies that have a claim-free record and those that have made significant improvements to health and safety at work could be recognised. Does he agree that such a scheme operating in all regions of the UK would publicise good practice in the workplace, focus attention on the need to continue to raise health and safety standards, and bring to the attention of business the benefits of having no claims when negotiating employer and public liability insurance?

Mr. Hain: That is an interesting idea on which Ministers will reflect. We want to give every encouragement to good practice in industry, and if an awards scheme is regarded as a sensible way to achieve that, no doubt the idea will be taken forward.

Mr. Harry Barnes (North-East Derbyshire) (Lab): Yesterday, a consolidated document on parental separation was published. When will we have a chance to be consulted and have a debate on that document? The key question that some fathers whose marriages have broken up are asking is that care of the children should be arranged strictly 50:50. I have a constituent

who has that arrangement, under which the child benefit and child tax credit go to the mother only, and as a consequence the Child Support Agency payments have to be made from the father to the mother, despite there being a strict arrangement that it is 50:50, where there is no exact partner with care and no exact absent parent. This matter could be thrown into the debate.

Mr. Hain: It is quite proper that that should be thrown into the debate. We all have cases like that, which are highly complicated and very distressing, especially for the children involved. That is precisely why we brought forward the consultation and the written ministerial statement that accompanied it. My hon. Friend has the opportunity to respond to that, as do other Members, and their responses would be welcome.

Bob Spink (Castle Point) (Con): In an end-of-term spirit, may I congratulate the Leader of the House on his wit and great courtesy—*[Interruption.]*—I am speaking genuinely and the right hon. Gentleman knows it. Would he, even at this late stage, consider extending today's debate, the main debate, so that we have time, because there is great cross-party support on this, to debate and welcome the great dedication, professionalism and care of the hospice movement? We know that the Government are giving more money to the national health service, and we are very grateful for that, but equally we know that that money is not filtering through to the hospice movement, which is currently seriously underfunded. We need to find ways to get the new Government money that is going into the health service through to the excellent hospice movement.

Mr. Hain: I always welcome the hon. Gentleman's questions at business questions, and since he has praised me, I will welcome them even more in future. He has shown great dedication on the matter of the hospice movement. We all admire the attention that he has given it and how he has consistently ensured that it is an issue before the House and therefore before the Government, so that the hospice movement is taken forward and given extra support, and I applaud his efforts.

Mr. Clive Betts (Sheffield, Attercliffe) (Lab): May I draw my hon. Friend's attention to today's written ministerial statement on the Government's response to the Office of Fair Trading report on estate agents? I ask him to arrange an early debate on the matter so that I can welcome the Government's intention to table an amendment to the Housing Bill, whereby all estate agents will have to join an independent redress scheme, and welcome also the consultation document to consider amending the Estate Agents Act 1979 later in the year, to give further protection to consumers. I regret that the comprehensive licensing of estate agencies is ruled out, but I understand that the door is still open possibly to require all estate agents to join a professional body from which they could be expelled for inappropriate practice. It is a step forward and I would like an early debate so that I can welcome the steps that the Government have taken.

Mr. Hain: I hope that the Government will listen closely to my hon. Friend's point. I am sure that my right hon. Friend the Secretary of State will do so, because my hon. Friend has displayed a great deal of energy in order to take forward reform in this area, and many home buyers will welcome that and applaud his efforts.

Mr. Graham Brady (Altrincham and Sale, West) (Con): May I add to the calls for an early statement on the future of the Metrolink in Greater Manchester, a great initiative that was put in place under a Conservative Government? An early statement would be an opportunity for the present Government to explain why, in spite of their supposed commitment to public transport, they are apparently incapable of taking that forward.

Mr. Hain: I understand that the cost estimate for the Metrolink project has increased considerably, perhaps to nearly double that estimate. I am happy to praise the odd thing that the Conservatives did and this sounds like one of them, but it is hard to find other such examples that deserve praise. However, since we are in a generous seasonal spirit I will give the hon. Gentleman that point.

John Robertson (Glasgow, Anniesland) (Lab): Those of us on the Government Benches appreciate that an increase in real terms to the defence budget is an increase. Unfortunately, to the general public the reduction in servicemen would appear to give a contrary view. Is my right hon. Friend aware that during consideration of the Armed Forces Pensions and Compensation Bill, great reservations were expressed by Members on both sides of the House, given that about 10 per cent. of servicemen and women who were leaving the services were ending up on the dole queue? Will my right hon. Friend ask the Secretary of State to make a statement on how he proposes to look after the 10 per cent. who are already on the dole queue, and the possible numbers who are going to make the percentage even greater?

Mr. Hain: Anyone faced with the prospect of going on the dole is in a situation that no Government would want to encourage or to support. What is planned in this instance is that by a combination of natural wastage and early retirement, and procedures like that, nobody will end up being made redundant and without a job. Of course, in today's economy, as a result of the Government's very successful economic policies, employment is rising year by year and month by month and those who are in the unfortunate situation of losing their jobs, wherever the sector might be, have plenty of alternative job opportunities as a result of our economic success and the stability that we have brought. I am sure that that will apply in the few cases that might arise.

Mr. David Heath (Somerton and Frome) (LD): There is a great deal of concern in a number of constituencies, certainly in my own, about the instances of abuse of the planning system by Travellers on private land. The concern of hon. Members such as me who want adequate provision for Travellers is that this is poisoning the relationship between settled communities

[Mr. David Heath]

and the Travellers' community. We are told that Ministers in the Office of the Deputy Prime Minister are bringing forward proposals to strengthen enforcement powers for local authorities; is there an opportunity for a statement on that matter during the two-week spill-over in September, and will we have the details of those proposals in the near future?

Mr. Hain: The Deputy Prime Minister is sitting almost next to me and has heard the hon. Gentleman's eloquent argument, and will want to take close account of it. The Minister responsible has been gripped on the issue, as the hon. Gentleman will appreciate—he is nodding in acknowledgement—and I think we all applaud what the Minister is seeking to do. Any additional representations that the hon. Gentleman wishes to make will be listened to.

Mr. Nigel Evans (Ribble Valley) (Con): The Leader of the House has gone through the rather arcane and mysterious process by which our EU Commissioner will be named and selected. The Leader of the House believes in modernisation; is it not about time we chucked out the process to which I have referred and modernised the system so that the Prime Minister's nomination came before the House? Would it not have been far better—the Prime Minister has made his mind up, from what we can make out in the newspapers—if the name had been announced this week, and we then had a full debate? We could have voted on whether we thought that our one EU Commissioner ought to be the person selected by the Prime Minister.

Mr. Hain: Does the hon. Gentleman really believe everything that he reads in the newspapers? In which case—

Mr. Evans *indicated assent.*

Mr. Hain: He does! This is a novel form of behaviour for Conservative Members.

Rev. Martin Smyth (Belfast, South) (UUP): May I press the Leader of the House following his answer to the hon. Member for Belfast, North (Mr. Dodds) concerning the Northern Ireland Grand Committee? Would it be possible for the objections to meeting there to be published so that we might know why a party—we suspect that it might even be a sister party of the Government—keeps objecting? It seems a denigration of democracy that the people of Northern Ireland cannot see their own Grand Committee meeting occasionally in Northern Ireland.

Mr. Hain: This is clearly a matter for my right hon. Friend the Secretary of State, for the parties involved and ultimately for the House. I hope that the hon. Gentleman is able to make progress on this matter, but it is not something for me.

Mr. Peter Luff (Mid-Worcestershire) (Con): May we have an urgent debate on antisocial behaviour? The Government have tried to be tough on antisocial behaviour, with varying degrees of success, but they have done nothing to be tough on the causes of antisocial behaviour. May I refer the Leader of the House to the marvellous superhero, Jo Frost, of "Supernanny", whose wonderful combination of old-fashioned discipline in a modern context every Wednesday on Channel 4 is doing more to be tough on the causes of antisocial behaviour in families up and down the land than the Government have done in seven years.

Mr. Hain: I realise that the hon. Gentleman wants to make his point powerfully, and he has just done so. I do not quarrel with him for that. But we have seen the longest and most sustained fall in crime for a century. Antisocial behaviour is one of the areas that the Government have prioritised for tackling, seeing 11,000 more police officers recruited, more community support officers and more community wardens. We have taken legislation through the House and the other place on antisocial behaviour when, often, we have not had the support of either Conservative Members or Liberal Democrat Members, who have appeared to turn a blind eye to antisocial behaviour, when we all know that it is one of the curses of modern life.

Mr. David Amess (Southend, West) (Con): The Human Fertilisation and Embryology Authority has made a decision of enormous ethical significance to sanction designer babies, which goes against the spirit of the Human Fertilisation and Embryology Act 1990, and has pre-empted the outcome of studies by two Select Committees. Will the Leader of the House allow us to have a debate in Government time on the authority's future?

Mr. Hain: I shall obviously bear in mind the hon. Gentleman's request, but he has many opportunities to raise those matters with the Secretary of State for Health, and, indeed, he can apply for an Adjournment debate himself.

Regional Assemblies

1.20 pm

The Minister for Local and Regional Government (Mr. Nick Raynsford): Earlier this week, the House approved orders specifying 4 November as the date for the referendums in the three northern regions.

Hon. Members: It approved them yesterday!

Mr. Speaker: Order. The Minister was accurate.

Mr. Raynsford: We introduced the orders to fulfil expectations in the regions of referendums in the autumn. Only if the orders are in place before the summer can we have a 4 November date. Yesterday, the House also approved three orders that provide for those referendums to be conducted as all-postal ballots and make provision about expense limits and referendum costs. Approval was given against the background of the Government's commitment to the House that we would not proceed with the all-postal referendums as planned if the Electoral Commission's evaluation report on last June's all-postal pilots produced convincing evidence leading to the conclusion that it would be unsafe to do so. The commission's report was expected by 13 September. We gave our commitment because we take its views very seriously—*[Interruption.]* We do.

In the debates this week, concerns were raised about all-postal ballots, following some experiences of postal voting in the recent pilots. There are differences of views on all-postal ballots across the House, with particular reservations being strongly voiced in certain localities. This week, the Electoral Commission has also announced that it intends to publish its evaluation report of the June pilots and its recommendations on the future use of all-postal ballots before Parliament returns in September. The debates demonstrated solid support for all-postal voting and the clear expectation of an early referendum in the north-east. None of the concerns raised about all-postal ballots relates to that region. On the contrary, the experience there of all-postal ballots, both in June and in earlier local election pilots, has been consistently positive. The north-east has had longer and more extensive experience of all-postal ballots than any other region, and the availability of all postal voting has been consistently welcomed by the voters.

We have reflected on those developments, and on the range of opinions expressed during the debates on the orders. Except where there is a pressing expectation and overwhelming support for an early all-postal referendum, we have concluded that the right course is not to proceed with the orders setting up referendums on 4 November but to await the Electoral Commission's report before confirming the arrangements. We have therefore decided not to proceed with the orders for the north-west and Yorkshire and the Humber. Our commitment to referendums in those regions remains unchanged, but the timetable for their referendums will be affected.

Once the House returns in September we will, with your permission, Mr. Speaker, make a statement on how we intend to proceed in those regions, having had the opportunity to consider carefully the commission's report. We are clear, however, that, as we are not proceeding now with the orders, there cannot be referendums on 4 November in those regions. By contrast, all that we have heard from the north-east confirms that it is right to proceed with the orders providing for all-postal referendums in the north-east on 4 November. That is what the people there want and expect, and that is what we are facilitating.

To help people in the north-east make their decision, I am today publishing the draft Regional Assemblies Bill, including explanatory notes and regulatory impact assessment (Cm 6285) and an accompanying policy statement. Those documents set out the purposes, powers and responsibilities that we envisage for elected regional assemblies. The draft Bill and policy statement also cover the establishment, election, constitution and funding of elected assemblies. The Bill is drafted to give each general purposes of economic development, social development and the improvement and protection of the environment, as well as wide-ranging power to take action to further those purposes. There will also be detailed powers relating to specific functions.

Since the publication of the White Paper, we have strengthened the powers of elected regional assemblies in crucial areas such as fire and rescue, stakeholder engagement and planning, and that is reflected in the Bill. We have also developed proposals on learning and skills and transport. Progress on the former is reflected in the policy statement. Under the Bill, decisions currently made by different sets of unelected bureaucrats would be taken by one democratic body elected by the people of the region. Its publication fulfils our commitment to Parliament to publish a draft Bill ahead of any referendum for an elected regional assembly. It demonstrates our commitment to establish elected assemblies where people want them, whether in the north-east, the north-west, Yorkshire and the Humber or, in the course of time, any other region.

The Bill will be an important tool to help the electorate in the north-east make an informed decision on whether to vote for or against an elected assembly in the referendum on 4 November. We intend to introduce a final version of the Bill in Parliament once a region has voted to establish an assembly.

Mr. Bernard Jenkin (North Essex) (Con) *rose*

The Deputy Prime Minister (Mr. John Prescott): You've got the junior doing it!

Hon. Members: You got your junior to do it!

Mr. Speaker: Order. We should have some calm in the Chamber.

Mr. Jenkin: The right hon. Gentleman knows full well that if he had made the statement my right hon. Friend the Member for Haltemprice and Howden (David Davis) would have replied.

The statement just delivered by the Minister for Local and Regional Government is quite incredible, completely unbelievable and utterly cynical. Only yesterday, he urged the House to support the principle of three referendums, but he has the gall and temerity to return within 24 hours to say that he has changed his

[Mr. Jenkin]

mind. Only yesterday, he denied that he would do what I predicted. He said that

"we shall ... be prepared not to proceed with an all-postal referendum. However, we must obviously wait to see the evidence." [*Official Report*, 21 July 2004, Vol. 424, c. 379.]

The evidence will appear in the Electoral Commission report, which will not be published until 27 August, so why has he suddenly changed his mind and decided not to wait for it? Is he as astonished as we are about what he has been sent here to do? Can he assure us that when he addressed the House yesterday, he was speaking, to use a well worn phrase, "in good faith"?

Can anyone remember any Government treating the people of this country—in this case, the people of the north-west and of Yorkshire and the Humber—with such utter contempt and cynicism? It is awesomely ruthless politics suddenly to cut horrendous losses under the cover of a Cabinet reshuffle. This is what new Labour calls "a good day to bury bad news". Talking of reshuffles—

The Deputy Prime Minister: There is no reshuffle.

Mr. Jenkin: None? I wondered whether that was why the right hon. Gentleman did not make the statement himself. I thought today might be his last day on the Front Bench. Are not regional assemblies his life's work? Did he refuse to make the statement because he did not want to trash 20 or more years of commitment to his regional dreams?

This whole episode shows more clearly than ever that the Government have nothing but contempt for Parliament. Hon. Members may have differing opinions about the merits of elected regional assemblies, but we can all agree on one thing—this is no way to run our constitution, our democracy or our country. How much public money has been wasted in those two regions on consultation, the information campaign and the boundary committee review? How many hours of civil service time has been wasted and how much goodwill from the few members of the business community who supported the Government's proposals has been lost? Pity the poor "yes" campaigners, who were led a merry dance for a year or more only to be defeated before a single vote is cast in the referendums.

Will the right hon. Gentleman be straight with the House? When he uses the word "postpone", what he really means is cancel, scrap, finish with, delete, forget about, consign to the dustbin of failed ideas, because the truth is that nobody wants an extra layer of professional politicians leeching more tax out of the pockets of honest, hard-working people.

May I press the Minister on the reason he gives for scrapping only two out of three referendums? Does he not realise how utterly illogical he is being? If an all-postal referendum is unsafe in Yorkshire, how can it be safe in Northumberland? If it is a bad system for Bradford, how can the identical system be okay in Newcastle? If it is prone to corruption in Liverpool, why is it not prone to corruption in Durham or Middlesbrough? If the issue is all-postal voting, why does he not switch to a tried and tested system that we have had running in this country for a couple of hundred years? It is called the polling station and the ballot box.

The reasons the Minister has given for pulling the referendums are a fig leaf—chaff to disguise the real reason. The fact is that a majority of Labour MPs were in covert or open rebellion in the north-west and Yorkshire this week because they know what Ministers have been denying. They know their voters do not want an extra layer of placemen, politicians and bureaucrats. They do not want a costly and wasteful reorganisation of local government. They do not want powers stripped away from local councils, which represent real communities, and placed in the hands of a remote bureaucracy under politicians with virtually no power at all.

Where would just one elected regional assembly leave the British constitution? What started out as a so-called grand plan for comprehensive constitutional settlement in England is today left in tatters. First there were eight regions, then there were three, and now there is one.

As for the Bill, for the Government to announce the draft Bill today just adds to the atmosphere of cynicism. I am grateful to the Minister for sending me an advance copy of his statement, but unfortunately I got the revised copy only after he was on his feet, so I cannot comment on what he means by "the policy statement" that goes with the Bill. It obviously does not have legislative authority. The policy statement will not be included in the Bill.

If the information published today is so significant, why did the Minister deliberately withhold it from the House yesterday, when we had much better time and occasion to debate it? He is still holding the Bill in the Vote Office. He has still not released it for us to look at. If there are so-called new powers in the Bill, how can that be, when hardly more than a few weeks ago the Under-Secretary of State, Office of the Deputy Prime Minister, the hon. Member for Corby (Phil Hope) told us in a letter that the White Paper set out all the powers proposed for the assemblies. The Deputy Prime Minister told a meeting in the north of England earlier this year that he was fighting "battles" with his Cabinet colleagues about the powers he wanted for the Bill. His absence from the Dispatch Box today is clear indication that he has lost all his battles.

Few in the Government are committed to the Deputy Prime Minister's pathetic pipe dream, because they can see that elected regional assemblies are unwanted and would become unpopular and expensive tax-raising talking shops that would not create one extra teacher in the classroom, one extra nurse or doctor for the NHS, or one extra policeman on our streets.

Mr. Raynsford: I listened to what the hon. Member for North Essex (Mr. Jenkin) said and recalled him saying exactly the same thing yesterday. It is nice to know that he is simply recycling old speeches. [HON. MEMBERS: " Consistency."] Before we get down to the substance, let me comment on the process.

I phoned the hon. Gentleman this morning to explain that if the other place approved the order before I made the statement, I would announce the publication of the Bill. That is why the draft statement that he had made provision for us not yet being in that position, but I alerted him to the fact, and I apologise if he got the statement only at the last minute. I hope he will

understand that that was for technical reasons—the other place approved the order very recently.

The Opposition have consistently opposed any regional devolution and have fought throughout the past two years to prevent referendums from being held in any region. They nod to confirm that. It is pretty rich for an Opposition who have consistently opposed that now to oppose the Government, who have decided that it is right to postpone the referendums in two regions. The Opposition cannot have it both ways.

We as a Government made it clear that we listened to the debate and to the views expressed, and we have amended our proposals. It is pretty rich of the Opposition to criticise us for doing something that they have been urging us to do for a long time. The hon. Gentleman's claim that we are withdrawing from our commitment to regional government is entirely wrong. We remain utterly committed to extending the option of regional government. That is why we are publishing the Bill today. That is a clear statement of our commitment to give the people of the English regions the opportunity to decide whether they wish to exercise those powers in the region through an elected regional assembly.

The Bill shows our commitment. We are not cancelling the referendums in the Yorkshire and Humber and north-west regions. We are simply postponing them, for the very good reason that concerns have been voiced in all parts of the House about all-postal ballots in those two regions. No concerns have been voiced about all-postal ballots in the north-east. On the contrary, we heard last night impressive evidence from speaker after speaker from the north-east about the benefits of all-postal, the extensive experience they have had of all-postal and the effect that that has had on increasing turnout. Listening to the evidence and responding to the views expressed by the House, the Government have changed their position—I accept that entirely, but that is good for democracy. We have listened to the views of hon. Members and acted logically and sensibly on that.

The people will ultimately decide. The test for the Opposition is this: when the people of the north-east come to exercise their decision on 4 November in the referendum that has been provided for by the orders, will the Opposition accept their decision? Will the Opposition confirm that if the people of the north-east vote yes, they will support an elected regional assembly in the north-east of England?

Mr. Edward Davey (Kingston and Surbiton) (LD): I thank the Minister for the statement, even though I fear this is a sad day for democracy. The real losers are the voters, not just because they have been denied a choice and denied a ballot, but because they have been denied the chance to take power from Whitehall—to elect a regional assembly instead of suffering regional quangos.

What is the Minister's message to the yes campaigners, who have worked so hard already to realise greater democracy in our regions? What hope for the future will he give to the people of the north-west and the Yorkshire region, who have argued for decades for devolution? Will he say how long the postponement will last? Will he give a date? Above all, will he tell the House that Ministers are learning some lessons?

We on the Liberal Benches told the Government that this could happen. From day one we told them it was a mistake to couple devolution with local government reorganisation. From day one we told them that Ministers ought to be giving away more power to regions to win the public support that was needed. So does the Minister have any regrets about the way the Government have approached the matter? Is he proud of the way his Government have handled regional devolution?

Given the embarrassing U-turn by the Government, will the Minister tell the House more about why the Government were forced to come to this sorry decision today? Rather than hiding behind the Electoral Commission or a few Back Benchers, can the Minister confirm that the decision was taken at the insistence of No. 10 Downing street? Is it not true that it is the Prime Minister who has tried to stall regional devolution from the outset? It is welcome that the draft powers Bill has been published today, but when will the Government allow a debate on it?

This statement leaves the Deputy Prime Minister not only embarrassed, but severely wounded. By letting the Prime Minister get his way time and again, his own long-held ambitions have been thwarted. Today, the Chancellor has gained a new ally.

Mr. Raynsford: Contrary to what the hon. Gentleman says, voters are not being denied the option of devolution. There will be a postponement—I entirely accept that—but I have made it clear that we are committed to giving the people of the north-west and Yorkshire and the Humber that opportunity.

The hon. Gentleman asked when we will take the decision. As I made clear in the statement, we will look closely at the Electoral Commission's report, which we expect to be delivered in late August, and, with the Speaker's approval, we will make a statement to the House in September to set out the timetable. It is a postponement, not a cancellation.

The message to yes campaigners is that this issue is hugely important and must be handled in the most positive and constructive way. We have responded to voices on both sides of the House raising concern about all-postal ballots. In the light of those, we decided to wait until we can consider the Electoral Commission's report before reaching a final decision. However, we remain utterly committed to people having the option of regional devolution.

The hon. Gentleman asked about more powers. I hope that when he reads the Bill, he will realise that an extensive series of powers will be available to elected regional assemblies, and that progress has been made since the White Paper. The hon. Gentleman will make a judgment when he has had a chance to read the Bill.

On local government reorganisation, I disagree with the hon. Gentleman. We do not believe that it is right to have additional tiers of government. We believe that it is right to have unitary local government if there is regional government. In all regions, the experience of the process involving the boundary committee has shown how much more mature local government can be in considering reorganisation than it was during the period under the Conservative Government when the Banham review caused it considerable anxiety and discord.

[Mr. Raynsford]

The hon. Gentleman asked about the basis of the decision. I repeat that the change of timetable has been prompted by consideration of views expressed in this House. The decision was finally taken in Cabinet this morning.

Mr. David Curry (Skipton and Ripon) (Con): It is a pity that the Deputy Prime Minister, who this morning spent his time personally ringing round regional newspaper editors, was unable to make a statement to the House himself. He must feel powerfully let down by Labour MPs and by the Prime Minister. The sudden accession of virtue by which the Minister says that views expressed in this House led to the deferment defies all credibility given that the Government have consistently swept away all hon. Members' demands for them to wait until the Electoral Commission reports.

Will the Minister give the costs of the information campaign and meetings in the two regions where there has been a postponement, and confirm that they will be verified by the Audit Commission or the National Audit Office? Will he confirm that there will not be a referendum in either of those two regions this side of the general election? Will he further confirm that there will be no local government reorganisation in the absence of elected regional government?

Mr. Raynsford: The right hon. Gentleman, for whom I have a great deal of respect, is simply wrong to say that we have not previously shown any concern for views expressed in this House. As he knows very well from our discussion last night, we have listened to his views about the availability of dropping-off points for people in rural areas and have made changes to facilitate that. That is an indication of our genuine desire to listen to and respond to views expressed in the House, as we have in relation to this postponement.

The right hon. Gentleman asked about costs. Against the total budget of £5 million, we have already spent £2.2 million. We intend to spend a further £0.5 million on the "Your Say" campaign in the north-east. Of the £2 million that had been allocated for "Your Say" in the north-west and in Yorkshire and Humber, £1.4 million will not be spent, while £600,00 will be transferred to enhanced fire safety publicity to make use of pre-booked television times. I am sure that the right hon. Gentleman appreciates that that is a sensible use of resources. We are responding in the most sensible way.

On the timetable, we have made it clear that we will report back to the House in September after we have seen the Electoral Commission's report, and then set out our proposals for the new timetable.

Joyce Quin (Gateshead, East and Washington, West) (Lab): While I hope that devolution will come to the north-west and Yorkshire and the Humber in due course, I believe that the north-east, with its distinct history and culture, and its determination to help to build its own future, will be able to lead the way and to be the pioneer for this new form of government in England. Will my right hon. Friend ensure that the case for the north-east is made across government with purpose and enthusiasm?

Mr. Raynsford: I echo my right hon. Friend's remarks about the commitment of people in the north-east. I assure her that all those of us who believe, as many of us do passionately, in the case for regional devolution will be doing our utmost to ensure that people in the north-east have full information about the options. I am confident that they will vote yes for regional devolution, which has been a long-term aspiration of the region, and that in doing so they will point the way forward for other parts of the country.

Mr. Peter Atkinson (Hexham) (Con): The Minister claimed that there was overwhelming support for a referendum in the north-east. He should pay some regard to opinion polls published in the region showing that the majority of people did not even know that the referendum was to be held.

If the Electoral Commission reported on 27 August that the whole postal ballot system is flawed, would the Minister postpone the referendum in the north-east?

Mr. Raynsford: I understand that the hon. Gentleman will feel like a threatened minority in the north-east, as he is the only Conservative MP in the region. That is an indication of the lack of support that his party, which is opposed to regional devolution, has there. I will say no more about his first point.

As for what would happen if the Electoral Commission reported at the end of the August that it was unsafe to proceed, we have already said that in that case we would not proceed with an all-postal referendum. However, there is absolutely no evidence of any serious concern in the north-east, which has had more experience of all-postal voting than any other region. A series of pilots have taken place in local authorities, and there were by-elections in 2000, 2002 and 2003. Last night, we heard about a local government by-election that had a 64 per cent. turnout. That all points to the confidence of the north-east region in all-postal voting. On that basis, we think that it is right to proceed, but of course we will look at the Electoral Commission's report when it comes out.

Mr. George Howarth (Knowsley, North and Sefton, East) (Lab): I congratulate my right hon. Friend, and my right hon. Friend the Deputy Prime Minister, on having the common sense to listen to the voices of Members of Parliament in the north-west and of the public in that region, who, by their eloquent silence, have indicated that they do not recognise that there is any such place as the north-west in terms of politics, economics or culture. I thank my right hon. Friend for giving those of us who believe that city regions are the way forward for devolution the space to develop our arguments, and assure him that that campaign starts now.

Mr. Raynsford: It may disappoint my hon. Friend to learn that we are postponing, not cancelling, a referendum in the north-west. [HON. MEMBERS: "Hear, hear."] The argument for regional devolution in the north-west will be engaged at a slightly later date than was previously arranged. However, I understand his concerns. As he has not been an advocate of this policy, I am sure that he is pleased about our announcement to postpone.

Mr. Graham Brady (Altrincham and Sale, West) (Con): I welcome this climbdown from a costly, irrelevant and unwanted proposal for an extra tier of government in the north-west. However, I remain concerned that throughout the process the Government have assumed people's support despite having no evidence for it. If they intend to continue considering the possibility of holding referendums on regional government, can that decision be transferred to an independent body that can make rational decisions without party politics getting in the way and assess the very low level of interest in regional government? That would finally put paid to the whole idea.

Mr. Raynsford: The hon. Gentleman appears not to know that a detailed process, involving soundings, was undergone in all the English regions and it demonstrated greater interest in the northern regions than in others. In comparison with the response to normal consultation exercises, the number of respondents from all three northern regions was significant. However, we have always taken the view that, ultimately, it is up to the people to decide in a referendum. That is why we have provided for referendums. The people will decide on 4 November in the north-east and later in the north-west and Yorkshire and Humber and I hope that the hon. Gentleman will respect their view when they make their decision in those referendums. That is the ultimate test.

Mrs. Louise Ellman (Liverpool, Riverside) (Lab/Co-op): I am deeply disappointed by my right hon. Friend's statement but will he give the House a guarantee that the people of the north-west will have the opportunity to vote in a referendum for a regional assembly? They will thus have the same opportunities as are being given to people in the north-east, about which I am pleased. Does he agree that the problems of the north-south divide and the unaccountability of regional quangos will continue unless resolute action is taken? When he says that he will listen to people's voices on the matter, will he guarantee listening to those who positively seek change to give a better deal to people who live in the north-west and not solely to negative voices inside and outside Parliament and those who simply want to maintain the status quo, with all its inequalities?

Mr. Raynsford: Of course, I was here last night when my hon. Friend spoke eloquently about the problems of the north-south divide and argued passionately for people in the north-west to have the opportunity to vote for regional devolution. I give her the assurance that she seeks. People in the north-west will have that option. It will not be exercised on 4 November, for the reasons that I have given, but we will report back to the House in September and make the timetable clear then. I assure my hon. Friend that we will listen to the views of all parties. Obviously, we shall listen to the views of those who seek change, as she does.

Mr. John Greenway (Ryedale) (Con): Has the Minister no comprehension of the damage that uncertainty about the matter does to local government in North Yorkshire? Even if we had a referendum on 4 November, civil servants have already left their posts for better pastures because the plans mean that they cannot envisage a future for their local council. If we are considering only a postponement, not a cancellation, the uncertainty will continue. The Minister owes us an explanation of when he believes that the ballot will take place. If he is genuinely in favour of it, why cannot we have polling stations?

Mr. Raynsford: The hon. Gentleman makes a perfectly fair point about uncertainty in local government because of reorganisation. I am conscious of that and I want to ensure that we make a statement in the House in September to clarify the position so that the uncertainty does not continue any longer than absolutely necessary. I accept it has an effect on people who work in local authorities.

By contrast with the atmosphere in the 1990s when the Banham process engendered considerable delay, concern and apprehension in local government, the current process has generally been much more positive, although I appreciate that some people are apprehensive about the different options in Yorkshire and Humber. However, I take the hon. Gentleman's point.

Mr. Kevan Jones (North Durham) (Lab): My right hon. Friend knows that Durham and other parts of the north-east have had all-postal ballots for the past three years. That has led to dramatic increases in turnout. The Electoral Commission's analysis of the pilots not only congratulated the relevant councils but pointed out that there was no increase in fraud.

I welcome today's announcement of a referendum on 4 November in the north-east. I look forward to people in the north-east having a say in their future on that day. The Conservative party never gave people such a say when it abolished, for example, Tyne and Wear county council.

Mr. Raynsford: My hon. Friend is right to highlight the considerable and positive experience of the north-east. Twenty-two all-postal voting pilots took place in the north-east before 2004—significantly more than in any other region even though it is the smallest region in the country. That shows the extent to which the north-east has gone further in piloting and testing all-postal voting. As he said, that arrangement has had a positive impact in increased turnout. Few, if any, recorded instances of fraud occurred in the north-east. All that points to the logic of proceeding in the north-east with an all-postal ballot on 4 November. I am grateful for my hon. Friend's welcome of that and I have no doubt that he will be a powerful advocate for devolution in the region between now and the referendum.

Mr. Andrew Stunell (Hazel Grove) (LD): It is a disappointing day for those of us in the north-west who believe that devolution is an important way of regenerating the region. Will the Minister say a little more about the timetable? In responding to other hon. Members, he said that the money set aside for the devolution campaign in the north-west will be spent on something else. That strongly implies that the delay is not a matter of weeks or months but perhaps years. It is important for those of us in the north-west who support devolution and want the campaign to succeed to have a much clearer idea of the Government's commitment and time scale.

Mr. Raynsford: I hear the hon. Gentleman's comments, although I suspect that his colleague Lord

[Mr. Raynsford]

Greaves may not share his view of the north-west. As he will acknowledge, there is disagreement among all parties in the north-west region. One of the factors that we took into account was the different views about all-postal voting—Lord Greaves was diametrically opposed to it in all circumstances. We do not necessarily agree with him, but we have listened.

On the timetable, I have already made it clear that we will report back to the House in September. There was a programme, which included significant pre-booked advertising slots, for the summer. We have made arrangements to postpone all that could be postponed and to substitute fire safety advertisements for "Your Say" advertisements in the north-west and Yorkshire and Humber to make the best use of pre-booked and pre-paid advertising slots. However, there is no question of our not resuming the "Your Say" campaign in Yorkshire and Humber and the north-west once we have clarified the timetable for the referendum.

Mr. Gordon Prentice (Pendle) (Lab): I welcome the statement but I am concerned about the fact that my right hon. Friend continues to talk about postponing the referendums instead of admitting the inevitable and saying that they will be dropped. Let me revert to the point that the hon. Member for Ryedale (Mr. Greenway) made. There is huge uncertainty in local government, with people leaving their jobs and so on. Is not it important, when the Government revert to the timetable in September, to set out the next steps clearly and definitively.

Mr. Raynsford: I have already made it clear that that is exactly our intention.

Mr. Tim Collins (Westmorland and Lonsdale) (Con): Does the Minister accept that there will be widespread delight in Cumbria generally and south lakeland in particular at any setback for the unpopular Labour and Liberal Democrat attempts to parachute unwanted extra bureaucracy into rural areas in the north-west? Will he also acknowledge at last that, behind all the flim-flam, the only reason that he has come to the Chamber today to admit that the Government have wasted millions of pounds on a campaign that they have called off at the last minute is that he knows that they would have lost the referendums in the north-west and Yorkshire and the Humber? If he believes that he has a chance of winning referendums in those areas, why will not he guarantee to hold them before the next election?

Mr. Raynsford: As the hon. Gentleman has heard me say repeatedly, although there is a postponement, we remain determined to proceed with referendums in all the regions. The Deputy Prime Minister and I have visited Cumbria and our experience has been different from the picture that the hon. Gentleman paints. We encountered many people who perceive genuine advantages in devolution and in local government reorganisation in Cumbria, where several people have understood the logic of the boundary committee proposals. The statement is a sensible response to doubts about all-postal voting, which were expressed especially vehemently in the two regions that we are considering. That is the reason for the postponement but we remain committed to giving people in the hon. Gentleman's constituency and the rest of the north-west and Yorkshire and Humber the opportunity to benefit from regional devolution.

Tony Lloyd (Manchester, Central) (Lab): It would, I am afraid, be hard to disguise my considerable disappointment at this announcement, but I have genuine sympathy for my right hon. Friend's predicament in coming to the House today. The arguments about taking the weight of this over-centralised country off the northern regions remain, as does the need to guarantee that the northern regions will never again be crushed by a south-east-dominated Tory Government, should there ever be another. Will my right hon. Friend give a commitment that referendums will go ahead, allowing the people of the north-west and of Yorkshire and Humber to exercise their right to decide?

Mr. Raynsford: I thank my hon. Friend for his comments. He will know from what I have said today and on previous occasions that there is no question of any change in our commitment to giving people in the northern regions—and, indeed, in other regions in England in due course—the opportunity to benefit from devolution. The people of London had that opportunity and they have taken it, against the view of the Conservative party, which opposed it. The people of London voted for it and have benefited from it, and we believe that it is right that people in other English regions should have that opportunity.

Mr. Stephen O'Brien (Eddisbury) (Con): It will come as no surprise to my constituents in Eddisbury or to people in the rest of Cheshire that the breathtaking incompetence of the Government has led to this decision, and they will welcome the opportunity to retain the ability to belong to an area that they love. However, this decision does not remove the genuine blight on the excellent Cheshire county council. The word "excellent" was, of course, ascribed to the council by the Minister's own Department and by this Government. Given that this whole idea originated from this Government—but for whom we would not be wasting all this time discussing the issue—will the Minister now order a compensation scheme for all those private individuals and companies from whom money has been raised for the campaign to defeat this ridiculous proposal?

Mr. Raynsford: The hon. Gentleman seems to be under the illusion that we have abandoned the referendum. We have not; we are simply postponing it. People will be able to take a decision—yes or no—in due course.

Mr. Philip Hammond (Runnymede and Weybridge) (Con): When?

Mr. Raynsford: I have clarified the fact, in my original statement and in response to a number of questions, that we shall come back to the House in September, and that we shall then make a statement about the timetable.

On the question of local government reorganisation, the hon. Member for Eddisbury (Mr. O'Brien) will be aware that, in Cheshire, there has been a lot of intelligent interest in the benefits of the different options. Those include having either a single, unitary county or three unitary authorities, each representing areas currently covered by two separate districts. Those options obviously have partisan support on either side, but there has been an intelligent and sensible discussion on them. Most people feel that larger, more powerful unitary authorities can play an important role in improving the quality of local government.

Mr. Peter Pike (Burnley) (Lab): May I assure my right hon. Friend that many people will be glad to hear that this is a deferment and not a cancellation? Many people in the north-west believe that this is an important opportunity to seize control of certain pots of money and of quangos and other bodies that take important decisions in our region. I hope that, when he comes back to the House in September, my right hon. Friend will be able to tell us that we shall have the referendum in the north-west before I retire at the next general election.

Mr. Raynsford: I certainly intend to bring clarity when we make a further statement in September. I also want my hon. Friend, who has had a distinguished career in the north-west, to be able to campaign actively for a yes vote in a referendum before the next general election, but he will have to wait for our statement in September, when I shall give him absolute clarity about the timetable.

Ann Winterton (Congleton) (Con): There will be joy in the county of Cheshire and the boroughs of Congleton and Macclesfield at this eleventh-hour conversion—this U-turn—on the part of the Government, which has been made for obvious political reasons. The Minister keeps insisting that this is merely a postponement. May I respectfully suggest that he should pull the rug from under this stupid proposal and, after a decent interval, come to the House and announce that the idea of regionalisation in the north-west is dead and buried?

Mr. Raynsford: The hon. Lady clearly wishes there to be rejoicing in the north-west. I am surprised that she is not hoping that that will be about her reselection as the Conservative candidate for her constituency. As I have said, we will report back to the House in September, and we will set out the timetable, but I want to make it clear that we believe that there is an overwhelming case for giving people in all the regions of England the opportunity to have democratic control—if they want it—over functions that are currently discharged by bureaucrats who are not democratically accountable, many of whose institutions were set up by the Conservatives. I am surprised that the hon. Lady advocates the defence of the quango state; I do not think that many other people in her constituency will share her views.

Mr. Clive Betts (Sheffield, Attercliffe) (Lab): I welcome my right hon. Friend's announcement about Yorkshire and Humber. I accept that it was not an easy announcement to make but, in the circumstances, it was the right one. Sadly, at this stage there is no great enthusiasm in my constituency for a directly elected regional assembly. If my right hon. Friend is putting the issue on the back burner, will he leave it on a low light for the time being? We do not want the prospect of a referendum hanging over us for up to 12 months. If the delay is to be for at least a year, we can look at the proposals for a regional assembly and, I hope, build up more support for them.

Mr. Raynsford: In September, we will set out our proposals for the timetable. It would be premature for me to indicate what our thinking on that is at this stage.

Mr. Nigel Evans (Ribble Valley) (Con): Did the Minister know yesterday afternoon that this issue was going to be discussed in Cabinet today and that he was likely to have to make this U-turn? None of this makes any sense. Has some polling been done in the north-west and Yorkshire, where the Government know that there is little likelihood of their winning a referendum? They think that they have a chance in the north-east, so perhaps they are going to try one of those bouncing exercises, like the one that they tried in Wales, where the referendum was held a week later than the one in Scotland. The fact is that the people of Ribble Valley do not want this assembly, and the people of the north-west do not want it. It is about time the Government junked this dreadful idea completely.

Mr. Raynsford: The hon. Gentleman has consistently backed the losing side in referendums—his party was wrong about Scotland, Wales and London—and I would not take his judgment as the right basis on which to move forward. It is sad and surprising that he takes that view, rather than recognising that it is appropriate for Governments to listen to the views expressed in the House and, in certain circumstances, to change their view. We have done that, and I would have thought that most sensible Members would regard it as a sign of intelligent government, in contrast to the interpretation that the hon. Gentleman has put on it.

ROYAL ASSENT

Mr. Deputy Speaker (Sir Michael Lord): I have to notify the House, in accordance with the Royal Assent Act 1967, that Her Majesty has signified her Royal Assent to the following Acts:

Finance Act 2004

Scottish Parliament (Constituencies) Act 2004

Statute Law (Repeals) Act 2004

Carers (Equal Opportunities) Act 2004

Patents Act 2004

Health Protection Agency Act 2004

Traffic Management Act 2004

Asylum and Immigration (Treatment of Claimants, etc.) Act 2004

Energy Act 2004

Fire and Rescue Services Act 2004

2.8 pm

Mr. Oliver Heald (North-East Hertfordshire) (Con): On a point of order, Mr. Deputy Speaker. Earlier, in business questions, I asked for an oral statement about the ombudsman's request to the Minister for the Cabinet Office and Chancellor of the Duchy of Lancaster, the hon. Member for Paisley, South (Mr. Alexander) to extend her jurisdiction to include the role of the Government Actuary's Department in relation to Equitable Life. A written ministerial statement has now appeared in the Library, which says that the Cabinet Office Minister will extend the jurisdiction to include the Government Actuary's Department. However, it does not say when the necessary order will be laid. This is a matter of great urgency that affects hundreds of thousands of the constituents of hon. Members on both sides of the House. Have you had any indication that the Minister will be giving further information to the House today about when that order is to be laid, so that there will be no further delay in this regard?

Mr. Deputy Speaker: I have no information about the matter that the hon. Gentleman has just raised, but he has raised it in the House today and put it clearly on the record. No doubt the people responsible for these matters will respond to it.

Summer Adjournment

Motion made, and Question proposed, That this House do now adjourn.—*[Jim Fitzpatrick.]*

2.10 pm

Tom Cox (Tooting): I wish to refer to the issues covered in early-day motion 1466, on the fire service national procurement strategy, which has been signed by 63 Members from all political parties in the House and which, in my view, cannot be regarded as a political issue. It is causing deep concern among highly respected companies that manufacture safety equipment for fire services in this country and for export. More than 200 UK companies are involved in the industry, which employs many thousands of people.

Deep concern centres—

Mr. Oliver Heald (North-East Hertfordshire) (Con): On a point of order, Mr. Deputy Speaker. I apologise for interrupting the hon. Member for Tooting (Tom Cox), but I have not noticed the clock moving. Normally, when there is a 10-minute rule, the clock shows the time running down.

Mr. Deputy Speaker (Sir Michael Lord): I thank the hon. Gentleman most sincerely for drawing that matter to the attention of the Chair and the House—clearly, the end of term is creeping in. That matter will be corrected—immediately. *[Laughter.]*

Tom Cox: Thank you, Mr. Deputy Speaker.

There is deep concern about the block on major procurement that the Government have imposed. This has gone on for more than nine months, and despite repeated requests to meet Ministers to discuss Government policy on the purchase of equipment, regrettably, no such meeting has taken place. As a result of this lack of consultation and involvement, business has been lost in this country and abroad, and deep concern has been expressed about the future of the industry.

I understand that there could be a new national procurement strategy, under which, I suspect, there could be advantages. However, no Minister from the Office of the Deputy Prime Minister has met representatives of the Federation of British Fire Organisations to discuss the issue. That has not been for the want of trying to arrange such a meeting. In April, the all-party fire safety group, which is chaired by my hon. Friend the Member for Barnsley, West and Penistone (Mr. Clapham), and of which I and many other Members are members, organised a seminar in the House to discuss the concerns that exist. Sadly, no Minister attended the seminar, and neither did any senior civil servant attend who could have informed the Minister of the deep concerns that existed then and that still exist. We have a right to ask why that has been allowed to happen. The Government set up two forums last year to consult those who work in fire safety. Neither of the groups was asked to consider the issue of procurement strategy, and nor has anyone involved in the manufacturing of safety equipment been involved, or had their view sought.

I have referred not only to the home market but to the export market, which is suffering because of this uncertainty. We all know, however, that there has been

a joint CBI-TUC productivity group, which has clearly said that the export capabilities of companies should be taken into account when placing tenders for public spending work. We welcome that. We cannot, however, allow this lack of real involvement and consultation by the Government to continue, for the reasons that I have given. There is a very real need for consultation to take place as soon as possible.

Some very well known people in the fire safety industry are highly respected and trusted to listen to concerns and clearly to express them at the highest level—to Ministers. I refer to two people in particular: Mrs. Pamela Castle, and chief fire officer Alan Doig. They are knowledgeable and command great confidence within the industry. They could start to rebuild the trust and confidence of all who are involved in the industry.

I accept that my hon. Friend the Deputy Leader of the House, who will reply to the debate, cannot fully answer the points that I have made, but I am sure that he fully understands the importance and the urgency of this matter. Therefore, I request that tomorrow he clearly informs the Office of the Deputy Prime Minister of my remarks and requests that an urgent meeting be arranged. The fire safety industry would welcome that and, as I have clearly stated, both Mrs. Pamela Castle and chief fire officer Ian Doig should be fully involved in discussions. I ask my hon. Friend to assure me when he winds up that my views will be conveyed to the Office of the Deputy Prime Minister tomorrow.

2.17 pm

Mr. David Atkinson (Bournemouth, East) (Con): Earlier this year, Mr. Deputy Speaker, I failed to catch your eye to speak in an Opposition day debate on post office closures. If I had done so, I would have drawn attention to the failure of the Post Office to appreciate the impact on frail, elderly constituents of the removal of their local post office, which for them has always been a vital lifeline, especially where there are no banks or cash points nearby. I would have described the consultation period as inadequate, the consultation process as shambolic and my intervention on behalf of my constituents as treated with disdain.

I applaud the Minister for Energy, E-Commerce and Postal Services for telling the House that in hindsight the Post Office did not handle the closures with sufficient sensitivity. Unfortunately, the changes that he announced in the consultation procedure will not reopen post offices in my constituency, which have, in my view, been wrongly closed.

Today, I fear that British Telecom might be emulating the Post Office with its plans to remove public pay phones throughout the country. In April, BT wrote to tell me that it proposed to remove 162 telephone boxes out of a total of 949 in my county of Dorset, including 21 in my constituency of Bournemouth, East. I assume that many Members have received similar letters relating to their areas. The proposal to remove two specific boxes in my constituency alarms me particularly, as they serve two distinct communities: Holdenhurst village and Wick village, both of which are conservation areas and located beside the River Stour, one upstream, beside which fishing and walking are popular, and the other where boating is an all-year-round activity.

In response to my question in the House about what consultation BT is obliged to undertake before it removes public telephone boxes, the Minister referred me to the industry regulator, Ofcom. Its chief executive wrote to inform me that the local planning authority must be notified, and that notices must be prominently displayed in the boxes concerned, telling users that they have 42 days to make representations to the authority. I wrote to Bournemouth borough council, the planning authority, with my objections, and it appears that mine has been the only letter received. That is not altogether surprising, as when I asked residents in Holdenhurst village whether they knew that their only telephone box was under threat, they said that they did not and would certainly have objected if they had known.

I am informed that a number of senior members of Bournemouth council were consulted by officers in response to BT's notification, and that disappointment and concern at the impact that the loss of 42 payphones would have both from a social and safety point of view was expressed to BT. However, there has been no report to elected members and no debate in the council on the proposed removals. Indeed, I doubt very much whether most of our local councillors know that telephone boxes are to be removed from the wards that they represent. I am not encouraged by the reported comments of the cabinet member responsible for community relations, Councillor Andrew Garratt:

"we have not been asked to consult or inform local people . . . and have no obligation to do so."

Nor am I encouraged by the reported comments of the leader of neighbouring Poole council, Councillor Brian Leverett:

"we are not involved in any consultation . . . however we, as a local authority, would like to be consulted."

I appreciate that the mobile phone revolution has led to far fewer people using public payphones and that BT cannot indefinitely maintain those that are becoming increasingly unprofitable. Nevertheless, there remain some people, including me, who do not have mobile telephones and rely on finding a public telephone—often, regrettably, in an emergency. BT is a universal public service provider designated as such by Ofcom just one year ago. From the two examples of the proposed removals that I have given—Holdenhurst village and Wick village in my constituency, and there may be many more of equal gravity—it seems to me that BT is abandoning its social responsibilities as a provider. It is also clear to me that the local authority has not given proper consideration to such proposals, which should be required by Ofcom, and may even be expected by Ofcom.

I do not know whether Ofcom monitors the consultation that BT undertakes and I am waiting for a reply to find out. In my view, consultation with senior councillors by officers is not enough. Every councillor should have been informed and given the opportunity to respond on behalf of the local residents whom they are elected to represent. It seems to me that that has not happened, so the consultation that BT is obliged to undertake is not being fulfilled in Bournemouth. My hon. Friend the Member for Bournemouth, West (Sir John Butterfill) fully supports my concerns.

I look forward to the response of the deputy Leader of the House and any assurance that he can give that BT will not be allowed to remove any public telephone

[Mr. David Atkinson]

boxes that serve distinct local communities or areas that attract visitors until such proposals have been given proper consideration by the entire local authority.

In conclusion, I believe that all of us here have been badly let down by the Post Office, a public service provider, closing branches without consultation. I do not want the same experience with BT's removal of vital public telephone boxes. The Government should not ignore what is happening, because it is with them that the buck should stop.

2.23 pm

Mr. Liam Byrne (Birmingham, Hodge Hill) (Lab): It gives me great pleasure to rise to make my maiden speech and to follow the hon. Member for Bournemouth, East (Mr. Atkinson). I welcomed his comments about the challenges of the mobile phone industry—a subject about which I have learned much in the past week. I am especially grateful to be given this opportunity to speak only 48 hours after being presented to the House. I hope that hon. Members will not see this as unseemly haste, but my constituents, like most people in Birmingham, like to get down to business, and they will appreciate that I have been given the opportunity to do the same.

I am grateful to have some conventions to honour this afternoon. They are conventions with a good cause. I can think of no better place to start my contribution to the House than with a celebration of the achievements of my predecessor and a celebration of my constituency.

Hodge Hill has been served well by Terry Davis, the now right hon. Member for Bracknell (Mr. Mackay) and Roy Jenkins over the past 50 years. They are all people who have served not only their constituency but their country with distinction. But it was the achievements of Terry Davis over the past 25 years that we celebrated at the Birmingham Council house this weekend past. To those who knew Terry and worked with him it came as no surprise to learn that the representatives of 45 countries had asked him to become their leader of the Council of Europe for the next five years. It is truly the crown of a career, as Lord Tweedsmuir once put it.

We were not surprised, because those of us who know Terry know him for his compassion, his principle and his iron-cast determination to get things done. Once upon a time, Terry Davis was the man who was known as one of the very few people in Birmingham who could get the window of a council house fixed. Over the past two and a half decades, Terry Davis went on to serve 17,000 families in Birmingham, Hodge Hill and before it Stechford—two for every day that he served in office. I am very proud to say that he is now not just helping the families of a constituency but helping the families of an entire continent. I know that he will serve them with the credo that he expressed in 1979 in a letter that he wrote to constituents in Stechford. He said:

"We cannot judge people by the colour of their skin. Race hatred does nothing to keep prices down, increase wages, provide more jobs or improve our living conditions. It sets worker against worker and it sets neighbour against neighbour."

They are words that have inspired many on this side of the House and words that inspired me during my campaign to win the confidence of the people of Hodge Hill over the past three or four weeks.

Just as Terry Davis epitomised what is great about British political life, so the constituency epitomises so much about what is great in Britain. That is exactly why it is the sort of place that any party with aspirations to govern must win. Over the past three weeks, many hon. Friends were able to join me walking, and sometimes running, up and down the streets and roads of the constituency. Many were able to join me in the west of Hodge Hill on the busy Alum Rock road and Washwood Heath road bustling with vibrancy, commerce and trade. Many people joined me on the streets of Saltley. Many people joined me outside Ward End park. Many people joined me at the great LDV plant—a symbol of Birmingham's enduring excellence and of our enterprise in manufacturing.

Many hon. Friends were able to join me on the walk eastwards towards Hodge Hill and Stechford—towards the Fox and Goose, where many people were able to join me for lunch in the Beaufort Diner. A few others were able to join me for a drink in the Beaufort Sports and Social Club. I was proud to tell them about the historic tradition of the northern border of Hodge Hill, along which once stood the factories that produced the Spitfires and Hurricanes that defended these islands in one of its most dangerous hours, and which today power our exports with companies such as J[illegible]r.

Many hon. Friends joined me in Shard End and Tile Cross south of the River Cole and in Kitts Green, visiting great hubs of community life such as Shard End community centre and the Royal British Legion, where we were able for a while at least to put politics aside and talk among friends.

More important than the places that we visited together were the people whom we met together—great community servants such as Marj Bridle, Margaret Greenaway, Ian Ward and Margaret Byrne in Hodge Hill; Mike Nangle, the first Irish-born Lord Mayor of Birmingham city; Anita Ward and John Clancy in Hodge Hill; Ansa Ali Khan and Mohammed Idress in Washwood Heath. Together we met spiritual leaders such as Tasawar ul-Haq, Susdar Hussain and Qari Mohammed Shoid. Together we met great public servants—people who were serving the people of Hodge Hill day in and day out. They included men such as Lee Richards, the force behind the Sure Start project which is making a difference to so many young families in Hodge Hill; and women such as Anne Cole, the power behind Saltley school, our first specialist school focused on science. These are the people I now wish to work with, with a new resolve and a new partnership to fight crime and antisocial behaviour and to bring a new prosperity and pride to Birmingham, Hodge Hill. That is why I have welcomed so much the statements made by my right hon. Friends to this House over the past few days and weeks, especially the statement made on Monday by my right hon. Friend the Home Secretary. The plans that he announced will make a real difference to the lives of people in Birmingham, Hodge Hill. The new resources—£50 million announced for police community safety wardens—will make crime fighting that much easier on the streets of Hodge Hill. New strategies to support witnesses will mean that we will

convict those whom we catch. New plans to put the sense back into sentencing will mean that those who do wrong will be punished.

There are of course great challenges in Hodge Hill. There are great concerns about teenage gangs who make life a misery for others. Too few people in Hodge Hill have the qualifications that they deserve. Half are without qualifications—one of the highest proportions in the country. Fewer than one in 10 have the chance to go on to higher education, one of the lowest proportions in the country. Some 42 per cent. of our children are entitled to free school meals.

However, the image that one takes away from the by-election campaign in Hodge Hill is not one of challenge; it is one of promise. Like many places in Britain, Hodge Hill faces a future that is brighter than it has ever been, because the people there have never been better educated, better resourced, better equipped or better connected with the best ideas in the world wherever they might be. But that promise will not be unlocked if left only to the tender mercies of the marketplace. To unlock the promise in Birmingham, Hodge Hill will take a Government determined to work hard with the resources that we have agreed to share, and it will take people, public servants and politicians who are determined to pull together to make a difference in the best traditions of the city of Birmingham.

People have asked me about my priorities in Hodge Hill. My priorities are simple—to crack down on crime and to bring new jobs. In other words, I want to help to deliver in Hodge Hill a prosperous place, with streets that we are proud of and neighbourhoods that live in peace, not in fear. I will also redouble my determination to fight the prejudice that prevents so many people in my constituency from contributing to the progress of this country.

As I begin work, it is with two images in mind. The first is of a young mother and her child, whom I met on the second day of the campaign in a Sure Start facility. The mother was enjoying the new services and resources that have made a difference to her life and that of her child. The second image is of another mother, at a Shard End residents' meeting, who talked about the fear in which she lived and her sense that when she called for help, nobody came. So as I start work it is with the knowledge that we have made great strides in the past seven years, but that a great deal of work lies ahead. I am delighted to conclude my first contribution to the work of this House with that third image—of progress made, but great work ahead.

2.32 pm

Alistair Burt (North-East Bedfordshire) (Con): It is a great pleasure to follow the maiden speech of the hon. Member for Birmingham, Hodge Hill (Mr. Byrne). He paid warm tribute to his predecessors in the seat, and Conservative Members are especially grateful that he remarked on the contribution made by my right hon. Friend the Member for Bracknell (Mr. Mackay), the former Member of Parliament for Stechford. The hon. Gentleman also paid warm tribute to Terry Davis, which is also echoed on these Benches. We wish Terry well with his new duties: he was a well liked and assiduous Member of Parliament.

The hon. Gentleman gave a measured and thoughtful speech. I am delighted to be associated so closely with a by-election victor—it does not happen to me very often. If he would see me privately afterwards to pass on some tips, I should be very grateful. The hon. Gentleman spoke warmly of those with whom he had so recently been on the streets and whom he will endeavour to serve. The images he painted of his constituency and the evident sincerity with which he spoke of his forthcoming work on his constituents' behalf will serve him well. He comes here with the reputation of being fearsomely bright and hard-working. He will, of course, live that down sooner or later and be accepted among his colleagues as a valued Member. *[Laughter.]* His contribution showed plainly that he was a worthy victor in the by-election and the whole House will look forward to many contributions in the same vein from him.

The quiet people of North-East Bedfordshire are well into their summer. The carnivals of Sandy and Biggleswade are now over and the villages have had their local fetes and church fairs. Summer is in full swing, but there are stirrings beneath the surface of community tranquillity. Constituents have asked me to raise a number of issues in the House before the summer Adjournment.

First, I wish to convey my constituents' continuing mystification at the absence of the report on the fire and disturbances at Yarl's Wood in February 2002, some two and a half years ago. The House will recall the loss of half the centre, £100 million cost to the taxpayer and, more importantly, the threat to the lives of those detained and working there, not to mention those of the brave public service workers who went to help. I have repeatedly requested the publication of that report and the need for it was thrown into sharper focus this week by the disturbances at Harmondsworth. The report on Yarl's Wood might well contain information about the way in which detainees are held and brought to centres, and about picking up trouble spots at an early stage and noticing increases in tension. All that might have been helpful in the Harmondsworth situation. If it really was a priority for the Home Office, we would have had the report by now. I should be grateful if the Minister would convey my remarks to the Home Secretary and, at the same time, ask whether a pilot programme for tagging asylum seekers and detainees will be introduced at the end of the summer. If so, what effect will it have on Yarl's Wood in my constituency?

Apart from that specific matter, what has grated most on the minds of my constituents—and what they have asked me to raise—is their frustration at being thwarted by various barriers that are put in their way when they try to achieve something, either in their voluntary efforts or their business life. I do not usually bang on about the burden of red tape and regulation because that can get a bit routine, but I have had cases brought to me in the past few months that exemplify the frustrations of people in so many different walks of life. I offer them to the Minister and to the House as an expression of concern and with the sense that we must be able to do something to make life easier for people who are simply trying to get on.

Two schools have approached me in connection with the New Opportunities Fund for PE and Sport, because they have sought to finance new sports halls. Sharnbrook upper school is a successful school that covers a rural area in the north of my constituency. It is the former school of Paula Radcliffe, so it knows a bit

[Alistair Burt]

about sports. It made an application to NOF for PE and Sport, which was set up in November 2001 under the national lottery, with a budget of £581 million. By mid-2002, Sharnbrook had completed the county assessment process and begun to work on its application to NOF. By March 2003, the school had made its first submission.

It is now July 2004. No money has appeared. The head, Peter Barnard, has spent nearly £30,000, used reams of paper, answered requests and resubmitted information. He has seen his original budget for the application wiped out by the time it has taken, and still no money has appeared. He wrote to Sport England on 23 June:

"NOF has promised £225,000. However their massive and quite unbelievable bureaucracy has been a source of constant delay, severely endangering the school's cash-flow. None of the promised money has reached us from this source . . . I estimate that the NOF bid process has cost the school £30,000 in administration and the NOF contribution, although welcome, falls very short of what is required. Their failure to deliver promised funding on time means that I have a cash flow problem and have had to cut back funds within the school."

The head of Lincroft middle school originally raised the issue with me and I tabled some written questions on his behalf. As I have said, the NOF for PE and Sport was launched in November 2001 with a budget of £581 million. By April this year, its actual expenditure was £10 million. No wonder local schools are frustrated by a process with such an outcome.

I have two further examples. On Saturday morning I visited the multiple sclerosis centre in the constituency of the hon. Member for Bedford (Mr. Hall), which also serves my constituents. I spoke to Val Woods, who has run the centre successfully for 20 years—until the National Care Standards Commission decided that it needed to be licensed and registered. She has spent the past two years going through that process. Several issues have emerged. The centre used to treat children in its hydrobaric therapy facility. New rules require that even those volunteers who operate the machinery and have no contact with children must go through two-day child protection training courses. They are not willing to do that, because they see no point in it. A paediatric nurse must be on hand, which is an extra cost that the centre never had to meet before.

When Val Woods was talking to a commissioner one day, she was asked, "What is your complaints procedure like?" She described it. The commissioner then asked, "What is your procedure when the loo rolls run out?" She said, "I'm sorry . . . " The questioner repeated, "What is your procedure when the loo rolls run out? You must have a procedure for that." She burst out laughing. She could not understand why, after 20 years of successfully running the centre, her standards and her licence depended on whether she had a written protocol for dealing with the absence of loo rolls. That is the sort of thing that frustrates people. That centre can continue to look after children because it has resources, but smaller centres throughout the country cannot carry on.

Mo Catlin runs a successful and popular garden centre in Milton Ernest in my constituency. She set up the business herself, it is not an empire, and she runs it very well. However, she has recently been plagued by a series of requests for information from the Office for National Statistics. For example, under the Statistics of Trade Act 1947, Mo has been asked to supply her stock levels month by month, but a stock-take, done properly, takes two days. She must comply or she is subject to a criminal liability.

Mo has been asked to take part in a monthly wage and salary survey. Why is that information not taken from her annual accounts? There is an annual business inquiry, which asks for the value of certain elements of her stock, including gloves—curiously, not gardening gloves. She has also been asked to take part in a new earnings inquiry relating to a named individual, picked by the Government. She is being asked confidential questions about that person, but has anyone spoken to him? Why must she do all those things? In addition, there is VAT, health and safety, auditing and everything else.

I produced those examples not because this is a familiar subject of rant for me, as I said earlier, but genuinely because constituents have expressed those frustrations to me. They ask, "Can you not make life easier?" They are trying to run schools or businesses. They are volunteers, trying to help people with multiple sclerosis. Barriers are being put in their way. Somewhere, somehow, somebody must make life easier for those people. It is our responsibility to try to do that.

2.42 pm

Siobhain McDonagh (Mitcham and Morden) (Lab): As we go into recess, I draw the House's attention to the fact that people in my constituency are being consulted on the possible closure of the accident and emergency unit and the consultant-led maternity unit at St. Helier hospital—all in the name of bringing people more local services. However, the real driver for that possible change is the power of the royal colleges to determine training places and curriculums and the working hours of junior doctors. I am concerned that health inequality and health needs are not paramount in considering the location of those units.

There is no hospital in my constituency; half my constituents use St. Helier, the other half use St. George's hospital, yet no one from my constituency serves on the board of either hospital, or on the boards of the primary trust and the strategic health authority. Where is the input from my constituents? Apart from getting involved in whatever consultation process the health service decides to undertake, how can they voice their concerns about the possible closure of those facilities?

I am concerned that the consultation process will involve only the motivated and will not reach the people who may need the services most. Will the Government take on board the need for health inequality and health need to be paramount in any consultation on changes in the provision of health facilities?

In my patch, we have the lowest level of general health: 25 per cent. more people do not enjoy good health and the highest number of people report long-term limiting illness. We have the highest number of children aged nought to nine; the highest population in the age bands 20–34 and 35–39, and thus the highest demand for a maternity unit; the largest number of teenage births and the largest number of mums who

smoke. We have the largest number of black and ethnic minorities and of people with the least access to primary care services. We have the poorest socio-economic profile; the residents of St. Helier ward are half as likely to be in the professional classes as those in Epsom.

People in the area surrounding St. Helier hospital are 50 per cent. more likely to be on benefits and almost twice as likely to have no car. More than 2,200 people living in each postcode area surrounding the hospital attended the accident and emergency department. In some of those areas, the number was more than 5,000. The number of people attending A and E from each postcode area around Epsom hospital is never more than 2,200 people, even though the geographical area is greater than that covered by St. Helier.

We are concerned that those facts are not given the priority they need. We are also concerned that the possible closure of the A and E unit at St. Helier will be disastrous for St. George's in Tooting. Anyone with an interest in health care provision in south London and who read the star ratings published recently will see that St. George's is a two-star trust, prevented from gaining three stars because it could not meet its A and E waiting time targets. If the people in the five council wards currently served by St. Helier A and E could no longer use that facility the pressure on St. George's would be so great that it, too, would have to close through force of numbers.

My plea is that we should consider where health needs are. There is a feeling outside this place that when changes to health services are being considered more gets more; that, in general, those who live in areas where there are more articulate and wealthier people get the health services. In the consultation process in my constituency, I hope that the needs of people who need their hospital are considered first.

2.46 pm

Sir George Young (North-West Hampshire) (Con). I hope that the hon. Member for Mitcham and Morden (Siobhain McDonagh) will understand if I do not follow her on the local issues that she raised. However, I want to pick up a point that she made about star ratings and hospitals.

The House should address three issues before we rise for the summer recess, all of which have an impact on my constituency; they concern the Learning and Skills Council, the Department of Health and the Ministry of Defence, following the Secretary of State's announcement yesterday.

I start with the Department of Health. Yesterday, as the hon. Lady said, the Commission for Healthcare Audit and Inspection published its NHS performance ratings for 2003–04, allocating three, two, one or no stars to all the trusts. I have no difficulty in principle with monitoring the performance of trusts, but is the methodology robust enough to withstand the weight that is now imputed to it?

One of the acute trusts in my constituency is Winchester and Eastleigh Healthcare NHS Trust, which last year had a three-star rating but, yesterday, had dropped to one star—after the Department had encouraged it to apply for foundation status. My subjective judgment is that the hospital is probably better today than it was a year ago—not least because it has a new diagnostic treatment centre. However, during the reference period, while the hospital was being assessed, it underachieved on total times in A and E—like the hospital referred to by the hon. Member for Mitcham and Morden—and so it was knocked back. I hope the Minister will confirm that the star rating regime is itself under review, as I am not sure how many stars I would give it at the moment.

On a related point, I should not be doing justice to my constituents if I did not mention the continuing difficulty of trying to find an NHS dentist in North-West Hampshire. Yesterday my constituent, Mr C, a 76-year-old pensioner in Tadley, sent me a copy of a letter he had sent to the Secretary of State, which ended, fraternally:

"And I have voted Labour for years".

However, to judge by the rest of the letter, he may not be doing so again. Along with many other constituents who had access to an NHS dentist for all the years when we were told that the service was underfunded by the Conservatives, he has been told that his dentist is leaving the NHS. There are real unresolved problems about access to NHS dentists in Hampshire, and despite all the protestations, the position is worse than when the Government took office seven years ago.

My constituent, Mr. T, needs some complicated civil engineering work done on his gums, which involves negotiations with the NHS. I shall quote from the postscript of his letter to me:

"Got a call this morning, 19th, from the Royal Berks confirming that it is at least a four month wait for the initial chat with the consultant then at least a five month wait before the start of any treatment. What a state this bloody country is in!"

That was a less than fraternal ending to the letter, but a reminder to Ministers in the Department of Health that they should be cautious in their boasts about the achievements of the NHS in Hampshire, because real difficulties confront trusts: they are running at a deficit and are having to reconfigure services; and the funding formula does not really do justice to the pressures on the service.

Turning briefly to the Learning and Skills Council, Andover, with a population of about 40,000, is the main town in my constituency. It has no cinemas, but it has one theatre located in Cricklade college, which comes under the umbrella of the Learning and Skills Council. For the last 28 years, that 270-seat theatre has been the primary venue for all dramatic, operatic and artistic societies in the area—the Andover Music Club, the Andover Operatic Society and a host of other organisations hold their functions there. I have a soft spot for the place, because the final selection for the Conservative candidate in 1995 took place there, when I spent an anxious half an hour in a dressing room with my hon. Friend the Member for Buckingham (Mr. Bercow).

It is just as well that my party is not choosing another candidate, because a press release from Cricklade college asserts that the Learning and Skills Council will no longer allow Cricklade college theatre to be used as a community theatre. When the current refurbishment work is completed, it cannot reopen as a community theatre and can be used only by students. All the organisations that have booked events for later in the year are desperately trying to find other venues, none of which is as suitable as Cricklade theatre. That is patently absurd.

[Sir George Young]

We need a breathing space to sort out the bureaucratic muddle. I am sure that the Government's policy is that schools and colleges should be outward looking and encourage the community to come in and that they should not be introverted, limited institutions. I hope that the Minister will draw my remarks to the attention of the Secretary of State for Education and Skills and invite him to open a dialogue with the Learning and Skills Council to see whether they can find a way to allow Cricklade college theatre to continue to be used for the purposes for which it has always been used—I know that Test Valley borough council would participate enthusiastically in such a dialogue.

Finally, I turn to the Ministry of Defence. The Minister will understand that hon. Members up and down the country are anxious on behalf of their constituents about the impact of yesterday's statement. Today is not the time to debate whether that statement got the balance right between this country's obligations and the resources available to meet them. I want to touch on one aspect of the statement only, again with a local focus.

The Defence Logistics Organisations is one of the largest parts of the MOD, and it employs some 28,000 staff and has a budget of £8 billion. It has successfully supported a range of military challenges over recent years, and many of its staff work in the DLO in Andover. Those staff are, of course, concerned about the proposals to cut nearly 3,000 DLO posts and to move some of the jobs from Andover to Abbey Wood in Bristol. We know from the White Paper that

"unfortunately some will need to be made redundant".

It might well be the right strategic decision to refocus resources towards the front line—I have been offered a meeting with the chief of defence logistics, which I shall attend—but the staff do not want uncertainty. Will the Minister pass on to the Secretary of State for Defence my heartfelt plea that the uncertainty should be ended as soon as possible and that those who must go should be given all help in finding a new career?

Finally, will the Minister confirm that we can return to the broader issues raised by the White Paper when we return in September, with a full-day debate in Government time?

2.53 pm

Mark Tami (Alyn and Deeside) (Lab): May I say what a pleasure it is to speak in the same debate as my hon. Friend the Member for Birmingham, Hodge Hill (Mr. Byrne), who made an excellent maiden speech today? I had the pleasure of spending some time in Hodge Hill, and, if nothing else, the knowledge that I gained qualifies me to become a taxi driver in Shard End.

Further proposals to combat antisocial behaviour in our society were announced this week, and those changes are welcome. This week, we digested the proposals, asked a few questions and moved on to other things, but people who live with antisocial behaviour day in, day out have no such luxury. Their lives and the lives of their family and friends are blighted by the actions of a few uncaring individuals or gangs, who see it as their role in life to wreak havoc and make the lives of law-abiding citizens a misery.

Antisocial behaviour is a term that we use to cover a whole range of crimes, from drug-related activities to graffiti, drinking on the streets, vandalism, noise and verbal and physical abuse—the list is endless. Some people call it low-level crime, and it may be considered as such on a national basis, but people who experience it certainly do not think so. Furthermore, antisocial behaviour is not a one-off crime; it is an ongoing crime—a series of events and actions. Even when the individuals concerned are not being antisocial, the people who live around them always fear that those individuals' criminal activity will reoccur at any time.

The proposals announced this week are another step on the road to fighting antisocial behaviour, but we as legislators can only provide the rules and the finance to enable the police, local authorities and community-based groups to tackle the problem—in the past, some have been more willing than others to pick up the tools to do the job. The use of antisocial behaviour orders has varied dramatically across the country, but I contend that where they have been used, they have had a great impact. No one argues that ASBOs are a magic solution, but they are a way in which to influence and change the behaviour of some of the worst offenders.

ASBOs have been used on a large scale in Greater Manchester to combat some of the worst antisocial behaviour. To date, nearly 400 ASBOs have been issued in Greater Manchester, which is considerably more than anywhere else in the country. Issuing ASBOs is one thing, but are they having the desired effect? Well, if Greater Manchester is anything to go by, the signals are quite positive—it is claimed that 65 per cent. of ASBOs are not breached, which is a considerable achievement. However, ASBOs must be part of an overall programme to change people's behaviour and, importantly, keep that behaviour changed and keep people on the straight and narrow.

In my experience, and I am sure many hon. Members' experience, fighting antisocial behaviour is a priority for many in our communities. My county council, Flintshire, received more than 1,200 complaints relating to antisocial behaviour last year, and this year's figure could be 1,500. Flintshire county council issued more than 25 per cent. of all acceptable behaviour contracts in Wales in 2003, which is far more than any other local authority. Flintshire set up its antisocial behaviour unit four years ago primarily to enforce tenancy agreements, and individual housing officers, who deal with the lower level instances of antisocial behaviour, support it.

Neighbourhood watch, the police and the local authority have formed the joint action group partnership, members of which meet each month to examine complaints and take specific action, whether it is on vandalism affecting a school or neighbours from hell.

In September—this is long overdue—neighbourhood wardens will be introduced for the first time, and they will come under the banner of the antisocial behaviour unit. Those are all positive ways in which Flintshire is tackling antisocial behaviour, but one can only do so much with the resources at one's disposal, and local authorities need more resources if they are to carry out that vital work.

Victims of antisocial behaviour often feel that no one cares or that those who do care cannot do much. Filling

out nuisance sheets and reporting every incident to the police is clearly important, but people only feel that there is a purpose in doing so if something comes of it in the end. How many times have hon. Members heard people tell us that they have done all that has been asked of them, but the council or the police seem powerless to act?

When one rents a property, whether private or social housing, one agrees to abide by a tenancy agreement. If one breaches that agreement by acts of antisocial behaviour, one should lose the right to remain in that property—it is as simple as that. None of us wants to see people turfed out of their homes, but as citizens we have responsibilities as well as rights, and it is clear that a number of individuals in our society are not prepared to act in a responsible manner. Many people will no doubt argue that removing people from housing is not the answer, because all we are doing is moving the problem from one area to another. Indeed, I am sure that all councils are faced with the dilemma of what to do with the most difficult tenants in our society.

I agree that we must do everything we can to change people's behaviour, but a hardcore few will not change, and we must examine alternative strategies to deal with them. Why should the people who live in a perfectly happy street or community have their lives turned upside down by antisocial individuals being moved into their area? I would not like it, and no one should have to put up with it. However, on quite a few occasions, I have been able to predict the outcome of certain individuals being moved into certain areas. Everyone deserves a second chance, but some of those people had had a second, a third, a fourth and many more chances, but they still continue to behave in a way that destroys the communities around them. For that minority, we need a new approach. We cannot continue to place them into the community, knowing that they will carry on with their behaviour as before.

For people who fail to change their behaviour, we need to consider more secure sites and units where behaviour can be monitored more effectively and, I hope, changed in the longer term. The Dundee project, although expensive, has delivered some positive results. Although to some that may sound draconian, in the very few extreme cases, it may be the only answer. For the majority, however, with the right resources for policing and support services, I am sure that we can make progress. It is no coincidence that communities with the lowest aspirations suffer the greatest level of antisocial behaviour.

In Wales, with the support of the Welsh Assembly, the "communities first" programme is making a difference in helping to regenerate deprived areas. In Higher Shotton, Lesley Hughes, the "communities first" co-ordinator, is helping to build spirit in the community and to assist people to gain the skills and support that they need to build their lives. However, we need to tackle another problem: the availability of affordable, social housing. In Flintshire, 8,000 people are currently on the waiting list for accommodation. At every surgery that I hold, I see people who are desperate to get a place of their own.

I welcome my right hon. Friend the Chancellor of the Exchequer's announcement in the spending review that the Treasury has set a target of an additional 10,000 affordable homes, with an extra £430 million channelled into low-cost homes, but we need to do more not only in building new social housing, but in investing in the housing stock that councils currently own. To achieve that, we need to give more financial freedom to councils to enable them to invest the money that is so desperately needed.

This year, Flintshire expects to pay more than £1 million in dealing with our homeless problem. In Britain, more than 100,000 families are registered as homeless. In many areas, including my own, registering as homeless is seen as one of the only ways to get a property, at least in the short term. The problem of homelessness will continue to grow, despite the increasing wealth of our economy and society, unless we are prepared to address the need for more affordable housing.

It is no good builders just wanting to build yet another development of five-bedroomed luxury homes with double garages if the majority cannot even think about paying the prices that are being asked for those properties. We need a balance and at the moment—particularly in areas of high economic growth, such as my constituency—that balance is not there. We need to build communities where people want to live and, importantly, can afford to live. Above all, we need to ensure that, wherever we live, we are free from the fear of the tiny minority who fail to take a responsible attitude to life.

3.2 pm

Mr. Paul Tyler (North Cornwall) (LD): I hope that I shall see the clock stop—yes, it has—because this is a Front-Bench speech, so that enables me pay a rather more lengthy and generous tribute to the hon. Member for Birmingham, Hodge Hill (Mr. Byrne). I say that most sincerely: I know what it is like to make a maiden speech in the House. He did so with sincerity, eloquence and obvious, very considerable knowledge of his city and constituency. We all respect that. Indeed, I think that he will find not just from this debate, which is a bit unusual—I shall come to that in a moment—that all hon. Members respect others of all parties who genuinely seek to be good representatives in the House. That is what Parliament is all about. We welcome him very sincerely. We look forward to hearing a great many contributions from him in the future.

I, too, walked up and down Washwood Heath road. I did not have the pleasure of the hon. Gentleman's hospitality at the various hostelries to which he referred, but I was struck by the welcome that was paid to all of us by his fellow citizens. I very much welcome the fact that he referred not just to his immediate predecessor, who was held in high regard in the House, but to predecessors from other parties—indeed, to my very close friend, Roy Jenkins, who served his city well when he was a Member for that constituency.

I said just now that I would refer to the way in which the debate is unusual, as the hon. Gentleman will discover. On these occasions, we get an extremely interesting mix of non-party, in the main, contributions about constituency problems from hon. Members on both sides of the House, yet what is so interesting is that there is always a replication, a resonance, an echo from those on other sides of the House. That was true not

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only of some of the issues that he raises, but of the issues raised by other hon. Members. Surely, that is something very special about such debates—it should happen more often—but it is also intrinsic to the nature of Parliament that, on occasion, we can see in other hon. Members' experiences of their own special circumstances things that are of importance to us as well, and I want to refer briefly to some of those.

I refer, first, to the contribution made by the hon. Member for Tooting (Tom Cox), who is a regular on these occasions, although he does not always speak about the expertise in all parts of the House on fire safety equipment. The lack of attention that, all too often, successive Governments pay to that all-party expertise is very unfortunate. I hope that his words have been listened to with care.

I very much share the concerns expressed by the hon. Member for Bournemouth, East (Mr. Atkinson), not just about post offices—that is serious enough—but, as he rightly said, about the attitude of British Telecom, which is doing precisely the same thing in my constituency as in his and, I suspect, other constituencies. The expectation that everyone should have a mobile phone—that, too, had a resonance in Birmingham—is simply wrong. There is an age group of people, very often those who most need to get to a pay phone for emergency purposes, who are unlikely to have mobile phones. The criteria that are being used by British Telecom are not practical.

In my constituency, and I am sure in those of every other hon. Member, there are circumstances in which pay phones will continue to be important. The lack of consultation—here we go again—is symptomatic of an attitude of a privatised public utility. Let us be duly warned: the Post Office could so easily go the same way. Indeed, some would say that it is already going that way. Those two situations are very similar. It is true, I fear, that BT does not consult local authorities in the way that it should as a public service. I endorse very much what the hon. Gentleman said.

I turn to the contribution made by the hon. Member for North-East Bedfordshire (Alistair Burt). Obviously, I do not know the circumstances of the Yarl's Wood centre, but we remember the incident. It was many months ago, and I find it extraordinary that the hon. Gentleman and local people have not yet been given an opportunity to hear precisely what lessons have been learned. I want particularly to take up his more general point about excessively complex and onerous red tape. Yes, all hon. Members are concerned about red tape. The problem is that, as we all know, it is a balancing act, is it not? For everyone who wants to control something that they do not like very much or thinks is a loophole in the tax system, there is someone else who feels that it is onerous and unnecessary. That balancing act should be a preoccupation not just of the Government, but of the House.

A number of hon. Members give special attention to deregulation, but it goes much wider than that. The work that the Modernisation Committee is currently undertaking on ensuring that our scrutiny mechanisms for European regulations and directives is extremely important in that regard, not least because of gold-plating, of which we are all aware. So often, the proposals that end up in law in this country do not derive from anything that has been said or done in Brussels, let alone in the European Parliament; they derive from Whitehall.

A former Minister told a Select Committee in the other place not that long ago—I felt that this was just so apposite—that, when he came to office, he insisted on a very simple chart whenever anything came before him that was said to derive from Brussels. He wanted to know what the original proposal was; he wanted to know what his own Department had added to it; he wanted to know why; and he wanted to know whether he could still change it. He told that Committee—I was appearing with him on that occasion—that, within two days of his leaving office, the Department scrapped that simple, little way in which a Minister could know what was going on. That does not speak very well of the way in which we deal with over-regulation and onerous red tape.

The hon. Member for Mitcham and Morden (Siobhain McDonagh) also, inevitably, echoed concerns that we all share about the national health service in our own areas and the extent to which it seems to be immune to local consultation and input from people who actually know the practical results of what is likely to happen if changes are made. I sometimes go to local meetings to find out the views of the people in Cornwall who are interested in such matters, and ask whether any of them know who represents them on the area's strategic health authority. No people put up their hands, so I say, "You're absolutely right—nobody does. They are appointees; they are not elected." We Members of Parliament have to take a fallback position, but there is often no opportunity to make such a contribution. I know from experience that the accident and emergency department at St. Helier hospital is a classic example of something on which consultation would benefit all concerned.

The right hon. Member for North-West Hampshire (Sir George Young) echoed many of our concerns. I was especially struck by his point about NHS dentistry, although it must be said that as a Secretary of State in the previous Government, he was partly responsible for what happened to NHS dentistry. The tearing up of the contract with dentists dealt the most devastating possible blow to the service. It is an extraordinary anomaly that we and our constituents pay national insurance contributions and think that we will get normal medical services from our local primary care trusts when we need them, yet the situation for dentistry is a complete postcode lottery. It is extremely difficult to access NHS dentistry in many parts of the country.

The right hon. Gentleman made a valid point about the use of publicly funded buildings under the auspices of learning and skills councils. We, as taxpayers, have invested in those buildings, so local communities should use them to the maximum extent.

The right hon. Gentleman also talked about an issue with which many of us are grappling: the detailed local impact of yesterday's statement by the Secretary of State for Defence. I acknowledge, as I am sure that we all do, that it is inevitably impossible to go through all details at the Dispatch Box. Indeed, if I had thought that the Secretary of State had not been interested in exchanging information about the details and intended to cut through the consultation programme by saying

immediately, "This is what's going to happen", the right hon. Member for North-West Hampshire and I would be complaining about the situation to the same extent as he understandably is about lack of decisions and, thus, uncertainty. I would love to know precisely what is intended for RAF St. Mawgan, but I would much rather get the right answer a bit further down the track than to receive a snap answer now without proper consultation with all concerned. There is a genuine dilemma.

I acknowledge precisely what the hon. Member for Alyn and Deeside (Mark Tami) said because many of us are in a similar position regarding antisocial behaviour and the prevention of types of crime that are not of minuscule importance to those most affected by them. I pay tribute to this country's victim support organisations, but more regard must be paid to the victims of crime.

I was delighted to hear the hon. Gentleman giving his support to the continuation of the neighbourhood watch network because that is an important part of the equation. He will know that the Home Secretary appears—I use the word "appears" because perceptions are important—to want to try to take away the voluntary nature of the network and impose something very different. That is unfortunate because the volunteers in our communities who make a major contribution should not be treated in such a way. Hon. Members on both sides of the House have raised the matter both in the Chamber and directly with the Home Office, so I hope that there will be time to think again.

Before I conclude my speech, I wish to make a point of my own. *[Interruption.]* I shall be brief, and if I had the opportunity to respond to everyone at the end of the debate, I would be even briefer. Before the House adjourns, will the Deputy Leader of the House secure a firm statement of the Government's response to the independent inquiry headed by Lord Lloyd on the illnesses suffered by British troops following their service in the 1991 Gulf war? Many hon. Members' constituents are veterans who still suffer chronic illness following their service in that operation.

Some hon. Members will recall that during Prime Minister's questions last Wednesday, I asked the Prime Minister:

"Will he now insist that appropriate Ministers give evidence to the independent inquiry under Lord Lloyd, so that the appearance of secrecy surrounding this issue is dispelled once and for all?"

The Prime Minister said:

"I am afraid that I have nothing to add to what Ministers have already said on the subject. Of course, it is a serious issue, and we investigate it continually. I will discuss with my colleagues the issue of giving evidence. It is important that we make progress on the basis of the actual evidence."—[*Official Report*, 14 July 2004; Vol. 423, c. 1405.]

All of us who are concerned on behalf of veterans would welcome it if we could have an explicit statement before the end of the debate on whether the Prime Minister has had that conversation and, if so, on its outcome. I gave evidence to the inquiry yesterday, and by that stage Lord Lloyd had not received any specific response following my exchanges with the Prime Minister.

At the Adjournment debate before the Whitsun recess, I congratulated the Deputy Leader of the House on the way in which he had secured responses from appropriate Ministers, but sadly the specific questions that I raised on that occasion have not produced such responses—I am sure that that is a momentary lapse in his normal efficiency. He might recall that I said then that the voters had buried the two-party system in 1997 and danced on its grave in 2001. Recently, of course, the electorate have continued that dance. This place, however, sadly still seems to reflect the two-party system of the past century.

I apologise that I will not have the opportunity to respond to all hon. Members who contribute to the debate at its end, but I am sure that they will be with me in at least this: wishing not only the staff and you, Madam Deputy Speaker, but all of us, a relaxing recess, and a reinvigorating re-encounter with our electorate.

3.16 pm

John Cryer (Hornchurch) (Lab): Like most hon. Members this afternoon, I shall raise a few constituency issues. I talked about school closures on the Floor of the House some time ago. The Conservative-run authority of my borough of Havering has recently had a fairly shambolic run during which it has put various primary schools under the threat of closure. First, it threatened the R. J. Mitchell primary school. It then threatened Ayloff primary school and Suttons primary school, while the closure threat to R. J. Mitchell was withdrawn. It then withdrew the closure threat to Ayloff primary school and put R. J. Mitchell back under threat once again. It has now withdrawn any closure threat in my constituency or elsewhere in the borough, yet it has managed to create concern and worry—verging on panic—among staff, governors, teachers and everyone connected to the schools, especially parents and children.

At the end of that process, what has changed? Absolutely nothing. There was no change whatsoever, so there was no need for the authority to introduce the panic measure. All the schools remain open, but although the closure threats have been withdrawn, those three schools and others in the borough are left with the worry that the Tory council might come back with further threats of closure. I do not think that that will happen—partly because the authority will not be allowed to get away with it—but we should introduce a measure into education legislation that would allow the Department for Education and Skills at least to call for inquiries into local education authorities that behave as irresponsibly as Havering. I blame not the officers but the political leadership, which handled the situation ineptly and started a process that created, at best, worry among almost all people connected with the schools.

The second issue that I wish to raise arises from my regular discussions with local groups that represent disabled people, especially the Havering association for people with disabilities and Havcare, which is a borough-wide group. Two key questions arise from those discussions, the first of which relates to the introduction of the Mental Capacity Bill, which was the draft Mental Incapacity Bill—the title has changed during its consideration in Parliament. The Bill has been widely welcomed by almost all relevant organisations. One of the key aspects of the Bill is that it will allow people who do not have the capacity to advocate their own cause or case to appoint advocates on their behalf. The Government have not yet answered a question that has been put to me, although I am sure that they will:

[John Cryer]

how will advocacy be accessed by those people who need it? For instance, will any costs be incurred, especially by close relatives? A Mencap press release of 28 June states:

"Millions of people with dementia, autism, a learning disability and mental health problems will be better off under the new Mental Capacity Bill, but the Bill will be 'toothless' unless it ensures the availability of advocates, a coalition of 39 charities has warned."

That coalition is the Making Decisions Alliance, which represents 39 charities and voluntary groups.

My second question relates to the requirement for a proportion of carers in homes to have a qualification at, or equivalent to, national vocational qualification level 2. That is probably a desirable change, recently introduced by the Government, but are grants available to achieve that? As far as I know, they are not, but they probably should be. In this context, I am talking about small care homes, some of which face genuine difficulties and have done so for the past few years, although those have been exaggerated by press reports to some extent. If a grant is available to those people who have to attain NVQ level 2, it will help smaller care homes to deal with their problems.

The third issue that concerns me is the use of fireworks and recent legislation on fireworks. I pay tribute to my hon. Friend the Member for Hamilton, South (Mr. Tynan) for piloting the Fireworks Bill through Parliament. It is much needed. I get reams of complaints every year because of the antisocial use of fireworks. The Bill answered many of the pleas that I get in my mailbag, and I am sure that other hon. Members receive the same pleas.

I refer the Deputy Leader of the House to early-day motion 1513 in my name. Although many of the Bill's provisions are welcome, it appears that the original proposal to license all premises that sell fireworks at any time of year is being watered down. That is a central plank of the legislation. I have discussed the matter with my hon. Friend the Member for Hamilton, South and he agrees, and it was his Bill, after all.

If, as seems likely, the Government are going to abandon that licensing system, it could neuter the Bill. Many of its other elements are commendable and badly needed, but if we abandon that licensing system, we are abandoning a main plank of the Bill. The provision is necessary during October, November and December, when fireworks become a particular nuisance—although these days they are a nuisance almost the whole year around. I have a pile of letters in my office from various constituents, including one from the Rev. Bob Love, the vicar of St. John's in my constituency, whom I know well because I have surgeries at his church. He highlights the importance of licensing premises.

My final concern relates to antisocial behaviour and drunkenness. Although my borough recently had a substantial increase in the number of police officers and police community support officers—the PCSOs were introduced in the past few months—the big problem is that daft decisions by the local council in the past have meant that Romford has a nightclub capacity of between 12,000 and 14,000. That is the biggest nightclub capacity in the whole of the south-east outside London's west end. It is an enormous capacity and draws in people from all over east London, Essex and further afield across the south-east. It has obvious law and order implications that were not thought through when planning permission was sought and granted for various nightclubs, which were then issued with licences.

What tends to happen is that on Friday and Saturday nights police strength is drawn from other parts of the borough. The increase in police strength means that the problem is not as bad as it used to be and has been mitigated to some extent. However, we still need to draw some police officers from other parts of the borough. The Government could help by introducing a regulation to control the practice of happy hours, which sometimes go on for two or three hours, in nightclubs. Drinks are very cheap and, as a result, there is widespread, and sometimes serious, intoxication.

I go out on patrol with the police on a fairly regular basis and see the result of those happy hours around Romford, especially late at night. Happy hours reflect the irresponsible behaviour of certain breweries and nightclub owners. If we cannot regulate happy hours, I have another solution. It is a bit of an old Labour solution. If it were up to me, I would nationalise the breweries. Bringing the breweries into public ownership worked in the first world war, why can it not work now? We sorted them out then and we can sort them out again. We could regulate, control and ensure that the problem does not arise in the future. Of course, it would have the added advantage that we would not have to tax the breweries because all the money would come to us anyway.

Mr. Heald: It would also give us an opportunity to test out the theory, which we have always had, that the Government could not organise a **** in a brewery.

John Cryer: I will ignore that.

Nationalising the breweries would be advantageous. All the money would come into the Treasury. My right hon. Friend the Chancellor of the Exchequer could use it to invest in schools, hospitals, police and so on, and antisocial behaviour would be controlled as a result.

3.26 pm

Mr. John Wilkinson (Ruislip-Northwood) (Con): It is a great pleasure to endorse everything that my hon. Friend the Member for North-East Bedfordshire (Alistair Burt) said in tribute to the maiden speech of the newly elected hon. Member for Birmingham, Hodge Hill (Mr. Byrne). I am sure that he has a promising career in the House.

It was good that the hon. Gentleman spoke so warmly of his predecessors, most notably the late Roy Jenkins, my right hon. Friend the Member for Bracknell (Mr. Mackay) and, of course, Terry Davis, who, like my hon. Friend the Member for Bournemouth, East (Mr. Atkinson), has given most distinguished service to the Parliamentary Assembly of the Council of Europe. This country and its delegation can be proud that he is now its Secretary-General.

The hon. Member for Birmingham, Hodge Hill wound up his speech with reminiscences about happy walks to the Fox and Goose—no doubt many of us empathised with him at that point—and talked about

the industrial performance in Birmingham, the great city's commitment to manufacturing, and what it did in world war two by providing Spitfires and Hurricanes for the front line of the Royal Air Force. His remarks and those of the Secretary of State for Defence yesterday lead me to follow my right hon. Friend the Member for North-West Hampshire (Sir George Young) in referring to the mini White Paper on defence, inappropriately named "Delivering Security in a Changing World: Future Capabilities". That is a misnomer if ever there was one. I do not believe that it would be doing justice to our servicemen and women for the House to wait several months before delivering a considered verdict on it. It was based on false assumptions.

The Secretary of State said yesterday:

"We measured numbers of people and platforms in the cold war because we were preparing for an essentially attritional campaign, holding back Soviet forces."—[*Official Report*, 21 July 2004; Vol. 424, c. 343.]

We were doing nothing of the kind. Throughout the cold war we maintained forces vastly inferior in number to those of the Warsaw pact countries. We had enough troops in place to hold the line for 48 hours or, at the very most, 72 hours, at which point we were bound to give way or to invoke nuclear retaliation. The fear of nuclear retaliation provided the deterrent that kept the peace. It is false logic to suggest that we do not need adequate numbers now on the basis of the argument that during the cold war we needed large numbers of forces. We need, of course, a balance between numbers of well-equipped forces, capabilities, mobility, flexibility and firepower, which in part the Secretary of State is delivering, but which is not fully achieved because of the dictates of Her Majesty's Treasury.

The forces' morale will be gravely affected by the cuts that the Defence Secretary has introduced, and they are cuts. No one can suggest that reductions in the Royal Air Force of 7,500, the Army of 1,500 and the Navy of a similar number do not constitute cuts—they most certainly do. To withdraw the whole of the RAF's Jaguar force, its offensive support aircraft, currently based at Coltishall, before the tranche 2 Typhoon is even ordered, let alone available, is highly irresponsible because the capability that they provide ensures that our forces on the ground can do their job effectively, with the minimum of loss. It is, however, in line with what the Government have done before: the withdrawal of the Sea Harriers from service with the Fleet Air Arm, some eight years, at best, before the new F-35 JSF aircraft come into service.

The Government are happy to allow our armed forces to be vulnerable; indeed, they accentuate that vulnerability, as they are doing by reducing the Nimrod force from 12 to eight maritime patrol aeroplanes, just when the Dutch are completely abandoning their maritime patrol aircraft. For us to reduce this capability is most irresponsible.

It is irresponsible also to conjecture about reductions in the helicopter force. We need the mobility that the helicopter force provides now more than ever in this age of uncertain threats and global terrorism. Likewise, it is most unwise for the Government not to have placed an order for the new tanker aircraft, the A330–200, which the RAF is banking on. It is also irresponsible to eliminate the air defence capability of the RAF Regiment at a time when protecting from attack the few aircraft that we do possess is crucial. I also find absolutely extraordinary the idea that, when terrorism is all too rife, one can put all one's transport and tanker assets on one base, by closing RAF Lyneham and putting everything at RAF Brize Norton.

The Government are letting the country down and they are letting the armed forces down. What a way to celebrate the 200th anniversary of Trafalgar next year—by cutting the fleet by about a quarter and happily allowing the French to have a much larger navy than us. The United Kingdom should have the biggest navy in Europe; we should be proud of the fact, because it is concomitant with our interests as a global trading nation.

It is also unwise to leave totally sacrosanct a quarter of the British Army in Germany. No one wants to see a reduction of the infantry battalions—they are overstretched already, and they are rotated on to operational tours all too frequently—but that the Army should maintain about a quarter of its strength, static, in Germany, expending vast sums to the benefit of the German economy when it is the British economy that we should be sustaining, I find decidedly odd, especially when, in the second Gulf war, it did not appear that the Germans were even on our side. They seemed to be militating against our efforts rather than supporting us as good NATO allies should.

Our Government are embarked on a European security and defence policy, and we all wish that well because it is in the interests of our continent and our nation that it should succeed. The European Union is to take over NATO's peacekeeping role in Bosnia at the end of this year. However, I wonder whether, in the event of a major commitment such as Iraq and a serious crisis, not just peacekeeping, in the Balkans or Northern Ireland, with the reductions that the Defence Secretary has outlined we will be able to meet both, or other multiple, obligations. I doubt it very much.

I return to the theme of irresponsibility, which is at the heart of the defence White Paper that the Government have put before us. We can play a role, not only here, but collectively with parliamentarians of like mind on the continent. I am pleased that the French are maintaining increased defence spending and I admire the way in which they are cocking a snook at the stability pact, which many of us thought was ridiculous and voted against at the time that the Maastricht treaty was going through the House.

The European security and defence policy needs to be scrutinised. Collectively, we must ensure that we in Europe make the best use of our common resources for defence, and to do that national parliamentarians need to engage together. I suggest that we do so through the Parliamentary Assembly of the Western European Union, whose 50 years of existence we shall celebrate in October. The assembly has done its job magnificently because national parliamentarians provide the Defence Ministers and the defence budgets which make the European security and defence policy possible. However, the latest defence review ensures that making the European security and defence policy possible for the United Kingdom will be much harder. For this reason, I believe the White Paper to be irresponsible.

3.36 pm

Mr. Mike Hall (Weaver Vale) (Lab): I join others in congratulating our new hon. Friend the Member for Birmingham, Hodge Hill (Mr. Byrne). He spoke extremely warmly about his predecessor, our right hon. Friend Terry Davis, who has left Parliament to become Secretary General of the Council of Europe. I served with Terry Davis for five years on the Public Accounts Committee; even though we were Opposition Members then, Terry was a master of holding the Government's senior accounting officers to account for the projects that the Committee examined. We shall miss Terry, but he has been replaced by an hon. Friend who, judging by his maiden speech, will make an excellent contribution to Parliament.

My hon. Friend told us about his constituency, but most of us know it from the time that we spent there during the run-up to the by-election. I spent a couple of afternoons delivering leaflets on his behalf, and I am delighted that my efforts contributed to his success. He also spoke eloquently about the history of his fascinating constituency and the illustrious people who have preceded him as MP for that part of Birmingham. He has a tough act to follow, but the challenges that he has set for himself in representing the people of Hodge Hill are entirely right and I am sure that he will meet them extremely well. I look forward to many more speeches from my new hon. Friend.

I have four local issues to raise, but may I first ask my hon. Friend the Deputy Leader of the House to find out, perhaps through the Modernisation Committee, whether it is necessary for the Liberal Democrat spokesman to join in debates such as this one by commenting on all the speeches made before his? I am only glad that the hon. Member for North Cornwall (Mr. Tyler) spoke before I did.

As I said, the issues I wish to speak about are local, but they have a bearing on national Government policy. The first is a recent decision by one of my local authorities, Vale Royal borough council, which is Tory and Liberal Democrat-controlled, to introduce changes to its refuse collection service under the guise of meeting Government recycling targets. The local authority rightly conducted a vigorous consultation exercise asking people whether they would be willing to participate in a system that recycled more rubbish from the domestic waste stream via kerbside collections. Of course, the response was an overwhelming "Yes". However, the local authority did not clearly spell out—it was mentioned only in the small print—that the ordinary domestic refuse collection service would be reduced from a weekly collection to a fortnightly one.

There is uproar in my constituency about the decision. Concerns have been voiced about health and safety. We are beginning to experience problems associated with the summer months, such as the smell from bins, and there have been reports of infestations of maggots and flies in bins. My constituents have raised their concerns with the local authority, but it says that it will not respond to letters of complaint or register phone calls as complaints because my constituents are raising nothing new. That is the wrong way for the local authority to approach the problem: instead, it should try to explain to the people living in Weaver Vale and the Vale Royal borough council area why the new system will be put in place. However, its explanations so far have been confusing and, in some ways, downright dishonest.

First, the local authority said that the Government are demanding that by 2007 the authority must meet stringent recycling targets. That is true. Secondly, it says that if the local authority does not meet the targets it will face a fine of £120,000 a day or £44 million a year. That is abject nonsense: no fines are imposed under the scheme. The Government have said that if recycling does not remove the amount of material going to landfill, the price of landfill may increase, and if a local authority overtips its quota, it may have to pay more money. By no stretch of the imagination will that result in a fine of £120,000 a day.

When those explanations were challenged, the local authority said, "We have to do this; otherwise we will have to go back to a weekly recycling collection, which will cost us an extra £1 million." Therein lies the answer to the problem: the authority has cut the domestic refuse collection to save money. It now says that if it returns to a weekly service, people will not recycle. What nonsense! The local authority should say that it will look again at the issue.

When a bin is put out, the authority will not collect any surplus rubbish that is placed in black bin bags, which is termed "side rubbish". Section 48 of the Environmental Protection Act 1990 requires a local authority to collect domestic waste without charge. Will the Minister explore with his colleagues in the Department for Environment, Food and Rural Affairs whether there is an obligation on a local authority to collect side rubbish—domestic rubbish placed at the side of a wheelie bin. When it is left, it attracts vermin and it is spread across the neighbourhood. That leads to a greater incidence of fly-tipping, and we have an unsatisfactory state of affairs.

I shall move on to another issue that I have raised with my right hon. Friend the Secretary of Transport. For the past two years, in the Northwich part of my constituency we have held an event called the Thundersprint, which is a motor cycle extravaganza. Motor cyclists from throughout the country arrive at a car park in Northwich to demonstrate their motor cycles, which can be vintage all the way through to formula one. There is a great carnival. This year the two-day event attracted about 70,000 visitors and brought a huge sum of money into the local economy. It is a fantastic event. No incidents were reported to the police and there were no health and safety issues.

The event has to take place on a car park because even if we closed a section of the highway to demonstrate the motor cycles, they would not be allowed on it because they do not comply with current road traffic Acts. I have been pressing the Department of Transport to see whether a way can be found round that problem, so that next year's event can take place on the public highway, which would be closed to other traffic. So far, that has proved difficult.

We cannot use the car park at Northwich for the next five years because the Government, following my insistence, have provided £28 million to stabilise the town centre because of problems that we have with salt mines. I hope that the Minister, on my behalf, will press the Department of Transport with a view to resolving the problem.

I wish to take up an issue that I have raised already in an Adjournment debate in Westminster Hall—I raised it directly with the Minister of State for Transport. It concerns a section of railway line that is commonly known as the Halton curve, which, though not disused, is used only once or twice a year. The reason for that is that to close a railway line it is necessary to go through a rigorous public inquiry procedure. It may even be necessary for legislation to be discussed on the Floor of the House. Over the past few years, the line has had one or two services a year. They run on a Saturday morning and no passengers are picked up. The service goes along the line so that it stays open. It is known as the parliamentary train. This year, the Strategic Rail Authority decided, in its wisdom, to do a head count on this strange service to see whether it is being used. Strangely enough, it found that the answer is no.

The SRA has written to me to say that it is thinking of closing the Halton curve. If it does so, it will be a passive closure. I have yet to find out what that means, but I have asked. This is nonsensical. If the line were resignalled and some investment were made in it, trains could travel in both directions and it would be the final piece in the north-west railway jigsaw. It would link north Wales to Liverpool without people having to use the west coast main line, and would allow north Walian traffic to go through Liverpool and on to the north-west and the Lake district. It would connect with the Allerton interchange on the Merseyside light railway, thus completing the circular network, and it would link that network to Liverpool John Lennon airport. Stakeholders across the north-west are all in favour of the development, and I urge my hon. Friend the Minister to tell our right hon. Friend the Secretary of State for Transport that we ought to look at ways of keeping the line open instead of closing it and ending the potential for future developments.

I shall conclude with something that I raised in last year's summer Adjournment debate—the merger of Halton and Warrington hospitals. When my hon. Friend the Member for Halton (Derek Twigg) and I agreed to that merger, we did so on the grounds that there would be no reduction in services at our hospital. The clinical director of North Cheshire Hospitals NHS Trust took unilateral action more than 12 months ago and, without consulting clinicians or senior management at either hospital, decided to close the intensive care unit. It remains closed following that decision by Dr. Mwanji. Mr. McMillan of Whiston hospital produced an independent report, and the Bishop Auckland report says that the beds should remain open. The Commission for Health Improvement said that there was no threat to health services. The only person standing in the way of the unit reopening is Dr. Mwanji, the clinical director. Even the chairman of the British Medical Association said that those beds should be reinstated, so I advise my hon. Friend the Minister that the clinical director of Warrington hospital should be sacked.

3.46 pm

Mr. Alan Reid (Argyll and Bute) (LD): I congratulate the new hon. Member for Birmingham, Hodge Hill (Mr. Byrne) on his impressive maiden speech. Having been elected for the first time at the last election, my own maiden speech is fresh in my mind, and I remember what a nerve-racking occasion it was. I admire the hon. Gentleman's stamina. After fighting a stressful by-election he looks very fresh indeed. I once fought a by-election with considerably less success, but I recall what a stressful and tiring experience it was.

I wish to raise some matters affecting my constituency, which is a remote rural area comprising a large part of mainland Scotland and 26 inhabited islands. It is a beautiful place in which to live and work, but its remoteness and the cost of travelling to and from the islands present challenges to people who run businesses there. The cost of parcel deliveries is a frequent source of complaint among my constituents. If they place an order through a mail order company, they almost invariably have to pay a surcharge. Parcelforce has drawn a line across Scotland from Arrochar on Loch Long to a point on the North sea coast near Banff, and the cost of sending a parcel anywhere north of that line far exceeds the cost of sending one elsewhere in the country. It is a large surcharge: it costs almost double to send some parcel weights across the highland line. That imposes an extra burden on businesses in the highlands and islands, particularly those that rely on mail order deliveries.

The Government should extend Royal Mail's universal service obligation, whereby it must deliver letters to all parts of the country at the same price, to Parcelforce. When I raise the matter with Ministers, the standard reply is that Royal Mail delivers parcels at a uniform price to any part of the country. However, as with letters, parcels sent via the standard Royal Mail service are not signed for on delivery. Mail order companies want a signature on delivery, which involves an extra cost. The Royal Mail parcel delivery has a weight limit; it is therefore of limited value to them and, in addition, there is no guaranteed delivery time. However, Parcelforce parcels are signed for on delivery and the service offers a guaranteed delivery time. Businesses want to use Parcelforce, but highlands businesses are deterred from doing so by the extra costs. That is discrimination against a small part of the country and it should end.

Dairy farming is an important industry in the Kintyre peninsula. Ever since I was elected, farmers have been telling me that the farm-gate price for milk is nowhere near enough to cover their costs. The Environment, Food and Rural Affairs Committee recently investigated milk pricing in the United Kingdom and found that farmers' comments are correct. The report states in paragraph 24:

> "Average farmgate prices are . . . not high enough to cover the farmers' costs"

and goes on to say in paragraph 26:

> "UK farmgate prices are not only inadequate to recompense farmers for the cost of milk production, they are also consistently below the EU average."

The Select Committee investigation also reported, at paragraph 42, that the

> "dairy market is not operating as it should"

and at paragraph 55 that

> "processors' costs appear improbably high".

Clearly, more investigation by the Government is needed into milk pricing. A regulator should be appointed to oversee the dairy industry; only that will enable us to find out why the market is not working as

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it should. The market should operate with greater transparency and we need an investigation into the Select Committee's belief that

"processors' costs appear improbably high".

We also need to look at UK competition law. Its practical effect appears to be to prevent milk producers from forming large-scale co-operatives. That is not the case in other EU countries, where large-scale dairy co-operatives have been formed. It means that in the UK the small farmer is fighting an unequal struggle against the big supermarkets and the big dairy companies. A regulator would be a good step forward.

I turn to vehicle taxation. The price of petrol on the islands is often about 15p more than the price at a city petrol station. On one occasion, having started the day in Glasgow and gone to Mull, I found that the cost was a staggering 20p more at a remote filling station on Mull, compared with Glasgow. The extra price has a devastating impact on the economies of island communities. It is also rather galling that in areas where there is no public transport alternative, the price of fuel is highest. The logic for high fuel prices is to encourage people to use public transport, but the illogicality of the present system is that the price of fuel is highest where there is no public transport alternative.

One short-term fix that I would support is a reduction in the duty on fuel sold at island filling stations. That would create a level playing field for island businesses. In the longer term we need to move from fuel duty towards a system of road pricing. That would be more sophisticated and would enable higher charges to be levied on roads where there was a public transport alternative, compared with remote rural roads where there is no such alternative.

Fuel duty is rather a crude way of taxing the motorist. In the past it had the beneficial effect of encouraging vehicle manufacturers greatly to improve the efficiency of their vehicles. That has certainly been effective, but I suspect that we are now at the point where further technological advances are unlikely to make much impact on fuel efficiency. The time is right to move to the more sophisticated system of road pricing.

Finally, I turn to a matter that various hon. Members have raised this afternoon—yesterday's defence statement. My constituency's local regiment is a well-known one, the Argyll and Sutherland Highlanders. It is a famous regiment with more than 200 years of service to the British Army. The clear intention of the Government's defence review is to merge the regiment with other highland regiments.

Yesterday's statement from the Secretary of State for Defence announced the loss of a Scottish infantry battalion. However, the Government's plans to reduce infantry numbers are short-sighted. The Army is already overstretched. The Government's plans appear to assume no new commitments for the Army. I should have thought that one of the lessons from Iraq and Afghanistan was that while all the high tech might be very good at winning the war, the difficult task of winning the peace requires highly skilled and committed soldiers on the ground. That is a part of the battle that the British Army has proved to be very good at. It has carried out the task of winning the peace far better than the American army. It is important that we keep our infantry strength at its current level, because as well as fighting wars and peacekeeping in many parts of the world, the Army has to deal with unexpected matters at home such as foot and mouth and firefighters' strikes.

Recruits want to join local regiments with a long and proud tradition. Merging the Argylls into a new regiment called, say, the North Scotland regiment, is bound to have a negative impact on recruitment compared with keeping the famous, long-standing name of the Argyll and Sutherland Highlanders. I remind the Government that 30 years ago a previous Government tried to abolish the Argylls. A massive campaign to save the regiment succeeded, and the Government gave way. I advise this Government not take on the Argylls, because I suspect that, like their predecessors, they will buckle under the weight of the subsequent campaign.

3.55 pm

Ann Taylor (Dewsbury) (Lab): I start, as have several colleagues, by congratulating my hon. Friend the new Member for Birmingham, Hodge Hill (Mr. Byrne) on his speech and on the way in which he presented it. He paid tribute to his predecessor, Terry Davis. I echo his tribute and that of my hon. Friend the Member for Weaver Vale (Mr. Hall), who, like me, worked closely with Terry over many years. We were all struck by the calm assurance and wit of my hon. Friend the Member for Birmingham, Hodge Hill. When he said that his predecessors had served Hodge Hill well, I think that all hon. Members immediately thought that he would follow in that tradition.

My hon. Friend the Member for Birmingham, Hodge Hill talked about education, and said that people in his part of Birmingham had never had such good educational opportunities as they do at the present time. I hope that my hon. Friend continues his interest in education, because the changes that the Government have made in that respect have been among their greatest achievements and will produce long-lasting and significant consequences in terms of opportunities for all our young people in the future.

I am particularly proud of what has happened in education, from the Sure Start places, which are a breakthrough development helping youngsters and their parents, to the changes at primary level, including the significant impact of reduced class sizes. In Dewsbury, we have also seen significant improvements at secondary level. Many schools have achieved specialist status, there has been a new level of co-operation between some schools, and, although there have been a few hitches, school buildings have been significantly improved through public-private partnerships.

We have experienced many improvements in education locally, but despite all the good work that has been done and all the investment that the Government have put in, two problems have recently arisen. I am glad that today sees the publication of the report by the Select Committee on Education and Skills entitled "Secondary Education: Schools Admissions", because I want to say a few words about admissions in Dewsbury

and the problems that have been created by the Lib Dem council's decision to review its admissions policy. Although I accept that that is not an easy matter and there are no easy solutions, one school in Dewsbury has received 50 appeals, 22 of which are from parents trying to get a child into the school to join their brothers and sisters. The constituent who first brought that to my attention, Tracie Kilburn, already has a daughter and son at the school, and her youngest child wanted to go to there too, but that is no longer possible because of the change in approach by the Lib Dem council. The Select Committee report suggests one or two ways forward, including that the House should be more prescriptive about admissions policies. It is not easy to get them right but I do not believe that the council should have changed the siblings rule and left so many young people and their parents in a difficult position.

My second reason for speaking about education is a problem that has got worse through the success in recent years of education in Dewsbury. We have a tradition of under-achievement; we have no tradition of staying on at school and going into post-16 and higher education. Nowadays, there is a significant increase in youngsters who do well at GCSE and throughout their school careers. The problem is critical after GCSE because we have so little traditional post-16 academic provision. Dewsbury college is very good for much non-traditional, non-AS and A-level work, but the majority of youngsters in Dewsbury have to leave the town for their post-16 academic education.

We have a Catholic high school, which has a limited number of places and gets good results. We also have Mirfield Free Grammar school, which, I am glad to say, is a comprehensive school down the road that takes some youngsters. However, the academically gifted of Dewsbury mostly have to go to Huddersfield and sometimes Leeds and Wakefield for post-16 AS and A-level education. They have to travel a long way—some take three buses—and that requires great commitment. We therefore need local, quality AS and A-level provision. All the heads of the high schools in Dewsbury agree about that. They tell me that many youngsters are put off staying in education because they cannot face the extra hassle travelling such a long way. They are achieving more and they want to achieve more, but such provision on our doorstep would enhance the staying-on rate and provide much greater opportunities.

Ministers are sympathetic to the cause. The Under-Secretary of State for Education and Skills, my hon. Friend the Member for Bury, South (Mr. Lewis) talked to heads and was impressed by their proposals. We have more post-14 co-operation between those schools and they all say the same thing: we need quality provision. The sixth form colleges in Huddersfield are of high quality and would be interested in providing satellites in Dewsbury, but unfortunately the Liberal Democrat council will not support that approach and is currently blocking such progress. It is inhibiting the opportunities of young people in Dewsbury. Given all the successes that we are enjoying in education, we must improve young people's aspirations and make it easier for them to stay in education and not block their hopes, as the Liberal Democrat council is doing.

4.3 pm

Mr. Nigel Evans (Ribble Valley) (Con): I congratulate the hon. Member for Birmingham, Hodge Hill (Mr. Byrne). I have fought several by-elections and the major difference between us is that he won his. Another difference is that he gave an excellent maiden speech and mine was rubbish. It was on Maastricht—need I say more, apart from "Sorry"?

I should like the Minister to take up several matters before we adjourn and I am sure that, characteristically, he will agree to them all. One is on regional government. We know that the Government are minded to change their view. Harold Wilson said that a week was a long time in politics but we now know that a night is a long time in politics. I do not especially want the referendums but if we have to hold one in the north-west, why cannot we go ahead on 4 November and have the ballot boxes? They are tried and tested. We have them for general elections, so let us have a referendum on 4 November and conduct it in the traditional manner.

Telephone boxes were mentioned by my hon. Friend the Member for Bournemouth, East (Mr. Atkinson). BT has announced that it wants to close 25 in my constituency, all of which are in rural areas. Hon. Members who know my constituency will know that some of the villages involved—Pendleton, Dunsop Bridge, Bashall Eaves, Chatburn, Rimington, Twiston, Bolton by Bowland, Slaidburn and Mitton, for example—are very small indeed. They are in rural areas and they rely on their telephone boxes. BT tells us that "It's good to talk". Well, some of us need telephone boxes to be able to talk, and they are essential in an emergency. There is a universal obligation involved here, and BT should be forced to ensure that all those telephone boxes remain open.

Conversations about speed cameras always get people going, whether they crop up in a pub or over tea somewhere. People get very frustrated by the way in which speed cameras have been abused. That is certainly the case in Lancashire, where the number of speed cameras rose last year from 206 to 297. The number of fatalities also increased during that period, so something is going wrong there. In the village of Grimsargh, I witnessed one of the mobile speed camera units with all four wheels on the pavement. That was completely wrong, and I have asked the police to look into the matter, because I think that the vehicle was illegally parked. The police should have booked themselves. I hope that they will look again at the case of anyone who was booked on that day by that vehicle, and rescind all the fines that were imposed. The people who use those cameras need proper training to ensure that they do not break the law while trying to enforce it. If those vehicles are parked at accident blackspots, as they should be, there should be proper signage so that motorists will realise that it is a blackspot and check their speed accordingly. We do not want accidents, do we?

Another issue that crops up is that of wind farms. We are very lucky in my constituency in that we do not have any, but my goodness me, they are everywhere else. The Government have certain targets and are looking to wind farms to help them to meet them. I would ask them please to look again at other sustainable forms of energy and, indeed, at nuclear power, if that is going to be necessary. I know that the Government have also considered siting wind farms offshore, and permission

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has just been given to site one outside Swansea, near Porthcawl. That will scar a tourist area, and a number of people are already complaining about it. I have not spoken to one local resident who likes the fact that the wind turbines will be visible from the shore in an area in which tourism is vital. If we spent only a fraction of the money that we spend on subsidising these wind turbines on energy conservation, we would conserve more energy than they can produce.

I have often mentioned post office closures in the House, and I did so again at Prime Minister's questions just over a week ago. I wish that the Government would look again at their policy on this. The post office network is vital, particularly in rural areas but also in urban areas. A couple of post offices have just closed in Clitheroe, resulting in difficult journeys for many people who want to use a post office, particularly if they are disabled. We ought to look again at the issue, and cherish the fact that we have this network. We do not want to be saying, in 20 years' time, "Oh gosh, if only we'd saved the post offices! How valuable they were!"

People have also mentioned the defence cuts that were announced yesterday. I have the Queen's Lancashire Regiment in my constituency and I received a number of letters, prior to the announcement, from people saying that they wished to retain the regiment as a regiment in its own right. It has a proud history that stretches back 300 years, and more battle honours than any other regiment. This is not a party political point; I know that a number of Labour MPs want the Queen's Lancashire Regiment to retain its identity. There will be a campaign to save it, and I hope that the Government will show as much flexibility on this issue as they did on changing the referendums in the north-west. I ask them please to think again. If we want people to join these old, historic regiments, we must retain them and we need to think about how that can be done.

I was at the Farnborough air show yesterday, looking at the Eurofighter Typhoon. What a superb aircraft it is! Part of it is produced in my constituency, and I call on the Government to ensure that they support the military manufacturing skills that we have in the north-west by announcing their commitment to the second tranche as soon as possible, to give some security to the people in my constituency who work on that project.

Another point is that we are now going into a recess, which lasts about six weeks, before we come back for that useless couple of weeks in September, and then we will be off again until just after the party conferences. We cannot table written questions during that entire time. I know how hard working Ministers are, as they were under previous Governments, and they work during the recess. Why cannot we table written questions during the recess, with the proviso that it may take a bit longer for the responses to come back? We are all working—it is not as if we are not doing anything for that period. Would the Government consider, as part of the modernisation programme, the possibility of introducing written questions during recesses, which can be answered during a certain period, whatever that happens to be?

The hon. Member for Argyll and Bute (Mr. Reid) mentioned fuel tax. Let us be cautious about a shift to a tax on mileage. The figure of £1.30 a mile has been bandied around in newspapers. I represent a rural constituency, where even a fraction of that would be hugely expensive. We all know what will happen: it will be introduced at one rate, which is fairly low, and people will think that it is not too bad, but two or three years down the line we shall all be pleading, in Adjournment debates such as this, for it not to be put up to £1.30 or £1.50. The car is essential in some rural areas.

Mr. Alan Reid: The road pricing system that I would like to see would involve no extra taxation on the motorist. The total take would be the same, but it would avoid the present system whereby people in remote areas pay more per mile because of higher fuel tax.

Mr. Evans: We have all heard of neutral taxation before. The temptation for Chancellors of the Exchequer—this one and others—to slap on another stealth tax whenever possible will be too enormous to resist.

The Deputy Leader of the House and I have bandied words previously about regional television. We both know, as we represent north-west constituencies, how important regional news is. Richard Frediani is leaving ITN to be head of regional news for Granada Television. I am sure that he is an excellent journalist and will do a great job there. It is important, however, that we stress the importance of regional television and regional news to all Members of Parliament to enable us to get our message across. We want to get more people voting at general and local elections, and the way in which we can influence them is to get our messages, and our campaigns, across on regional television.

I hope that the Deputy Leader of the House will reinforce the message that regional television is vital to Members of Parliament in getting our message across to constituents on some of the campaigns that I have mentioned in my all-too-brief speech this afternoon. I wish everybody a happy, eventful and effective recess.

4.12 pm

Mr. Michael Jabez Foster (Hastings and Rye) (Lab): May I also congratulate my hon. Friend the Member for Edge Hill—[Hon. Members: "Where?"] I am sorry. May I congratulate my hon. Friend the Member for Birmingham, Hodge Hill (Mr. Byrne) on his maiden speech? I am sure that I was in the right place. The eloquence of his contribution made it worth while travelling up to Birmingham.

In my Hastings and Rye constituency, I have the honour of representing around 1,600 civil servants. Not surprisingly, recent announcements have caused alarm and despondency. I therefore want to make a few brief comments on behalf of this much-maligned group of public servants.

My constituents work mainly in the Child Support Agency, and the Department for Work and Pensions' jobcentres, which are both vital services in delivering the Government's agenda. The Government rightly strive, and have an obligation, to increase efficiency in delivering public services, but we do not need to undermine the confidence and self-respect of employees to achieve that end.

I therefore want the Government to distance themselves from the Opposition's characterisation of civil servants as pen-pushing, bowler-hatted, time-

serving bureaucrats, and to recognise that, in the main, they are hard-working, dedicated public servants, deserving of respect just as much as nurses, doctors and teachers. Folk such as Eddie Fleming, Anita Brown and Jacqui Ottley—some of my constituents who have visited me recently—are de-motivated when they perceive that their efforts are not valued. Those civil servants, frequently referred to as back-room, often deliver personal services to some of the most vulnerable citizens—lone parents, pensioners and the disabled.

Of course, the Government have a right and duty to improve delivery where that is possible, but I want to make four brief cautionary points. First, we have come up with a figure of 80,000 or so back-room redundancies, but where is the detail? What particular services will be delivered in a different way? At present, many of my so-called back-room civil service constituents are overworked, doing no more than we have asked them to do. What jobs do we not want done? When claimants are waiting, as I am told, 14 days for a ring back, that is clearly not overstaffing.

Secondly, if the perceived answer is technology, beware. Almost no large-scale Government computer programme has proved successful. I am not luddite in my belief that technology can provide efficiency savings, but in practice it is not happening. I am told that the current DWP computer programme for registering claims loses records and makes bizarre calculations, and it is not simply human error. We can lose those jobs until the technology is proven.

Thirdly, our benefits systems are now so complex that to reduce the work load on civil servants we need to make life simpler. Sometimes rough justice is preferable to no justice when the complexity of the system gets things wrong. I believe that a system should always provide that a claimant knows whether they are eligible for a benefit and whether the system has provided the right answer. In many of our systems now, that simply does not happen.

Fourthly, in seeking to change the work force we must surely treat them fairly. They already feel unrewarded and undervalued. I do not wish to comment on pay rates generally—to some extent, that is a matter for the market, although I support equal pay for equal work. However, I consider that the DWP future reward strategy proposals are bizarre. In fact, they are a complete horlicks. I am told that what they mean is that wage rates will not be based on merit alone—the claim made for them—but on a competitive assessment which means that only a few can succeed. I reckon that we would not be that pleased if such a proposal were implemented in the House.

I come to my plea. My constituency of Hastings and Rye is an area of regeneration. The Government have done a brilliant job with the direct investment made through the South East England Development Agency, which in turn has cut unemployment in my constituency by some 1,600. We remain, however, the blackspot for unemployment in the south-east so public service jobs are vital to our local economy. I would welcome an assurance that, whatever changes are made, the Lyons promise still holds, namely, that areas such as Hastings will not lose civil service jobs simply because they are in the south-east and, better still, that jobs from the capital will be relocated there.

4.17 pm

Mr. David Amess (Southend, West) (Con): I congratulate the hon. Member for Birmingham, Hodge Hill (Mr. Byrne) on his splendid maiden speech and I wish him well in the future.

Before we adjourn for the summer, I wish to raise a number of points quickly. Unfortunately, since the previous of these Adjournment debates, this House—the mother of all Parliaments—has been further sidelined. Time after time, matters that should be brought to the House first are shared with unelected representatives such as members of the media or local authority officials. I very much regret that. We have had two important reports recently. The first was such a laugh that a new brand of paint has been brought out as a result of it. The second was critical of everyone but no one was to blame. Then the gentleman who runs all this fiasco, who occupies No. 10 Downing street, comes to the Dispatch Box on Tuesday and admits to the House that he has made various mistakes. Yet nothing is done. If ever there was a resigning matter, what we were told on Tuesday was certainly a reason for the Prime Minister to resign.

It was brass-taking nerve for this rotten Government to announce a five-year strategy to tackle crime. The Prime Minister was elected Labour leader on the slogan, "Tough on crime, tough on the causes of crime". He is now in his eighth year of trying to tackle crime and the Government have the nerve to come out with a five-year strategy to tackle it. What is wrong with law enforcement in this country is all to do with management. The two people I blame for the mismanagement are the Prime Minister and the Home Secretary. The Home Secretary must wake up every morning thinking, "Now what can I next make an offence?" What is going on at the moment is laughable. All Members of Parliament realise that there are serious matters to be dealt with.

I am delighted that my local newspaper, the *Yellow Advertiser*, launched a campaign called "More Feet on the Beat", which called on the Home Secretary to provide sufficient funding for an extra 10 police officers. The newspaper encouraged its readers to send in coupons and I was delighted to present the Prime Minister with more than 2,000 coupons yesterday and to present a petition to the House. The newspaper, its editor Mr. Graeme Allen and reporter Luke Walsh, should be commended for the campaign. I am delighted to tell the House that after four months the campaign has had some success. There is a more visible police presence across Southend, West and one of the three police stations—Eastwood—is now partly open. I hope that the Deputy Leader of the House will do what he can to take the issue further.

On several occasions I have mentioned the tragedy of my constituent, Maajid Nawaz. He was jailed for five years on 25 March 2004, accused of belonging to the Islamic Liberation Movement. I met the Foreign Secretary on 11 May to raise my concerns further and to ask the Government to make a plea for clemency on behalf of Maajid and the other detainees. I recently made further representations to the Foreign Secretary following the publication of the judge's summation. I have now received a letter from Baroness Symons of Vernham Dean. Mrs. Abi Nawaz has advised me that on Egyptian independence day—tomorrow—the President

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of Egypt has the power to release foreign nationals from prison. I am disappointed that the Government are unable to ask for that to happen because the men have not served three quarters of their sentences. If there is any chance to make progress on that issue in the next 24 hours, I ask the Deputy Leader of the House to do just that. I certainly wish to thank the Foreign Secretary and Baroness Symons for their efforts and I hope that the nightmare suffered by Maajid and his fellow detainees will soon end.

Many Members of Parliament have mentioned the nightmare of post office closures. I represent a tiny urban area, but yet another five post offices—Bridgewater drive, Earls Hall, Eastwoodbury lane, the Ridgeway and the West road—have been suggested for closure. Local residents are very upset about the proposal because there are so many senior citizens in my constituency. I have complained to the Post Office, because its consultation process is a farce. I hope to present a petition on the issue later.

In May, I presented a Bill that would have put the onus on the mobile phone operators to prove to local authorities that there was a need for mobile phone masts and that they had no health implications. In June, I asked the Prime Minister about the matter. I am sure that he more than anyone constantly uses mobile phones. My concern is that phones have real health risks if overused, especially by young children. The Prime Minister replied that he would proceed "very carefully" and based on the "scientific evidence". In this case, it has become clear that the words "very carefully" translate into the Government doing nothing. The status quo remains, which is totally unacceptable. The Office of the Deputy Prime Minister has told me that it has not commissioned any research in the area. The only real research that I can find—the Stewart report—goes back four years and it recommends the precautionary approach to the use of mobile phone technology. I ask the Deputy Leader of the House to consider the matter and see what the Prime Minister means about proceeding according the scientific evidence, when no such evidence is being gathered.

The subject of abortion recently came to everyone's attention when Lord Steel of Aikwood, who introduced the original Bill, said that he now thought that we should look at it again. Many of us have been saying that as babies born at 22 weeks can be saved in special care units that help them to breathe independently, the law is an ass. The ultrasound pictures of an unborn child taken by Professor Stuart Campbell stunned us. The recent increase in the number of under-16-year-olds having abortions shocked us, so will the Deputy Leader of the House ensure that we reconsider the matter when we come back in the autumn?

Leigh creek badly needs dredging. It has been the lifeline of the port of Leigh for centuries, through its shipbuilding days to its current existence as a fishing and cockling port. The creek has been silting up for several years, with a shorter and shorter time between high tides when boats can leave and return. The course of the creek was changed, without permission, about 15 years ago, but as Leigh town council is still desperately grappling with the problem, will the Minister find out whether any money can be found to help with dredging the creek?

Finally, it occurs to me that some Members may not yet have booked their summer holiday. I implore them to come to Southend, where we have the greatest number of hours of sunshine in the UK. If that does not attract them, Southend museum has a display of finds from the burial chamber of a Saxon king, uncovered in recent roadworks. The exhibition will be transferred to the Museum of London.

I join all Members in wishing you, Madam Deputy Speaker, and everyone a very happy summer.

4.26 pm

Jim Dowd (Lewisham, West) (Lab): It is always a delight to follow the hon. Member for Southend, West (Mr. Amess). I have been to Southend before; that is why I shall not be going there this summer. May I tell the hon. Member for North Cornwall (Mr. Tyler), for whom I have a warm regard, that whenever he rises to his feet many Members feel that the clocks have stopped? The hon. Member for Ruislip-Northwood (Mr. Wilkinson) is a doughty fighter for the armed forces. I associate him most readily with the Royal Air Force, for which I, too, have great feeling. My father served 15 years with that august institution, including all the second world war years. According to my mother, I was born in the back of a squadron leader's car at RAF Gutersloh, so I retain the highest regard for the service.

I want to mention three items briefly. I realise that many Members want to speak so I shall cut back my remarks as much as possible. Furthermore, I do not want to antagonise the Minister, my hon. Friend the Member for Oldham, East and Saddleworth (Mr. Woolas)—old and sad as he now is, compared with little and sad when he first came to this place.

I welcome the statement made by the Secretary of State for Transport on Tuesday, especially as it relates to future rail developments in London. Although much of the detail still has to be finalised, the Crossrail project is making progress. In my part of south-east London, we warmly welcomed the announcements about the east London line. As I have been campaigning for its southern extension for well over 30 years, I am delighted that the funding has at last been allocated and that work can proceed.

Mr. Bob Kiley, the London transport commissioner said of the Secretary of State's announcement:

> "This groundbreaking agreement means that London, for the first time, has the opportunity to make long-term decisions on planning major capital projects without the fear that funding will be withdrawn in future years."

That is good for all Londoners.

The head of finance and planning at Transport for London said:

> "The Olympic projects we will now take forward include extending the East London Line (to Dalston Junction, West Croydon and Crystal Palace), expanding the DLR and new transit projects in East London and Greenwich."

The Clapham junction extension will have to wait. I do not mind those projects being described in relation to the Olympic bid, although the case for them exists whether or not we make a bid for the 2012 Olympics. I have a reputation for being slightly more sceptical about the bid than other London Members or some of the other Members in the Chamber. The southern extension

to West Croydon station involves the least cost, minimal engineering work and the highest cost-benefit for the investment, and we look forward to progress on that.

Sadly, we received less encouraging news in my constituency yesterday, when the star ratings for the acute trusts were published and the rating for University hospital Lewisham went down from three stars to two stars. At first sight, that might seem a diminution of service, but when one examines the reasons, one finds that the trust achieved eight out of nine key targets, that it underachieved on only one of the nine key targets and that it significantly underachieved on none of the key targets.

On clinical focus, four indicators were in band five, no indicators were in band one and the trust was placed in the middle band for performance. On patient focus, it had two indicators in band five, no indicators in band one and, again, was placed in the middle band for performance. On capacity and capability, it achieved two indicators in band five and no indicators in band one, putting it in the top band for performance. Paradoxically, although it lost a star—the press release states, "Hospital just misses out on top rating"—it missed out by one point, and that was for out-patient activity. The clinical services to people in the hospital have improved markedly.

The trust was pursuing the foundation trust bid in wave 1a, but that has been put in some doubt by its losing one star. However, four other hospitals that had three stars lost one star, but they have trust status, and my right hon. Friend the Secretary of State for Health must consider those matters. In Lewisham's case, I hope that he will examine not only the quantative assessment by the Healthcare Commission, but the underlying qualitative information to see that the hospital is making steady progress and that the bid should be allowed to continue.

I have been a Lewisham resident for 53 years, and I have no doubt that University hospital Lewisham provides a better service to the people of Lewisham than it has ever done in its history. An extremely hard working and diligent chief executive and trust chair lead it, and it is a great resource for the people of south-east London. I hope that the service, which it provides so magnificently to my constituents, will continue to expand.

I wanted to mention one other matter, but in view of the time and the need to get others in, I shall leave my remarks there.

4.33 pm

Mrs. Angela Browning (Tiverton and Honiton) (Con): I want to raise one or two important issues in my constituency.

For some time, my constituents have been telling me about their experiences and those of their relatives in our regional hospital, the Royal Devon and Exeter hospital, Wonford. At the end of June, I received a letter from a constituent, who drew my attention to his experience as a post-operative patient after undergoing eye surgery:

> "To save money we were told we were shunted upstairs to Otter ward every Saturday by 2 o'clock and awakened even earlier than usual for a move on Monday at 7 am to be back on Parkerswell ward settled for the day shift to commence."

When people have an in-patient stay, it is not uncommon for them to be moved, and we all understand the pressures at weekends, when hospitals try to discharge their patients and sometimes bring a couple of wards together.

I was struck by the idea that a post-operative patient or patients should have been woken at an extraordinarily early hour in order to shunt them back on to the original ward in time for the day shift to come in. When one reads such stories, one asks oneself whom the service is for. Obviously, I wrote to the management of the hospital on behalf of my constituent, and I was astonished to receive a bland reply. It says:

> "It is therefore our standard practice to group patients on to appropriately staffed wards at weekends on occasions when it has not been possible to discharge them by the time that the ward closes. This is the only ward we have within the Trust which operates on a five day basis and our practice is consistent with practice across the NHS."

My message to the Minister today is that, if that is standard practice and the way in which patients are treated—got up at an especially early hour for the convenience of the hospital process—that practice needs to be changed. I know that he will pass that on to the Department of Health. Even worse, I heard stories from people whose relatives were particularly delicate and ill when they seemed to be subject to so many unnecessary moves around the hospital.

When the story of that patient appeared in my local newspaper, I received letters from others, including some very serious cases of people who were very ill. I shall just read an extract because I will not identify the constituents for obvious reasons. A young man wrote to me:

> "I would like to tell you about my mum, and this is more than I can bear, who was 69 and admitted to"

the same hospital in

> "September 2003. She was shunted around five times in a four week period. With bravery and good humour my mum bore this . . . despite my pleas."

She died in the first week of November. He continued:

> "Cancer patients it seems too are being shunted around the hospital in the last weeks of their lives."

That is quite unacceptable.

None of those things will appear in the star ratings that the hon. Member for Lewisham, West (Jim Dowd) mentioned. No such figures appear in official reports from hospitals, but that is what is happening in them. It cannot be right that that sort of practice is allowed to continue. I am not asking the Government to create a new target for minimum moves, as part of the star-ratings system. To anyone with any fraction of compassion or common sense, that is an unacceptable practice. It does not put patients first; it does not recognise that hospitals exist to serve patients, not their regulations and processes. I hope that, by drawing the House's attention to that today, the Minister will assist me in getting that practice stopped.

Another matter on health relates to NHS dentistry, which my right hon. Friend the Member for North-West Hampshire (Sir George Young) has raised already. We had a debate in Westminster Hall on 11 February this year, initiated by my neighbour and hon. Friend the Member for East Devon (Mr. Swire), about dentistry in our part of Devon. At that time, I could get no NHS

[Mrs. Angela Browning]

referrals for people living in the east Devon part of my constituency, but practices were still open to patients in the mid-Devon part, in Crediton, Cullompton and Tiverton. However, because practices were closed to them in Exeter and east Devon, I flagged up in that debate the fact that it would only be a matter of time before the mid-Devon practices were no longer able to accept NHS patients. That has happened: we now have no NHS practices available in mid-Devon.

The reason I bring NHS dentistry to the House's attention today is that, in trying to find any surgery for one of my constituents this week, my caseworker contacted the trust to find out where the nearest NHS surgery is and was told that a practice in Barnstaple—on the north Devon coast, some 30 miles from Tiverton—is still accepting NHS patients. When my caseworker said, "Well, it's rather a long way to go—30 miles to visit the dentist", she was told, "Well, perhaps they would like the drive."

Bearing in mind the opportunity of people travelling around the country in the forthcoming holiday period, I would agree that the journey by car from Tiverton to Barnstaple is most glorious. The scenery is fantastic, and there are many wayside inns and places to cool off and to enjoy the day, but that, frankly, is not quite what people want when they have a terrible toothache and are looking for a convenient NHS dentist. So I add my voice to those hon. Members who have called for NHS dentistry to be addressed by the Government. When we had our debate back in February, the local trust was waiting for the Government to make a decision on funding, and I urge them to get on with that as quickly as possible.

Finally, I sat through the "Patience Strong" guide to the countryside from the Secretary of State for Environment, Food and Rural Affairs yesterday, when she painted a very glossy, very attractive picture of the Government's strategy for rural areas, but I simply do not understand why small businesses in rural areas are being deprived of their enterprises agencies. In my constituency, the enterprise agencies are closing in Crediton and Tiverton. In Honiton, which has had a very successful enterprise agency, we understand that the contract to service that business community has been lost to the city of Plymouth, which is hardly rural and is at the other end of the county. So my final plea to the Minister is that, if rural communities and rural economies are important to the Government, at least keep those support services that have been seen to work, on which local businesses rely, and that deliver local services to local needs.

4.40 pm

Mr. Alan Hurst (Braintree) (Lab): I congratulate my hon. Friend the Member for Birmingham, Hodge Hill (Mr. Byrne) on his election victory and superb maiden speech. Mathematics was never my strong point at school, but a simple division of the time remaining and number of hon. Members wishing to speak suggests that I should be suitably brief.

I wish to dwell on the position of the maternity services in the town of Braintree, especially as situated in the William Julian Courtauld hospital. The name Courtauld may be familiar to hon. Members because it was the famous textile firm founded in Bocking, which is adjacent to Braintree. For many years, it had mills in both Bocking and Halstead and was a major employer of labour. The specific community hospital that I mention was endowed by William Julian Courtauld after the first world war and subscribed to by the working people of Braintree for the benefit of the town.

The hospital has provided superb personal maternity services to the mothers of Braintree for many years, although we saw a shadow of things to come in 1997 when the then health authority proposed to close down all hospital services in the town of Braintree and, not being content with that, also those in the town of Maldon. There was a tremendous local campaign against that. The consultation was called "Taking the Initiative", but hon. Members can well imagine that local people had another expression for it, which went even further than "Taking Liberties". The campaign against the closures in 1997 and 1998 was successful, so the William Julian Courtauld hospital retained its maternity service, albeit somewhat diminished, because although the service had been general practitioner-led, it was reduced to being midwife-led. Nevertheless, the service remained in place and continued to serve the people of the town.

Last autumn, the care trust that now administers the service announced that the hospital was closing for a short time owing to sickness of staff and pregnancy among the midwives. That was understandable and I made no fuss when it took place; midwives of course have the same right to become pregnant as everyone else. The hospital reopened on a most peculiar basis. It would be almost impossible to make this story up, so hon. Members must take my word for it that what I am about to say is true.

The maternity hospital opened on the basis of operating between 9 o'clock in the morning and 5 o'clock in the evening, Monday to Friday only. I do not think that we have reached a stage at which the time when babies arrive may be programmed more definitely than was historically the case—mothers and fathers in the Chamber will recall that a more common time for a baby's arrival is the early hours of the morning—so hon. Members will understand the difficulty that that has caused. If it is anticipated that a baby will be born outside the nine-to-five period, it is possible for people to contact a midwife, who will get the key and let them into the hospital.

Hon. Members can well imagine what happened as a result of the change. A mother gave birth to a baby in the hospital car park, and the town is in uproar about what has happened. Meetings and demonstrations have been held, and there was a substantial march through the town of Braintree last Saturday. It largely consisted of mothers with young children, although a few people of more mature years were present, including me as the local Member of Parliament. A descendent of the founder of the hospital, Julian Courtauld, was also there. We spoke at the end of the march, and there is a universal view in the town that the full service should be restored.

It is possible that we are making progress, and I am raising the matter today because I am sure that my hon. Friend the Deputy Leader of the House will convey the state of affairs to the Secretary of State for Health. I

hope that my right hon. Friend will be able to persuade the care trust not to be quite so insulting to the mothers and children of Braintree.

There is a light to the case, even by its own logic. The number of babies born in the hospital rose to 22 at the end of last month. That is within the target of the health trust for the number of babies it wants to be born to justify a 24-hour service. The difficulty is, of course, that if it does not open on a 24-hour basis, fewer mothers go there and it is difficult to reach the target set.

I fully understand that those who have complications or potentially difficult pregnancies will go to the general hospital in Chelmsford, which can offer more specialised services. Births at the William Julian Courtauld hospital are expected to be—I say this as a mere man—of the more straightforward kind. However, the institution has been popular and has served the town well for the best part of 75 years. I hope that it continues and that my right hon. Friend the Secretary of State for Health will intervene in such a way as he thinks fit.

4.45 pm

Bob Spink (Castle Point) (Con): I represent a beautiful part of the country, set on the Thames, populated by good and self-reliant people who are proud to be British and who cherish our wonderful heritage. Hadleigh, for instance, has an historic castle and the ancient St. James's church, but it needs to regain its village atmosphere. Thundersley, Benfleet and Canvey Island are delightful communities. More than anything, Castle Point needs to conserve and improve its environment and amenities, which means stopping the overdevelopment.

A year ago, Conservatives took control of Castle Point borough council from Labour. The results are starting to shine through. An Audit Commission report was produced after just eight months of Conservative administration. Of course, things do not change immediately or without a lot of effort. In fact, the Prime Minister still blames the old Conservative Government for his failure to deliver on public services, congestion and antisocial behaviour—I could go on—after eight years in power.

The Audit Commission's report sets out an optimistic picture of

"the beginning of the journey".

It says:

"Political leadership within the Council was previously weak."

That was the old Labour leadership. It continues:

"The current leader"—

the new Conservative leader—

"demonstrates a determination to provide clear political direction."

The Audit Commission is right to highlight the problems that still need to be resolved. It is also right to point to the positive early action taken by councillors. For instance, it states that the new Conservative council has

"agreed a balanced budget . . . directed additional resources to priority areas . . . recognised the need for alternative forms of service provision",

and notes:

"Partners are positive about working with the Council".

In addition, the council has closed loss-making facilities, outsourced services and is still in the process of radical change to drive up the standard of services for the public and the value of the money that it gives to the public. I warmly congratulate the councillors on their efforts.

We must be patient, however. Rome was not built in a day, but the seeds of success are coming through. They were sown by the council's leader, Pam Challis, and her excellent team of councillors. In particular, I thank Jeffrey Stanley, who guided the team financially. He delivered the balanced budget and kept the council tax rise in Castle Point this year to below 3 per cent., a remarkable achievement. He held firm on spending throughout the council's departments to force the necessary reforms and give value for money. Jeff Stanley did a great service to the people of Castle Point.

I must also mention the chief executive, Barry Rollinson, and his team of officers and staff, who are professional, dedicated and hard-working. They deserve the community's thanks and congratulations and its encouragement to continue down the right road of reform so that we bring back pride in Castle Point.

One major local problem is that of disabled facilities grants to enable disabled people to live in decent circumstances in their homes. Castle Point has estimated that this year it needs £600,000 to cover the demand for those grants, and that does not include any new services likely to be recommended by occupational therapists. The Government made only £90,000 available to the council, which has topped up the figure to £150,000, but that is still only a quarter of what is needed—it will probably turn out to be even less than that as the new demand becomes known. That is tragic for disabled people unable to get the simple aids and adaptations that they so desperately need.

This is not a political matter; I seek to score no political points. I do not criticise the county council, the Government or indeed the borough council. I simply and sincerely ask the Minister to look at the case of Castle Point and to write to me or meet me so that we can start to find a solution to the problem. In all decency we must do that for the vulnerable people whom we represent and who depend on us. I thank the borough council's director of health and housing, Alan Longford, and County Councillor Bill Dick, who are working hard to resolve the problem for the community.

Still on local issues, I put on record yet again the need to find a way to give Canvey Island its third access road, which must be from Northwick road. Just a few days ago, Canvey Island was completely blocked off again because of a tragic accident. It came to a standstill, and so did much of the mainland. The environmental damage caused by congestion every day is incalculable. I congratulate the local newspapers, the *Yellow Advertiser* and the *Evening Echo*, on their campaign to try to improve matters. As I hold up a copy of the latter, hon. Members can see that it calls our traffic problems "chaos". I know that County Councillor Ray Howard has fought for years to improve matters locally, and I am happy to join him and his team in that fight.

Of course, the Office of the Deputy Prime Minister's policy to increase the house-building target in Castle Point from 2,400 to 4,000 without giving any infrastructure help whatever will simply exacerbate the problem. It is complete nonsense, and we must fight

[Bob Spink]

every single inappropriate building application because more building without the infrastructure simply adds to our problems.

I want to raise a couple of police issues. I congratulate the divisional commander, John Mauger, his officers and staff on their efforts over the last year. They have had a tough time, but they are now getting on top of local antisocial behaviour, street crime and youth nuisance. They have improved those matters. There is still a lot to be done, of course, but things are moving in the right direction, and that is because of a sound strategy, good management of that strategy and excellent officers on the ground implementing it.

Nationally, the police need help. They are bogged down with bureaucracy. It takes three and a half hours to arrest someone, which stops the police responding quickly, investigating earlier crimes and walking the streets to deter further crimes. One solution must be improved IT. We need minimum, not maximum, administrative input from the police. Names, addresses and dates of birth must be entered once into a palm-top at the scene or in the police car, not many times on several forms back at the station. The police must co-operate with the Crown Prosecution Service to find ways of becoming more effective. We need mobile data units in police cars, so that officers can be linked to each electronically and can communicate with each other, speeding up their processing of crime and keeping them on the streets.

We need common sense, and we need to roll out IT solutions, hardware and system simplifications. That could save up to 25 per cent. of police time, which would mean 25 per cent. more police officers on the street. That is what the public want; indeed, it is what they deserve. By the way, it is also what the police themselves deserve because they are very hard-pressed, dedicated and professional, and I congratulate them again on their work locally.

I have spoken consistently on the European Union over the years. Briefly, I believe that we have to get out of the common fisheries policy, as I have said many times. We must now get out of the common agricultural policy, which ceased to be useful years ago. It is expensive, and it delivers problems, not solutions, to our farmers and consumers. It is increasingly inappropriate in an expanded Europe, and it damages the developing world, much to the shame of the whole of Europe. We also need to bring international development finance back under our own control. Bilateral project-based aid is much more effective and delivers better and more sustainable solutions than multilateral aid channelled through Europe.

I congratulate UK Independence party MEPs on using their position to inform the British public about the waste, excesses, corruption and stupidity of European institutions. The more the British people know about the EU, the less they like it. The EU is being driven hard towards a single federal state; our destiny is not to be consumed by that state. We must retain our sovereignty, retain the pound, stay out of the EU constitution, get out of the CFP and the CAP, bring back our international development funding to this country, and return to the simple trading relationship and to rational co-operation with Europe where that is in Britain's interests. That is what the people of this country voted for and to give them less is to betray them.

4.55 pm

Dr. Brian Iddon (Bolton, South-East) (Lab): This afternoon, I shall make a serious contribution on the subject of prostitution. Last Friday, the Government published an important consultation document, "Paying the Price", which I welcome strongly. Existing laws on prostitution date back more than 50 years and have, in my opinion, long been in need of reform. In one small part of my constituency we have had a serious problem with prostitution. I do not in any way condone prostitution, but as a Member of Parliament I have had to think seriously about it.

The traditional red-light district of Bolton is a small light industrial estate covering far less than a square mile, which is connected to the road network, surrounded by car parks and close to the town centre night life. As heavy engineering industry moved out, light industry moved in and the business men began to complain about the prostitutes, who were operating from 3 o'clock in the afternoon rather than from the early evening onward, which led to women walking through the area and business men visiting it to be harassed.

Because of the number of complaints, the police had to do something. They conducted a great deal of activity in the area, but the result was to decant the problem across the main Bury-Bolton road and into a pleasant residential area, where the problems escalated. Prostitution is connected with drugs—we have had yardies in the area—but the reason that I have had to take a keen interest in the situation is that in 18 months there have been 14 suspicious deaths in that small area. Two prostitutes, Carly Bateman and Danielle Moorcroft, aged 17 and 21 respectively, were recently murdered there; Danielle was five months pregnant at the time of her death. There have also been vicious attacks and drug overdoses. The area is surrounded by Bolton community college and the halls of residence for Bolton institute of higher education—now a university—and students are badly harassed. There were real problems, so the police started to be active in the residential area, as a result of which the prostitutes are now spread over a much wider area.

However, there is good news: we in Bolton now have a prostitution forum, which was established under the chairmanship of Councillor Frank White. It offers a strategic approach to managing prostitution back into the traditional area—the light industrial estate. No one lives there, so apart from business men in the day time, no one has a serious problem with prostitutes operating in the area. Of course Bolton council, the police and the health authority are taking an holistic approach: they are trying to get all the prostitutes off the game, off drugs and into jobs, and to look after their health. I congratulate the Bolton prostitution forum on its mature approach to a difficult problem.

The police have offered a curfew time that is now well known in Bolton: prostitutes can operate in the area from 7 o'clock in the evening until 6 o'clock in the morning, and if they operate outside the area police will harass them. There are closed circuit television cameras

in the area to keep the women safe, and during the curfew period the police keep an eye on what is going on. If the prostitutes do not conform to the curfew or if they operate outside the area, antisocial behaviour orders will be used. I am pleased to say that ASBOs have already been issued against two prostitutes, who are now banned from operating in Bolton. Just this evening, in the *Bolton Evening News*, the headline is, "Man banned from the red light zone". An ASBO has been applied to a man who is considered to be an extreme danger to prostitutes. He has become the first Bolton man to be banned, using an ASBO, from the red light area.

In addition to the consultation document that was offered last Friday, I hope that we may have a debate on the Floor of the House so that we can make far more serious contributions to this important subject than I can make this afternoon.

5 pm

Ross Cranston (Dudley, North) (Lab): I congratulate my hon. Friend the Member for Birmingham, Hodge Hill (Mr. Byrne). His speech is a tribute to the real contribution that he will make in this place. I pay tribute also to his predecessor, Terry Davis, who will make a real contribution in Europe.

I shall start with Iraq. In normal times, I think that we would be focusing on the future of that country. We would be looking at the constitutional path set out in United Nations Security Council resolution 1546. We would be concerned about the security situation, which is condemned in that resolution. It restates the obligations of states such as Syria and others to prevent terrorism. It is not "normal times" because an election is pending in the United States and there may be one in this country next year.

I could be sadly deluded that there are normal times in politics. Perhaps political debate and an objective consideration of the facts are mutually exclusive. There was certainly something wrong with our intelligence in Iraq. At first glance that is surprising when it was accurate in relation to Libya and the A.Q. Khan network. That is what Lord Butler and my right hon. Friend the Member for Dewsbury (Ann Taylor) and her colleagues inquired into. To suggest somehow that my right hon. Friend the Prime Minister was to blame for the intelligence failure, or the reading of intelligence, flies in the face of the facts.

The world community signed up to resolution 1441 in November 2002. Iraq was in material breach of its obligations because it had not completely disarmed. That was paragraph 1 of that resolution. In terms of the current debate, one could be misled into thinking that the concern at that time and subsequently was about whether there needed to be disarmament. It was not, it was about how to achieve that particular aim—should we permit the inspectors to stay longer. At page 112 of his recent book, Dr. Blix states:

"Looking at the material before us as a lawyer, I could not exclude the possibility that the Iraqis had destroyed both weapons and documents and that little or nothing was left. My gut feelings, which I kept to myself, suggested to me that Iraq still engaged in prohibited activities and retained prohibited items, and that it had the documents to prove it."

Even our eminent UK expert, Dr. Kelly, was of a similar view. For example, he offered his quite sophisticated knowledge to Mr. Gilligan of the BBC. It is set out in paragraphs 230 and 231 of Lord Hutton's report. Dr. Kelly also made an important comment to Mr. Gilligan when he said

"there has been proliferation—not in terms of people walking across the Iraqi border with 20 shells, but supply chain knowledge—plans."

That is important in terms of the threat that Iraq posed. Unfortunately, Mr. Gilligan did not report what Dr. Kelly actually told him.

That leads to a few reflections about the media. I do not believe that there was a golden age of media objectivity. I believe, however, that we are blessed with a media whose range and depth must be the envy of other countries. However, there is a deep culture of suspicion about politicians and their motives in the media. Ian Hargreaves and John Lloyd, in their recent books, have written about the corrosive effects of this on the body politic. As a political class, we do not always help ourselves. Accusations of bad faith or, worse, deceit, on the part of my right hon. Friend the Prime Minister are so casually and regularly made by some journalists and leader writers, and I find that deeply worrying. I utterly reject such accusations. In fact, I find them a personal affront.

One important issue that we should be debating is the basis on which there should be armed intervention where we have rogue or failed states. My right hon. Friend the Prime Minister made an important speech on this earlier this year. Rhetorically, he said:

"The UN Universal Declaration on Human Rights is a fine document. But it is strange the United Nations is so reluctant to enforce it."

In 2001, the international commission that the Canadian Government had established reported on criteria of legitimacy for intervention. It identified five. These were seriousness, right intention, last resort, proportionality and the balance of consequences. We should debate the issue because, in the light of Kosovo, Afghanistan, Iraq and now Sudan we need clear guidance on what the international community can do.

Briefly, the inadequacies of the coroner system were brought home to me earlier this year by a case in my constituency. There was no practical way in which an adverse finding by the coroner could be reviewed at the instigation of the people who were criticised. A fundamental Home Office review chaired by Tom Luce was published in 2003. Although the system has been reviewed a number of times over the last century, nothing has been done. That system is not transparent or joined-up, and does not meet families' emotional or practical needs. Change is needed, and I urge the Government to implement the review.

Finally, I introduced the Company Directors (Health and Safety) Bill last year. The Government believe that voluntary action is the way forward, but on the basis of the published research, I believe that more needs to be done.

5.6 pm

Ms Julia Drown (South Swindon) (Lab): I should like to report on some concerns raised by my constituents and provide feedback on recent Government initiatives.

One of the most important recent announcements was the comprehensive spending review, and my constituents will certainly welcome the investments in

[Ms Julia Drown]

education and health. An intermediate treatment centre will provide another 100 beds by next year, which is much appreciated by the people of Swindon. I am pleased that we have significantly reduced NHS waiting times, and that NHS dentistry has been restored in Swindon after the complete lack of such a service under the previous Government. However, there are concerns about waiting times in audiology and secondary mental health services, demonstrating that that additional investment is very much needed.

I have a huge postbag of letters from people who, while recognising that the Government have made a great contribution to international aid, urge them to do even more. I congratulate the Chancellor on announcing a deadline for meeting the target of spending 0.7 per cent. of gross domestic product on international aid, which will help to save millions of lives. The additional money to tackle crime is welcome, and I was pleased to learn today of crime figures showing that Wiltshire is the second safest county in the country. Residents appreciate their improved quality of life, and thanks are due to the police, the local community, the council and magistrates, who have made a concerted effort to tackle crime. Street wardens have had a huge impact on the Parks, Walcot and Central wards in my constituency, where they act as the eyes and ears of the community, take up issues of concern and get things done. Again, that initiative is thanks to the investment of the Labour Government.

We are not complacent, however. More should be done on antisocial behaviour, particularly prostitution, which has been successfully tackled in Central ward by the community, together with the council and local police. That could not have been done without antisocial behaviour orders and Government legislation making kerb crawling an arrestable offence. An antisocial behaviour order was recently imposed on a kerb crawler in Swindon to keep them out of the area. I am sad to record the death of Matt McCue, one of the people who led that community work, but the community has vowed to remember him and is determined to continue his work. The quality of life has improved significantly in Central ward and I know that with the additional powers and those that are being consulted on, we will be able to do even more.

We should not allow tolerance zones to be introduced. When I spoke to prostitutes, they said that tolerance zones are set up on industrial estates, for example, and they are too frightened to use those places. Introducing tolerance zones will lead to official prostitution and unofficial prostitution as well. Following the example of the Swedish Government, we should say that in our society no one should pay for sex. Those who do so fuel the antisocial behaviour associated with prostitution. We should try to minimise the problems in our society that result from prostitution.

I continue to get in my postbag tragic letters from people who have suffered in road accidents, who have family members who have suffered in road accidents or who have lost family members in such accidents. We need to do more to tackle speeding. The matter has already been raised in the debate. There is still a belief that it is acceptable to speed, and that speed cameras are naughty wicked things set up by Government, rather than an attempt to reduce road deaths and injuries. But the evidence overwhelmingly shows that they do just that. Any MP who has to face somebody who has lost a family member in a road accident must emphasise that speeding is a major issue, and we need to make it as unacceptable as drink driving has become. I am working to support 20 mph zones around our schools, as I believe that is important.

Other hon. Members have spoken about maternity services, a topic that we need to draw to the Government's attention. Government policy is designed to extend choice in maternity services, but as we have heard from a number of hon. Members, it seems that choice is being reduced. In my constituency some Swindon women choose to use a midwife-led unit that is just outside the constituency in Malmesbury. That is being threatened with closure. The primary care trust there will make a decision on Tuesday. The maternity unit is extremely popular and is the only midwife-led unit available to Swindon women. It seems stupid to close it when it could be better used. Many people in my constituency do not know about it. If it were well used, it could be as economical as some of the other services or, as the evidence from elsewhere suggests, more economical.

I chair the maternity group here in Parliament, so I pick up a number of issues. My hon. Friend the Member for Peterborough (Mrs. Clark) has tabled an early-day motion about the home birth service being withdrawn in Peterborough. It is at a foundation trust, which is supposed to respond to local communities and provide more choice, yet a midwife there has been suspended for attending a home birth. That is strange. Women have a right to have a home birth and midwives have a duty to attend home births, so the circle is not being squared. Trusts seem to have no duty to provide the necessary midwives. If we are keen to promote choice in maternity services, I urge my right hon. Friend the Secretary of State for Health to sort the matter out. Home births on average take up less midwife time than other births, so they should clearly be supported, as recent National Institute for Clinical Excellence guidelines show.

Finally, I should like to mention the crisis in Darfur. A number of hon. Members recently visited Sudan and saw the catastrophe. They recognised the efforts made by the Government, who are already the largest donor and have promised more money. Those hon. Members also urge our constituents to dig in their pockets and give money to the emergency appeal, because they have seen people who they know will be dead by now. They have seen the hunger, the lack of shelter and so on, and they urge the Government to do more.

I hope my hon. Friend the Deputy Leader of the House will raise those issues with the relevant Departments. I appreciate the opportunity to draw them to the attention of the House on behalf of my constituents.

5.14 pm

Dr. Rudi Vis (Finchley and Golders Green) (Lab): I have raised the case of Cyprus on many occasions, and I had hoped that by now it would be resolved amicably. As that is not the case, however, I return to it today. Let me remind the House that Turkey invaded Cyprus in July 1974—more than 30 years ago—thereby violating

every conceivable international norm. Two hundred thousand Greek Cypriots fled without their possessions, 5,000 were killed, and more than 1,000 are still missing. Countless UN resolutions, debates and efforts to find a solution have been thwarted by Turkey, by the putative leader of the occupied territory, Mr. Denktash and, more recently, by Mr. Talat.

The Council of Europe and the European Court of Human Rights have upheld every case against Turkey, but it has bluntly refused to comply. The Secretary-General of the UN, Mr. Kofi Annan, has done his best to assist, but major failings in the advice given to him have turned the clock backwards, not forwards.

A referendum on creating a united Cyprus was held on 24 April this year. The result in the occupied part was a yes vote, with two to one in favour. One should bear in mind that there are now more Turkish settlers—some 120,000—in the occupied territory than Turkish Cypriots, and that most Turkish settlers are distinctly disliked by Turkish Cypriots.

There are also some 35,000 Turkish troops in this small occupied territory. It was the Turks who voted yes; many Turkish Cypriots voted no. The vote in the Republic of Cyprus was a resounding no, with 76 per cent. of Greek Cypriots voting against Annan plan V. One would have thought that in any referendum 76 per cent. of people cannot all be wrong, but that is how the world reacted. The condemnation of the Greek Cypriots and of President Tassos Papadopoulos was nearly unanimous. At the same time, the Turkish Cypriots were acclaimed as friends of democracy and human rights, and as the only people really in favour of a united Cyprus. As I said, it was the Turkish settlers who voted yes. Three days ago, we received three Greek Cypriot mayors in exile. They are from the three most densely populated areas in the occupied territory—Famagusta, Morphou and Kyrenia. Their research, particularly in Kyrenia, suggests that the vast majority of Turkish Cypriots voted no.

Why did Greek Cypriots and Turkish Cypriots vote no despite 30 years of division and a strong desire to unify? Annan plan I was put to political decision makers as the most balanced plan ever devised. Then, it was changed in favour of Turkey, and re-presented as Annan II. Again, that was described as the most balanced plan ever and changed in favour of Turkey, becoming Annan III. Annan III was of course presented as the most balanced plan ever devised, but major changes were made in favour of Turkey between Annan IV and Annan V, even giving Turkish troops the right to stay in Cyprus in perpetuity, albeit with their number reduced over the decades to 650.

Greek and Turkish Cypriots feel, rightly, that security issues have not been thought through; that human rights are not negotiable; that implementation of Annan V will take decades; that property rights have almost been forgotten; that the fate of the missing should receive attention; and that those in enclaves and everyone else should have freedom of movement. Those are all matters that we take for granted in the UK and, I should have thought, in the EU. After all, Cyprus is a full member of the EU.

The real problem with Annan V was that it had little to do with Cyprus. It was an attempt to push for a yes vote on both sides, regardless, so that EU accession negotiations with Turkey could commence in December 2004. When the full truth comes out, the world will change its mind and the EU will want Turkey to negotiate fairly before contemplating allowing it to commence accession negotiations. It will not be possible to have another vote on Annan V. The best that could happen is for all Cypriots to come together to create a solution and put it to the UN. For once, Cyprus could do without foreign intervention, which has served only to deepen divisions and make it more difficult to find a lasting solution of a united and free island.

I say to Turkey and others that Cyprus is a full member of the EU and now has the power of veto over accession. That may assist in finding a fair solution.

5.19 pm

Brian White (Milton Keynes, North-East) (Lab): I want to raise three brief issues, but, first, I echo the congratulations to my hon. Friend the Member for Birmingham, Hodge Hill (Mr. Byrne).

I stress to hon. Members who spoke about British Telecom telephones that the all-party group held a meeting with BT in which those who spoke today were conspicuous by their absence. Had they been present, they would have heard facts about the 40,000 loss-making phones and know that local authorities have an effective veto over whether they go. They would have realised that innovative councils such as Bolton had found a way of dealing with some of those BT pay 'phones.

I read with interest early-day motion 1496, which is about unscrupulous property developers from Bromsgrove, who divided up fields and offered plots for sale. A European land sales partnership is doing something similar in a lovely village called Bow Brickell in my constituency. It is offering a field for future homes and taking money now with a promise of a home in the future. The person responsible has bought a field for £90,000 and stands to make £3 million. There is little chance of the field getting planning permission, but the developer's information advances the growth of Milton Keynes as an inducement. As well as stressing the points made in early-day motion 1496, I emphasise to the Deputy Leader of the House that someone who has been barred as a company director is running the scheme and gets round the law by forming a partnership. I ask my hon. Friend to take up with the Department of Trade and Industry not only closing the loophole that allow scams such as those in Bromsgrove and Milton Keynes to occur, but extending the bars on directorships to partnerships.

The second issue echoes a matter that my neighbour, the hon. Member for North-East Bedfordshire (Alistair Burt) raised. Choice is the in word, and yesterday the Public Administration Committee held a seminar to examine how choice works. One example was the direct payment scheme. There is a scheme in my constituency whereby disabled people can live as normal a life as possible. The council provides flats and Scope provides adaptations. The flats are spread over a normal estate, but treated as one unit. The Commission for Social Care Inspection has inspected them for years. However, under current regulations, they have to be treated as a care home. The warden is expected to go into each flat to inspect fridges, beds and the state of the flats. My house would not pass the test in those regulations, and I am sure that that applies to all hon. Members.

[Brian White]

People who have lived in the flats for 20 years stand to lose their homes. That is absurd. Nobody believes that it is right, but because they do not fit the regulations neatly, the flats are being treated in the way that I described. I ask the Deputy Leader of the House to take account of two issues: first, if we are serious about choice, inspection regimes and their targets should be designed to deal with diversity and choice; and, secondly, when such absurdities and red tape arise, we should use our regulatory reform procedure—no Tory Members turn up for that, but that is another story—to remedy them as quickly as possible.

A constituent, Colin Tripp, was injured at work and won compensation after a long battle. He thought that it was great until he began to receive benefits and his pension. The compensation is treated as income, not a lump sum. Consequently, the total amount that he receives in benefits and pension is considerably less than it would have been. The Department for Work and Pensions claims that it is taking nothing away from the compensation. There are genuine problems with that. Time prevents me from going into detail, but I ask my hon. Friend to pass on the case to the Department for Work and Pensions. There are many such anomalies in the benefits system, which is complex. Interaction between payments causes problems and although we have done much through the tax credit system, several anomalies still need to be examined.

5.24 pm

Keith Vaz (Leicester, East) (Lab): I join other hon. Members in congratulating the hon. Member for Birmingham, Hodge Hill (Mr. Byrne) on his wonderful maiden speech and on his election. I did not campaign for him—perhaps that is one reason he did so well—because I was occupied, with the Deputy Leader of the House, in another part of the midlands.

I also congratulate my right hon. Friend the Member for Dewsbury (Ann Taylor) on another excellent speech. She spent many years on the Front Bench, but we have not heard her speak from the Back Benches on education, which is her passion. She will be greatly missed when she retires from the House next year; she is truly a great parliamentarian.

I have some holiday homework for three Ministers, in the form of three quick questions, which I hope the Deputy Leader of the House will pass on. My first question is to the Secretary of State for Trade and Industry. In view of the excellent statement made yesterday by the chairman of the Commission for Racial Equality, in which he and the commission came out firmly against the proposal for a single equality commission, will the Secretary of State look again at the proposals? They do not have the support of the black and ethnic minority community in the United Kingdom, because there has not been sufficient consultation on them. It is not that the communities and I are against the idea of a single commission; it is that there is no guarantee that the race issue will be given the prominence it deserves. We are not against a single equality Act, because it is important to bring together the necessary legislation. However, if we abolish the CRE, given all the work it has done over the past 30 or so years, it will be essential that the race dimension is properly represented in the new organisation. The summer recess will give the Secretary of State, my neighbour in Leicester, the time to look at what the chairman of the CRE has said, at what the 1990 Trust has said, and at what hon. Members have said on this issue, and to try to refashion the programme.

My second question is to the Attorney-General. Over the summer, will he redouble his efforts to deal with the Guantanamo Bay detainees? We hear that progress has been made, and five of the original nine detainees have been released. It is vital, however, that we continue to put pressure on the American Government, because it is wrong that British people should be held in Guantanamo Bay without charge or the possibility of a fair trial. Will the Attorney-General please press the initiative on this issue that he began more than a year ago?

The final bit of homework is for the Minister for Local and Regional Government, my right hon. Friend the Member for Greenwich and Woolwich (Mr. Raynsford). Will he hold a proper investigation into the way in which Leicester city council is being run by the Liberal-led coalition, which is a complete disgrace? If the Leicester, South by-election had been a referendum on the record of the council, the excellent Labour candidate would have won hands down. The fact is that council tax has been put up by 8 per cent., and £2 million has been cut from the voluntary sector budget. Vital projects such as the St. Gabriel's community centre, the Humberstone park café—about which I shall present a petition at the end of this debate—and the Morton, Northfield and Tailby tenants association are being cut by the Liberal council, which came to power claiming that it would represent the views of local people. All it has done is cut local services, causing misery and hardship to the 250,000 citizens of Leicester. May we please have a proper investigation into what it is doing? The claim that it made when it came to power that there was a £10 million black hole left by the previous Labour administration was absolute rubbish. It is important that the Liberal Democrats should be exposed for what they are doing in Leicester, and I hope that an investigation will be instituted over the summer months.

5.29 pm

Mr. Kevan Jones (North Durham) (Lab): I, too, add my warm congratulations to my hon. Friend the Member for Birmingham, Hodge Hill (Mr. Byrne) on his maiden speech. I played a small part in his campaign—the blisters on my feet have now healed—but I felt that it was well worth while when I listened to a very able new Member make a very good speech.

I wish to raise an issue that affects my constituency and those of many other hon. Members—attacks on NHS staff, and on ambulance personnel in particular. Those men and women are vital to the health service, and we rely on them at times when we fall ill or have accidents.

In the north-east, there has been an increase in the number of attacks on ambulance drivers and paramedics: from May last year to May this year, some 163 individuals were assaulted, and 58 of those assaults resulted in physical injuries. In addition, in a recent survey of 200,000 NHS staff, one in six reported that

they had been physically abused in some way while carrying out their duties. I must congratulate Unison on its work in the north-east, and its branch secretary in County Durham, Ray McDermott, on highlighting appalling acts of physical violence against his members. A recent Unison survey found that some 40 per cent. of paramedics and ambulance drivers had been attacked. Obviously, those figures do not include the verbal abuse that they and hospital accident and emergency staff must put up with on a daily basis.

Many of those attacks are by people who are intoxicated, and they lead to some horrendous injuries. One north-east ambulance driver had his jaw broken and was off work for eight weeks. The sad thing was that the offender was fined only £50. Another case involved a female member of the ambulance service who was beaten up so badly that she was unable to work for two years. The perpetrator got a measly 120 hours' community service. That cannot be right. We rely on those people for protection: they are vital key workers in our health service. If they are attacked by members of the public, the courts should come down heavily on the individuals responsible.

I have mentioned Unison raising awareness of such attacks, and I also want to pay tribute to the *Evening Chronicle* and *The Journal* in Newcastle, which have highlighted the appalling cases in the north-east. The onus is on us to ensure that those cases get maximum publicity, and to call for the toughest measures against those who attack ambulance staff. I agree with the comment of the chief executive of the Commission for Health Improvement:

"More needs to be done to ensure NHS staff can go about their work without the fear of being attacked."

I know that time is short, but I want to raise two other issues, one of which was raised by the hon. Member for Southend, West (Mr. Amess). Sadly, I have never been to Southend, so I must take him up on his offer one day to visit his constituency. He raised the issue of post office closures. Let me give him a good news story on post office closures. In the village of Craghead, in my constituency, which lost its post office six months ago, the local community partnership has opened up its own post office in the village hall, with support from Government. That shows that if local people get together, they can provide local services, such as post office services, in a rural village. If he wants any details of that, I will pass them on to him.

Finally, I welcome the news today that the Government are going ahead with the referendum in the north-east for a regional assembly. I have campaigned for that, with other Members, for a long time. It would give the north-east a voice that it has not had for far too long. It would also lead to the reorganisation of local government in County Durham, which is long overdue. The current two-tier system does not work. In November, I hope that the people of Durham vote for a single unitary county council and that we get away from the ping-pong between the districts and the county, which leads to some of the most inefficient delivery of public services that I have seen anywhere. That will give Durham a vibrancy that it needs, it will give a focus to local service delivery, and it will give County Durham a strong local government voice.

The new county council, however, must be different from the one that we have at the moment, which, I understand, has only four women councillors, all of whom are from my constituency. Clearly, the new county council needs to represent modern-day county Durham and be something of which we can be proud, not just for its service delivery but for championing a great county. On that point, I will conclude. I wish all hon. Members and you, Mr. Deputy Speaker, all the best for the summer recess.

5.35 pm

Mr. Oliver Heald (North-East Hertfordshire) (Con): As always on these occasions, we have had an excellent debate, with hon. Members from all parties showing their concern about local issues but also raising a range of national issues. The hon. Member for North Durham (Mr. Jones) raised the important issue of attacks on ambulance drivers and those who work in the health service. Such attacks are appalling, and it is right that they should be highlighted. The Opposition support all efforts to ensure that such attacks stop and that people who commit them are treated firmly.

The problem is not just in the health service. The Union of Shop, Distributive and Allied Workers is running a major campaign about attacks on shop workers. I recently sent a petition from my constituency to No. 10 Downing street. I hope that the issue will also be treated with the seriousness it deserves.

We heard an excellent maiden speech from the hon. Member for Birmingham, Hodge Hill (Mr. Byrne)—a constituency that we have all come to know. Although we perhaps do not all love it as much as the hon. Gentleman, we feel that we know it well. He paid a proper tribute to his predecessors, including Terry Davis, who was well respected in the House over many years. The hon. Gentleman is proud of his constituency—proud that it built Spitfires in the war and it has some wonderful people. It is clear that he will represent them with the same power and effect as his predecessors. That is a strong tradition.

Is the Deputy Leader of the House able to give any more information about Equitable Life, which I mentioned during business questions? The Parliamentary Commissioner for Administration, the ombudsman, wishes to extend her jurisdiction to include the role of the Government Actuary's Department in her inquiry into Equitable Life. A written statement was produced later in the day, which said that her jurisdiction would be extended, but it did not say when the order would be made. Clearly, this is a matter of urgency. It affects hundreds of thousands of people who are distressed and concerned. It would be helpful if the Minister could tell us anything more about that.

There have been some great themes in the debate. We have discussed defence and the White Paper. My right hon. Friend the Member for North-West Hampshire (Sir George Young) was concerned about the effect of the cuts on the Defence Logistics Organisation. My hon. Friend the Member for Ruislip-Northwood (Mr. Wilkinson), who has great knowledge of the RAF, was concerned about the deep cuts of 7,500 in the RAF, which he described as deeply irresponsible. The hon. Member for Argyll and Bute (Mr. Reid) was unhappy at the potential loss of the Argyll and Sutherland Highlanders. My hon. Friend the Member for Ribble Valley (Mr. Evans) was concerned about the Queen's Lancashire Regiment—one of the oldest, if not the

[Mr. Oliver Heald]

oldest regiments in the country. Concern was also expressed that the Typhoon tranche 2 order should be placed and that there might be a capability gap if we get rid of a lot of our aeroplanes before the Typhoons are in place.

The hon. Member for North Cornwall (Mr. Tyler) said the best point that he made, I thought—that he wanted further Government commitments over Lord Lloyd's inquiry. All those points add up to the requirement for a debate, so I ask the Deputy Leader of the House, as I asked the Leader in business questions, for a full-day debate in Government time when we come back on defence and the White Paper.

Another theme of today's debate has been crime and antisocial behaviour. My hon. Friend the Member for Southend, West (Mr. Amess), in his unique way, described the brass-taking of the Prime Minister and said that he had never heard anything like it when the Prime Minister talked about crime and antisocial behaviour. Given that there has been a 37 per cent. rise in violent crime in London, for example, one can understand my hon. Friend's point. My hon. Friend paid tribute to the *Yellow Advertiser* and its campaign for extra feet on the beat. He mentioned the editor, Graeme Allen, and the reporter, Luke Walsh. I am sure that we would all wish to pay tribute to pioneering journalists who stand up for law and order issues.

The hon. Member for Alyn and Deeside (Mark Tami) suggested that we should evict antisocial tenants and he said that antisocial behaviour orders were a huge success because 65 per cent. of them were not breached. I was tempted to ask him about the other 35 per cent. When one thinks how much effort it takes to get an ASBO and how bad someone has to be to be the subject of one, it is a poor statistic that 35 per cent. are breached.

The hon. Member for Hornchurch (John Cryer) mentioned the concern of the Rev. Bob Love about happy hours and binge drinking in his constituency. He gave us the background of the nightclub capacity that they have there. He also said that he went out with the late night police. I too have done that and on the last occasion I was sitting in the back of the car while the officer was asking a young gentleman to help him with his inquiries. After a few minutes, the youngster asked, "And who's he?" The officer said, "Well, that's the Member of Parliament." The young fellow replied, "You've got a sauce—nicking the MP!" I am sure that we are all very concerned about antisocial behaviour, but I have always believed that feet on the beat are the answer. Our pledge is to put 40,000 extra real police officers on the beat. When the Labour party matches that, we will see some improvements in law and order.

Health was another theme of the debate. The hon. Member for Mitcham and Morden (Siobhain McDonagh) was very concerned by the proposed closure of the A and E department at St. Helier hospital. My right hon. Friend the Member for North-West Hampshire and the hon. Member for Lewisham, West (Jim Dowd)—a somewhat unusual alliance—were both concerned about the operation of the NHS ratings system. My hon. Friend the Member for Tiverton and Honiton (Mrs. Browning) pointed out that process is often put ahead of patients and she described how some regional hospitals operate. The hon. Member for Braintree (Mr. Hurst) was worried about the Courtauld hospital maternity unit. The hon. Member for South Swindon (Ms Drown) was also worried about the closure of a maternity unit.

All those points come together to show that it is only when our national health service is controlled and run locally and the professionals are put in charge that we will achieve the improvements that we would all like to see. I remember being a junior health spokesman and travelling around Europe with my hon. Friend the Member for Woodspring (Dr. Fox). We visited a German hospital and looked around a ward that was spotlessly clean. We asked the Herr Professor Doktor who was in charge why it was so clean and he said, "Why wouldn't it be?" We asked whether the cleaning was done by private contractors, and he said that it was. I asked him why they did such a good job, and he said, "Well, if it wasn't clean, we wouldn't pay." He was able, as the person in charge of the ward, to say that he would not pay if the job was not done well enough. We need to reach the point where the people in charge of wards in our hospitals can make a difference on issues such as cleanliness. That is how we will tackle the problems of MRSA and other hospital infections, which have increased so rapidly lately. It is an issue of management, and it needs tackling now.

A range of community issues was mentioned. My hon. Friends the Members for Bournemouth, East (Mr. Atkinson) and for Ribble Valley (Mr. Evans) were both concerned about the closure of post offices. The closure of BT telephone boxes was also raised, which is an important issue for isolated communities and in towns with communities where people do not all have mobile phones. The hon. Member for Milton Keynes, North-East (Brian White) supported BT. He said that there was a proper procedure and that if we had gone to the meetings of the committee, everything would have been all right. However, I did not sense that that was the mood of the House and I hope that the Deputy Leader of the House will be able to answer that point.

The hon. Member for Argyll and Bute raised points about the commitment to a parcels service. We heard about mobile phone masts, about helping families with Sure Start and about mental health advocates. It was a really good debate of its type.

Another strong theme was red tape and bureaucracy. In a marvellous speech, my hon. Friend the Member for North-East Bedfordshire (Alistair Burt) highlighted the bureaucracy of the New Opportunities Fund, where people have to spend 10 per cent. of the money they hope to receive before they can realise their grant. He spoke about the difficulties experienced by a multiple sclerosis centre and a garden centre in his constituency due to pettifogging regulations. My right hon. Friend the Member for North-West Hampshire told us about a theatre that was being closed due to petty bureaucracy.

Police red tape, bureaucracy and the need for IT—a range of issues—were raised. They all come down to one central point: the Government are not cutting out bureaucracy. If we imagine the Government as a hopper bin, with money going into the top and the outputs and deliveries coming out at the bottom, we should see the

hopper getting bigger and bigger. We have big government in this country. It needs tackling, and the Conservatives are the people to tackle it.

I shall not go on for too much longer as we want to hear from the Deputy Leader of the House, but I want to mention the countryside. Several hon. Members, including my hon. Friends the Members for Ribble Valley and for Castle Point (Bob Spink), talked of the threats to the countryside from the Deputy Prime Minister. In my area, we have the threat of airport expansion. We should be wholly committed—as indeed I am—to fight the threat to our countryside from too much housing and too many airports and buildings. We need a balance, so that development is not all in the south-east but also takes place in the north and in other parts of the country. We do not have that balance at present. The burst of growth that the Government are going for in the south-east will lead only to disaster. It is right that we should fight for the unique environment of areas such as Essex, Lancashire and, in my case, Hertfordshire.

The debate has been marvellous, as it always is. I hope that the Minister can answer all the questions in the time allotted to him. I wish everybody a happy recess and I thank the staff of the House for all they do for us.

9.47 pm

The Deputy Leader of the House of Commons (Mr. Phil Woolas): I shall be unable to respond to all the questions, as 28 Members took part in the debate and more than 140 issues were raised, so I shall have to cherry-pick. In all seriousness, I will try to ensure that the appropriate Ministers are made aware of the points raised, and if Members have asked for a matter to be taken up with a particular Minister I will deal with it in writing, so that they receive an answer.

Like the hon. Member for North-East Hertfordshire (Mr. Heald), I shall pick out some of the themes in the debate, but I want to talk about two speeches in particular. The first is the excellent maiden speech made by my hon. Friend the Member for Birmingham, Hodge Hill (Mr. Byrne). He has already shown the House that he will make a good Member of Parliament and a doughty fighter for his constituents. I know that he will put the same energy into his job as he put into the campaign, which was a remarkable effort. All parties can see that in my hon. Friend we have a worthy MP. He is also a family friend, so I congratulate him personally. I confidently predict that, whenever the general election comes, the swing to Labour in Hodge Hill will be enormous—as it will be in Leicester, South, too—and that we shall write new records in the books.

The second speech is that of my right hon. Friend the Member for Dewsbury (Ann Taylor), about which other hon. Members have spoken, too. She made an important speech about education and further education in her constituency—her lifelong passion in politics. It struck me that her point concerns the problems of success. Demand for post-16 education in Dewsbury is greater than provision, and that is a problem of success.

The hon. Member for North-East Hertfordshire criticised the Government and tried to present his usual Chicken-Licken-the-sky-is-falling-in picture of Britain, before berating us for the problems of success. We need more houses and airports because we have more jobs, and we need more roads and railways because economic activity has increased. The debate shows that we are dealing with the problems of success. It is ironic that I am replying to the points made by my right hon. Friend the Member for Dewsbury, because she opened the sixth-form college in my constituency, which is a symbol of her success.

Many hon. Members raised the issue of defence, and I acknowledge that some serious points were made about the future of defence. Parliament's first duty is to debate the defence of this country, and two defence days remain in the Session and the Opposition can put forward their points in an Opposition day debate. The picture that this morning's newspapers and some hon. Members presented does not reflect the reality of the comprehensive spending review that, yet again, we have a real-terms increase in defence expenditure.

The increase in defence expenditure is possible because our strong economy has resulted in an increased tax take. Unemployment has fallen because of the Chancellor's policies, which have full employment at their forefront, and the public expenditure that flows from them would not exist if we had alternative policies. Although it is right and proper for hon. Members to raise issues such as the Argyll and Sutherland Highlanders, the Queen's Lancashire Regiment and other constituency concerns, it is also incumbent on us to put those things in context.

On the crime figures, *The Independent* did a good job of being independent this morning. Unlike some other reports, it pointed to the British crime survey, which is the best measurement of crime and which has not changed its methodology for 20 years. *[Interruption.]* To be fair, the Prime Minister has used the British crime survey, which shows that crime has fallen by 25 per cent.

I am not denying that problems exist—goodness me, antisocial behaviour and violent crime are the biggest issues in my constituency postbag. Both Government and Opposition Members have raised those issues—indeed, my hon. Friend the Member for Alyn and Deeside (Mark Tami) based his speech on them. The recorded crime figures as reported by the police are exactly that—reported crime—but the British crime survey, which is comprehensive, gives us a different picture.

Crime has fallen for the past seven years. On the whole, that is a result of clamping down through the changes in the criminal justice system and the provision of extra resources for the police. I got the figures out for this debate because I anticipated that the issue would come up: there are 12,500 more police officers on the streets of this country than there were six years ago, and there are also 3,800 community support officers. Most of us can now look our constituents in the eye and say, "Yes, you see police officers on duty". We would like to see even more police officers, but the figure has increased.

Crime is also falling because economic activity and employment have gone up. Full employment is the best policy to deal with social exclusion, deprivation, crime and other issues. It is no coincidence that as employment has risen and mass unemployment has become a distant memory—hopefully, it will never blight this country again—crime has decreased. It will take generations to

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solve those problems, but the Government's policy is "tough on crime, tough on the causes of crime", and it is succeeding.

I shall mention briefly some of the health issues and reply to the specific question on the star rating system asked by the right hon. Member for North-West Hampshire (Sir George Young). I can report that Sir Ian Kennedy, the chairman of the Healthcare Commission, has made no secret of his dissatisfaction with the current system. He wants to improve it. It is for that independent commission to decide how best to assess the performance of the NHS, and it is developing a new approach to the assessment of NHS bodies. So I think that directly answers the question, which was raised by two or three other hon. Members.

Let me turn to dentistry. There is no denying that there is a problem. It is not acceptable that the constituents of the hon. Member for Tiverton and Honiton (Mrs. Browning) have to drive 30 miles to a dentist. There are other examples—North Cornwall was mentioned and other parts of the country are affected. The situation is not acceptable, but more dentists are being trained and coming on stream now than ever before. Again, I have the figures with me. We have announced that we are investing—not are going to invest—an extra £368 million in NHS dentistry. We have recruited 1,000 more dentists, and by reforming the dental system to improve the long-term oral health of the nation we will make further improvements.

I remember campaigning against the closure of university dental hospitals. I remember going on demonstrations 20 years ago, when university dental hospitals and training hospitals were closed and medical places in universities were cut. The 1981 Budget took 26 per cent. from the higher education budget in one year. That had a long-term implication. The Government were chided in the debate for blaming everything on the Conservatives who were in government seven years ago. Of course it is right that the Government should take responsibility for the faults that we have caused by our own policies in that time, but no serious commentator could deny the underfunding in our infrastructure and public services that resulted from Geoffrey Howe's Budget in 1981 and the Lawson policies in the following decade. That tide is turning under the Government's programme.

I shall get off what are perhaps party political points—[Hon. Members: "No".]—but I think that I have spoken the truth. Perhaps I shall come back to a couple more party political points at the end if I have time. I find these debates fascinating. They are very good for Parliament. They are clearly good for raising constituency issues. I have a little points system in my mind. I award points for contributions. When hon. Members mention their local newspaper, it is always worth a point. If they name the editor and the local journalists, it is worth two points. If they name the local police superintendent, they get three points.

A competition for the number of issues raised seems to be going on between the hon. Members for Ribble Valley (Mr. Evans) and for Southend, West (Mr. Amess) and, sometimes, my hon. Friend the Member for Hornchurch (John Cryer). The hon. Member for Southend, West is ahead on points at the moment. There are also points for regular contributions to these Adjournment debates, but I have to award the prize to the hon. Member for Southend, West. He normally raises the hospice movement. He did so today, during points of order just before the debate, so that he could get a second bite of the cherry. I congratulate him on that.

Bob Spink: I did that.

Mr. Woolas: I am so sorry. I apologise to the hon. Member for Castle Point (Bob Spink). There are so many points to be awarded in these debates that I have got the wrong constituency. I am, of course, referring to the beautiful constituency of Castle Point, which the hon. Gentleman has described.

I apologise for not being able to respond to all the specific points that have been made. Important constituency issues have been raised, and I will take them up. I am reminded of a lesson from the superintendent in my constituency—to award myself a point—Dick Crawshaw, who told me about the differences in how the police treat Members of Parliament. In the old days, if we got caught out doing something wrong, they would make an example of us. Nowadays, they make an example of us. It is right that we should take up those constituency issues.

A very happy recess to you, Sir, and to all the staff of the House and all hon. Members.

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. I am sure that those good wishes are reciprocated and apply also to our absent Friends.

It being six o'clock, the motion for the adjournment lapsed, without question put.

PETITIONS

Kings Meadow Swimming Baths

Jane Griffiths (Reading, East) (Lab): I rise to present a petition on behalf of no fewer than 2,000 of the constituents of Reading, East. It opposes the plan to tear down the Kings Meadow swimming baths, and to develop Kings meadow and Caversham lock on the green banks of the Thames into a hotel, apartments and other developments. The petitioners would like the area to be retained as a public amenity. They were concerned, as was I, that after awareness of the petition became public, two people turned up and damaged the swimming baths, apparently to prevent the building from being listed. I would be surprised if, as is being said in Reading, that work was carried out on behalf of the council, but the neglect of the swimming baths and allowing the building to be covered in graffiti is a shame.

The petition states:

The Petition of Mr Robert O'Neill, residents of Caversham and Central Reading close to the River Thames, and other residents of Reading

Declares that Kings Meadow and Caversham Lock should not be redeveloped but retained as a public amenity.

The Petitioners therefore request that the House of Commons urge the Secretary of State for Environment, Food and Rural Affairs and the Environment Agency not to redevelop Kings Meadow and Caversham Lock but to retain them as public

amenities, and that the House of Commons urge the Deputy Prime Minister to ensure that no open space in Kings Meadow is redeveloped.

And the Petitioners remain, etc.

To lie upon the Table.

Bridgewater Drive and West Road Post Offices

6.1 pm

Mr. David Amess (Southend, West) (Con): I have the honour to present a petition that has been organised by the Rev. Graham Steel, Mr. Ahmed Khwaja, the Somerset Garden estates, Mendip residents' estate and Westborough residents association. It has been signed by more than 1,000 people who are concerned about the damage that will be done to our senior citizens and the disabled if the Bridgewater drive and West road post office branches close.

The petition states:

The petition of Mr Hobday and others,

Declares that many are concerned about the proposed closure of the Bridgewater Drive Branch of the Post Office, Bridgewater Drive, and others

The Petitioners therefore request that the House of Commons urge the Government to do all in its power to prevent the Post Office from closure.

And the Petitioners remain, etc.

To lie upon the Table.

Humberstone Park Café

6.2 pm

Keith Vaz (Leicester, East) (Lab): I rise to present a petition on behalf of Rob and Mo Green and 2,000 other constituents in Leicester, East. It concerns proposals by the Liberal-led Leicester city council to sell off a property that is currently occupied by the Humberstone Park café, which has been a local resource for a number of years. The proposals will mean that the café will have to close and the community facility that has been provided will thus be at an end.

The petition

Declares that Leicester City Council is to sell off a number of council-owned properties including Humberstone Park Cafe. The petitioners further declare that once the café building is under private ownership the general public will have no say on future developments at the site; and that the café is an important service for the community which should remain in the hands of the City Council.

The petitioners therefore request that the House of Commons urge the Deputy Prime Minister to ensure that Humberstone Park Café remains a Council-owned service for the community.

And the Petitioners remain, etc.

To lie upon the Table.

Commission for Patient and Public Involvement in Health

Motion made, and Question proposed, That this House do now adjourn.—*[Jim Fitzpatrick.]*

6.4 pm

Dr. Richard Taylor (Wyre Forest) (Ind): I have to express a little disappointment. A few moments ago, I thought that we were going to have an audience of four or five hon. Members, but I now discover that they have melted away, as if by magic. May I thank through you, Mr. Deputy Speaker, Mr. Speaker for selecting me for this debate, because it comes at an absolutely crucial time? I also thank the Under-Secretary of State for Health, the hon. Member for Welwyn Hatfield (Miss Johnson), for delaying her well earned holiday for an extra few minutes. She is welcome on the Government Front Bench.

The last debate of the day has been given lots of names. It has been called the last-ditch stand and the last post. Even worse, it has been called the graveyard debate. I hope that that is not prophetic. After the Secretary of State for Health's announcement this morning, it appears that the Commission for Patient and Public Involvement in Health is being abolished. I hope that this debate is not the death knell of that organisation.

There is still time for the Government to rethink and change their mind. They were recently generous in changing their mind considerably on one Bill with which I was involved—the Human Tissue Bill. Although we achieved no reasonable amendments in Committee, some useful amendments were accepted before Third Reading.

Although I am on the Opposition Benches, I hope that the Minister might recognise me as an ally in some ways. I support the Government on NHS spending and on many NHS reforms. By convention, a solitary Independent Member does not have any hon. Friends in this place. I was caught out early on in my career here by calling the hon. Member for Wakefield (Mr. Hinchliffe) my hon. Friend, but I really thought he was. A former hon. Member for Plymouth, Sutton wrote in his diaries:

"There are no true friends in politics. We are all sharks circling, and waiting, for traces of blood to appear in the water."

I hope the Minister accepts that, as an Independent, I can be a friend on occasions to both sides of the House. I also hope she accepts that my comments are given in a spirit of friendship and helpfulness, not in opposition.

I genuinely want to prevent the Government from making a foolish step, to the detriment of patients. Many will see their decision as a U-turn, or wasteful of money already spent. It might be seen as dictated by a desire to spike the Opposition in their claims, but that is not necessary. I would say the same thing even if Conservative Members were present: the Government do not need to be frightened of the main Tory Opposition on the NHS. Every time the subject is raised in Prime Minister's questions or Health questions, the Government score total, annihilating victory.

The abolition of the commission is a disaster for patients, the NHS and the Government. Let me give a brief history of the situation. After my election to the

[Dr Richard Taylor]

House, the hon. Member for Salford (Ms Blears), who was a junior Health Minister, wrote:

"The culture within the NHS needs to change so that the views of patients and citizens are not only valued but listened to and acted upon as well."

When the Government introduced the NHS Reform and Health Care Professions Bill, which was to abolish community health councils, they faced a tremendous revolt. The House of Lords tabled an amendment. To cap that, the Government sensibly tabled a much better amendment, which led to the foundation of primary care trust patient forums. They gave them huge powers and advantages that CHCs did not have.

Inevitably, the Government then formed the Commission for Patient and Public Involvement in Health in January 2003 and gave it the enormous task of establishing itself and more than 570 patient forums, with a minimum of seven members each, by 1 December in that year, which was 11 months later. By that time, they had succeeded with about 550 of the 570 forums, from a budget of £34.9 million, £8 million of which had gone to support existing CHCs in their prolonged existence, £5.2 million to the independent complaint and advocacy services and £5.7 million to their own national centre, with the rest being spent on forums.

The commission's focus is so in line with Government thinking on empowering people that I cannot understand the Government's decision. They wish to empower citizens to be active, and not just middle-class retired people but the disadvantaged and the silent voices, such as single mums and the disabled. There is a very useful report in *The Guardian* today, in which two key advisers to the Prime Minister say that the Government must

"end the democratic deficit caused by the disengagement of the working class from almost all forms of community involvement",

and that

"Democracy and citizenship had to move from the periphery of progressive politics to its heart".

I believe that the commission is going some way towards doing that. A grossly disabled person serves in one of the PCTs in my area. I do not believe that the alternative, the NHS Appointments Commission, could do that. Would it go out and find that sort of person when it is used to finding those pillars of society who become non-executive directors, and who find that they immediately lose their true independence because they have to work under rules of consensus?

I want briefly to go through some of the other things that the commission does that are so vital. I had a letter from its chair just before Christmas, when I had written to ask how she was getting on with the tremendous task before her. She wrote:

"I hope that you will agree with me that we have achieved a great deal this year. I hope that the New Year will see the new system finding its feet and fulfilling its promise."

There you have it—it is a system, which needs a head as well as a body and limbs, so that it can function as a whole. It is a national body. It has to liaise with Government, strategic health authorities and other national organisations.

An example of that, and its effectiveness, is a recent memorandum of understanding, dated 29 April, between the Local Government Association, which is so vital because of the formation of overview and scrutiny committees, and the commission. The document describes the wider role of the commission, saying:

"The Commission is responsible for submitting reports to and advising the Government on how the PPI system is functioning. It liaises with national bodies on patient and public involvement issues and makes recommendations to these bodies and the Department of Health as appropriate."

National liaison facilitates local liaison. Overview and scrutiny committees are a tremendously welcome innovation by the Government, because they improve public involvement and bring some democratic accountability into health service decisions. But one cannot have every such committee and every forum reinventing the wheel on co-operation all over the country.

To me, there is no argument about the vital role of forums, but I still believe that they have to have a fully independent national co-ordinating body, which the commission shows every sign of becoming. Abolish it, and patient involvement will be set back by months, if not years. If primary legislation were involved, we would be in for months or years of uncertainty, lowering the morale of the very people who are necessary to inspire those on the forums, particularly the disadvantaged, the disabled and the inarticulate—the silent voices that we are desperate to tap into.

To give an example, local groups that do not work without central leadership are patient participation groups set up by many general practices. In my experience, they are regarded by the GPs as a way of telling patients what they want, rather than of patients telling the GPs what they want. Recently, a constituent writing to me about a different subject mentioned patient participation groups. She wrote:

"Those of us who have spent any time on Patient Participation Groups, for instance, have found it a great waste of time because the consumer is not listened to. Rulings come down from above!"

At a recent meeting with professional representatives of the NHS Modernisation Agency and the NHS Confederation, I was alarmed to realise that they did not know what real patient involvement is. Unbelievably, they felt that it was limited to an individual patient's decisions about his or her own health care. I am delighted that the Government have not fallen into that trap. Today's statement says that

"Patients' Forums will remain the cornerstone of the arrangements we have put in place to create opportunities for patients and the public to influence health services."

I appeal to the Government to pull back from a decision which was taken unilaterally and without consultation and which was opposed by 71 per cent. of those who replied to a *Health Service Journal* online poll. Is abolition a political imperative? Can it be that the Government are frightened that forums with national backing would be able to expose some of the NHS's shortcomings? Surely not.

I want the Minister to state whether primary legislation is necessary to confirm abolition. How long will it take to run things down, only for the new arrangements to restart them? I remind the House of the question that the right hon. Member for Walsall, South (Mr. George) put to the Secretary of State for Defence yesterday:

"who was the idiot who thought that we could cut the infantry at a time when the pressure on it was enormous?"—[*Official Report*, 21 July 2004; Vol. 424, c. 356.]

I turn that question around and ask the Under-Secretary of State for Health: who was the idiot who thought that we could remove the generals and officers from the ordinary soldiers of the forums when the pressure on them to succeed is enormous? I ask her to take all the points I have made on board and to persuade the Secretary of State for Health that it is in the interests of the Government, patients and the national health service to cancel this abolition, which will remove at a stroke the one vital, promising and truly independent arm's length body.

6.19 pm

The Parliamentary Under-Secretary of State for Health (Miss Melanie Johnson): I congratulate the hon. Member for Wyre Forest (Dr. Taylor) on securing this debate. It is not a graveyard slot, even though the House is about to rise for the summer. I assure him that Ministers do not go on holiday quite as soon as ordinary MPs do; I seem to find myself at work next week.

Today, we set out our proposals for all the Department of Health's arm's length bodies. It is probably worth while running through some of the background.

The NHS plan 2000 heralded a period of investment and reform. I am glad that the hon. Gentleman recognised that that has significantly improved outcomes for patients. I am delighted to hear of his support for these changes. At a national level, the Department of Health has driven the reform. It has set a clear and ambitious framework for doing so. In addition, the arm's-length bodies from the Department—a national network of statutory organisations—have been deputed to regulate the system, improve standards, protect public welfare and support local services. These ALBs have contributed significantly to the pace of change described in "The NHS Improvement Plan", which was published last month.

The wider network of ALBs built up over the years has become too cumbersome in the context of devolution. The hon. Gentleman will recognise that quite a lot has changed. The ALB sector must recognise and reflect the shifting balance of power towards the front line and towards patients. Again, I welcome the hon. Gentleman's recognition of the shift that is taking place and the Government's vision and support for that.

The thinking that underlies the first thorough review of ALBs for many years reflects that. The ALB sector as a whole needs to remain coherent and fit for purpose. It needs also to enable itself to engage easily and efficiently with the service and the support that it gives to services.

Arm's length bodies have often been interventionist in their backgrounds and high profile. That has meant they have had a maximum impact in their areas of responsibility. That has been right while the momentum for change was being created, but the price has tended to be, as time has moved on, an increasing burden on the NHS, and has led to some poor co-ordination of agendas. We therefore took the view, entirely rightly, that ALBs need to be streamlined both in number and functions. I can reassure the hon. Gentleman that we are doing this not in response to anything that the Opposition are doing, but merely to reflect the fact that we are succeeding on the pace of change, reform and investment that we set ourselves. The results of that have moved forward significantly enough at this point to be able to reflect those factors in the changes that we are proposing and have outlined today.

The streamlining goes hand in hand with that. The lifting of burdens is linked with efficiency. The ALB review is a significant component of the Government's drive to make the public sector more efficient, and a key part of the implementation of the recommendations in the Gershon efficiency review.

In the report "Reconfiguring the Department of Health's Arm's Length Bodies", which we published today, we have described our plans for the future of all the Department's ALBs. There will be a reduction in their number by almost a half to 20. We are confident that the reduction will lead to savings that can be invested in front-line services of £0.5 billion by 2007–08. It is easy to lose sense of how much money that is, even in today's health service, and the advantages of reinvesting it in front-line services.

As our earlier written ministerial statement set out, the Commission for Patient and Public Involvement in Health will be abolished. Patients forums will remain the cornerstone of the arrangements that we have put in place to create opportunities for patients and the public to influence health services. Stronger, more efficient arrangements to provide administrative support, advice and training will be put in place after consultation. These will enable forums to concentrate on their core functions, maximising the resources available for spending on real involvement rather than on administration. These changes fit well within the overall objectives of the ALB review.

A clear quality framework for forum activities in monitoring and reviewing services will be established and will be communicated to forums. We are working closely with key stakeholders—forums in particular—to take this work forward and identify the best body to do that. The NHS Appointments Commission will become responsible for making appointments to patients forums. To pick up the hon. Gentleman's point about the search for members of the commission and non-executive directors, the commission has been a useful body in establishing the forums. However, another of its key tasks is to work with Government Departments to make sure that its work and the work of the patients forums is fully reflected in the cross-Government work on citizen engagement.

The timetable for implementation has not yet been set, and we will work closely with key stakeholders to ensure that there is minimum disruption for staff, people who support the forums and forum members themselves. I emphasise that our decision to abolish the commission was not borne out of concerns about its performance, nor does it indicate a reduction in our commitment to patient and public involvement. The Government share the hon. Gentleman's enthusiasm about empowering patients—I am an enthusiast myself—and there are many examples of that empowerment, not least the expert patient programme, which is a fantastic initiative that changes the emphasis of the doctor-patient relationship that he described. The commission's performance, particularly its achievement in setting up the forums and recruiting about 5,000 members within a tight time scale, is highly commendable. Our commitment to empowering

[Miss Melanie Johnson]

patients and the public by providing opportunities to influence change and increasing care choices is a key theme of the NHS improvement plan and the continuing modernisation of the NHS.

We decided to abolish the commission and make better use of existing organisations to support, promote and implement patient and public involvement and ensure that it develops in the widest context possible. Effective involvement builds trust and confidence in public bodies, and helps public services to adapt to the needs and expectations of their users. The NHS Appointments Commission is the expert body that was set up to make public appointments, so it is logical that recruitment on the scale necessary to maintain forum numbers is carried out by an organisation that is expert in making appointments.

Patient and public involvement is not just about patients forums, although they are an important part of the arrangements that we have set up. The NHS is the key implementer of patient and public involvement, and it, too, needs advice and support to do so better and to learn from the experiences of others. It is not a statutory function of the commission to advise the NHS about patient and public involvement, and there should be a more strategic and joined-up approach to providing that advice to forums, the NHS and other organisations that provide health care so that patient and public involvement is embedded in their services. We will therefore ensure that those functions are covered for all providers as well as forums, and that work is developed with other bodies more generally involved in community engagement so that the lessons from patients forums and from NHS experience of public involvement are shared across sectors. Primary legislation will be required to abolish the commission, and it will be introduced in the usual way when parliamentary time allows. In the meantime, we will explore alternative options on the implementation of the decision.

Patients forums are currently supported by a wide range of local providers. There have been some difficulties with that approach, not least the inconsistencies in the support that forums receive. The hon. Gentleman mentioned the importance of consistent support, but inconsistencies are inevitable, given the large number of contracts. The problem must be addressed so that all forums can benefit from strong local support and carry out their functions as effectively as possible. By learning from the commission's experience we will ensure that forums all receive high quality support and can make even more of an impact.

The current budget for the commission is £33.3 million. There will be no cuts to that budget, I can assure the hon. Gentleman. We will invest more resources in patients forums, and any savings that accrue from the abolition of the commission will be invested in patients forums and in providing expert advice on patient and public involvement.

In the time remaining, I shall describe how patients forums will be affected. As I said, they are the cornerstone of patient and public involvement. They will not be abolished, nor will their independence be undermined. Rather, the support they receive is to be strengthened. It is key in the new arrangements that forums remain as independent as they currently are, so that they can continue to be responsive to the views of local people. That is the essence of what they are about.

The 5,000 current members of patients forums are beginning to get their work under way, so we are just beginning to see the results of that work. The all-party group on patient and public involvement hosted a reception for forum members earlier this month. The hon. Gentleman was in attendance on that occasion, I think.

Dr. Richard Taylor *indicated assent.*

Miss Johnson: The purpose of the event was to celebrate the achievements of forums so far. We need to retain and build on the momentum that already exists. The key to doing that will be to ensure that disruption is kept to a minimum during the implementation of our recommendations.

I know that the hon. Gentleman works closely with the patients forum in his constituency. I am very encouraged by the work that that forum has been carrying out. The forum and sixth-form drama students in the area worked together to produce a video on wasted medicines. A copy of the video was, I understand, sent to every GP surgery in the area in January, to be played in their reception areas and waiting rooms. That is an excellent example of the kind of work that forums are carrying out and demonstrates the value of that approach.

I emphasise that we are committed to patients forums and their work. We are beginning to see them influencing change locally, considering patients' views and the services and reflecting those. They need strengthened and more consistent support to carry out their work and they need to work to consistent, high standards. Of course, they must continue to be independent. The proposals that we will bring forward following consultation will ensure just that.

I conclude by reassuring the hon. Gentleman that the interests that he has represented in the debate and our interests entirely coincide. There will be advantages to the new arrangements as we develop the detail and give patients forums the support due to them. The emphasis will change towards more support for the patient—a trend that we all welcome in the health service of today, and which will drive the health service of the future.

Question put and agreed to.

Adjourned accordingly at twenty-seven minutes to Seven o'clock.

House of Commons

Tuesday 7 September 2004

The House met at half-past Two o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

SCOTLAND

The Secretary of State was asked—

Renewable Energy

1. **Miss Anne McIntosh** (Vale of York) (Con): What discussions he has had with the (a) First Minister and (b) Energy Minister on the Government's policies for renewable energy. [187626]

The Secretary of State for Scotland (Mr. Alistair Darling): I have discussed renewable energy over recent months with both the First Minister and my right hon. Friend the Secretary of State for Trade and Industry. Promotion of renewables is, of course, a devolved responsibility in Scotland.

Miss McIntosh: I am grateful to the right hon. Gentleman for that reply. He will be aware that renewable energy is unreliable and in most instances requires back-up from other sources, so the Government have asked the oil companies to take a special lead in that regard. Against that background, how can he justify parts of Scotland, such as the west of Scotland and the Isle of Skye, being blighted?

Mr. Darling: It is the case that it is best for energy to come from several different sources, but if we are to meet our environmental obligations, it is important to increase the amount of electricity that comes from renewable sources. There are parts of Scotland in which the development of renewable energy has been welcomed for such reasons as job creation. I accept the hon. Lady's general point that if electricity is generated and transmission lines then have to be built or upgraded, it can be controversial. However, there is no getting away from the fact that in an economy such as ours, in which every single one of us depends on electricity, we need to generate the stuff as efficiently and effectively as possible, and that means having the right mix of supply.

Miss Anne Begg (Aberdeen, South) (Lab): I am sure that the Secretary of State is already aware that a week last Thursday at an anniversary celebration for 10 years of Talisman in the North sea, both the Minister for Energy, E-Commerce and Postal Services and the First Minister made announcements. The First Minister made an announcement on the development of the Beatrice platform, which has huge wind turbines and has received investment from the Government, and the Energy Minister announced new developments for the Tweedsmuir field. Does the Secretary of State agree that that shows how Scotland and the UK working together will ensure that the energy needs of the north-east of Scotland and the rest of the country will come from a mix of oil and gas developments and renewable sources?

Mr. Darling: That is a very good point. Both the Scottish Executive and the UK Government—as well as industry—are working together so that we may increase the amount of energy generated from renewable sources. It is also worth bearing it in mind that over the summer the Conservatives came out against a lot of renewable energy generation. Most people who want to ensure that we have supply in the future will want us to have the right mix and, especially, to increase the amount of renewable-generated electricity because that must be good for the environment. As I said earlier, all such applications can be controversial, but most people, especially those in the north-east of Scotland who listened to last week's announcement, would have been pleased that the Scottish Executive and the UK Government were working closely together.

John Thurso (Caithness, Sutherland and Easter Ross) (LD): Is the Secretary of State aware of the recommended transmission charge by National Grid Company of some £22 per kilowatt for electricity generated in my constituency, which Scottish Renewables estimates will create a burden of some £75 million above that on similar producers in England? What can the Government do to ensure that that unfair burden is not levied on the nascent Scottish renewables industry?

Mr. Darling: I am aware of the proposals. There is provision in the Energy Act 2004 to provide relief from charges, which I am sure that the hon. Gentleman will welcome. On electricity generation and the new scheme, it is important to bear it in mind that, as a result of the changes, the interconnnector charges that Scottish generators would otherwise have to pay when selling electricity to England and Wales will be removed. The hon. Gentleman is absolutely right that it is important to ensure that there is a level playing field for generators throughout the country, although account must be taken of the inevitable costs incurred when electricity is transmitted. I am aware of his point and anxious to ensure that Scottish renewable energy generation is encouraged.

Quality of Life

2. **Jim Sheridan** (West Renfrewshire) (Lab): What factors are taken into account when assessing the quality of life in Scotland's communities. [187627]

The Parliamentary Under-Secretary of State for Scotland (Mrs. Anne McGuire): There is no single indicator that can be used to measure quality of life. Indicators covering economic, social and environmental issues taken together can, however, reflect important factors affecting quality of life.

Jim Sheridan: I thank my hon. Friend for her response, but does she agree that good quality, accessible health services are equally important to the quality of life of all our constituents? Will she use her good offices to remind local health boards such as Argyll and Clyde, which is reducing health services in Inverclyde, that the money that the Government are investing in health services is meant to serve all our communities?

Mrs. McGuire: My hon. Friend is right that the Government regard health as a priority for investment. I am aware that Argyll and Clyde health board is undertaking a major consultation on proposals on the future configuration of health services in the area, and I am sure that he will welcome its decision to extend the consultation period to 15 October, although, as he will understand, the provision of NHS services in Scotland is a devolved issue for the Scottish Executive.

Sir Archy Kirkwood (Roxburgh and Berwickshire) (LD): Does the Minister accept that the indices of deprivation recently produced by Oxford university are being increasingly used to assess the quality of life in Scottish communities? Those indices are an improvement on what was used before, but from her constituency experience she will know that rural districts include areas of bad deprivation and severe poverty, with fragile economies and low wages. While I acknowledge the difficulties on the west coast of Scotland, can she give the House an assurance that rural areas will not suffer from the mindless application of indices of deprivation in future?

Mrs. McGuire: The new indices are an improvement on what was used before and take into account current income, employment, health, education, housing and access to services. The geographical areas studied each cover 500 to 1,000 people, and that approach is helpful to rural communities. The hon. Gentleman and I have met to discuss the subject, and if he would find it helpful I should be delighted to meet him again to see whether more refinement is needed to reflect the issues affecting rural communities.

David Cairns (Greenock and Inverclyde) (Lab): While health policy is devolved, many drivers for change in the health services in Scotland apply across the United Kingdom, and include the European working time directive, the reduction in junior doctors' hours, the operation of the royal colleges, GPs' and consultants' contracts, and so on. Does she therefore agree first, that the House has a locus in the debate on the future of the health service in Scotland, and secondly, that we cannot solve the problems in the Scottish health service one hospital at a time? These are national problems affecting the national health service in Scotland and they need a national solution.

Mrs. McGuire: The reconfiguration of health services, particularly the acute services review in Scotland, has attracted a great deal of energetic and robust debate. However, it is a matter for the Scottish Executive, and it would be utterly inappropriate for me to comment on the way in which health boards carry out their functions.

Industrial Policies

3. **Mr. Tam Dalyell** (Linlithgow) (Lab): What conclusions he has drawn in relation to Government policies for industry from his visit to Sun Microsystems at Linlithgow on Tuesday 31 August. [187628]

The Secretary of State for Scotland (Mr. Alistair Darling): I was very pleased that my hon. Friend was able to join me to visit Sun Microsystems last week. Sun's investment in the Linlithgow plant demonstrates that the Government's policies and our management of the economy, allied to the Scottish Executive's enterprise strategy, are making Scotland the right place for such companies to do business.

Mr. Dalyell: How about expeditious freight links?

Mr. Darling: My hon. Friend makes a very good—and very short—point. He is right, and that is why the development at Edinburgh airport, which is now a major freight airport in the UK, is important. Companies such as Sun are anxious, however, to have further freight connections, perhaps at Prestwick or in other countries, where heavier goods could be transported to different parts of the world. However, we want to do everything that we possibly can to encourage companies such as Sun, which makes goods that are exported throughout the world, to thrive in Scotland, and we shall continue to do so.

Manufacturing Industry

4. **Sir Nicholas Winterton** (Macclesfield) (Con): If he will make a statement on manufacturing industry in Scotland. [187629]

The Parliamentary Under-Secretary of State for Scotland (Mrs. Anne McGuire): The Government fully recognise the substantial role that manufacturing continues to play in Scotland's economy. We will continue to work with the Scottish Executive to ensure that Scotland's manufacturing industry benefits from the macro-economic stability delivered by the Government.

Sir Nicholas Winterton: I am grateful to the Minister for her reply. I am sure that she will admit that manufacturing growth in Scotland is lower than in England, but that is not the purpose of my question. Does she not agree that manufacturing industry is one of the few sources of non-inflationary sustainable economic growth, and if so will she ensure that the Government and the Scottish Executive do not impose further additional costs on manufacturing industry that will undermine its competitive position?

Mrs. McGuire: I know from the hon. Gentleman's continued attendance at Scottish questions that he takes a great interest in matters Scottish, and I hope that he will also recognise that the Government have done a great deal for manufacturing industry. Working with the Scottish Executive, we are determined to recognise that Scotland has world-class companies and a world-class reputation. Yes, we have very good traditional industries such as shipbuilding and aerospace, but we

are determined to build on the new industries—chemicals, biotechnology and pharmaceuticals. A great deal of work is being done to support the Scottish Executive in macro-economic developments to ensure that Scotland's manufacturing base continues to deliver in the years to come.

Mr. Mark Lazarowicz (Edinburgh, North and Leith) (Lab/Co-op): My hon. Friend is aware of the threatened closure of the VA Tech engineering plant in my constituency, a state-of-the-art modern plant, with the possible loss of 250 jobs. Now that that company, which was owned by an Austrian multinational, has itself been taken over by a larger multinational, will she urge the new owners to back the work of the task group set up by local management, trade unions and the local enterprise company to try to keep this important manufacturing facility in Edinburgh and in Scotland, and will she ask her office to do what it can to back the work of the task group?

Mrs. McGuire: I know that my hon. Friend has been active in the campaign to save the VA Tech transformers plant in Leith, and I am also aware that there is a great deal of involvement on the part of local agencies, including Scottish Enterprise Edinburgh and Lothian, in that. We will continue to keep an eye on the situation as it develops and work with colleagues as appropriate.

Mr. Peter Duncan (Galloway and Upper Nithsdale) (Con): Is the Minister aware that the success or failure of Government policy in the manufacturing sector will be judged over the longer term by its failure to improve competitiveness levels in Scotland? With our international competitiveness ranking slipping to 36th out of 60, some nine places behind the UK as a whole and behind China, Colombia, India and Slovakia, what is she doing to arrest that decline?

Mrs. McGuire: Sometimes I think that the hon. Gentleman and his party suffer from political amnesia when it comes to manufacturing industry in Scotland. I remember a time through the 1980s and 1990s when there was decimation of manufacturing industry in Scotland. Some of my colleagues on the Government Back Benches have very bitter personal memories of what happened to manufacturing industry. Let me be clear: the Government, with the Scottish Executive, are determined to develop our manufacturing base. To ensure that we are not competing with low-wage economies, our manufacturing base will be developed on the basis of high productivity, high skills, high quality, innovation and high technology—something to which the Conservative party in government never even aspired.

Mr. Duncan: If existing manufacturing businesses are becoming less competitive on her Government's watch, would the hon. Lady agree that it is particularly vital that we see a growing number of new businesses in that sector? If so, is she content to see the report this week from the Committee of Scottish Clearing Bankers, showing new business start-ups falling by 10 per cent.? When will that trend by reversed?

Mrs. McGuire: The hon. Gentleman forgets that we are introducing research and development credits, we have cut corporation tax and we have introduced measures to support the commercialisation of academic research. He is very selective in his use of statistics. He is using one aspect of the report, which was published yesterday, but he has failed to advise the House that the number of business start-ups has increased by 15 per cent. since last year. Let us be clear about the summaries of business surveys in Scotland. The Conservatives look at a glass and see it half empty. We look at a glass and see the reality. *[Laughter.]* If hon. Gentlemen would stop laughing, they would find out what the reality is.

"Manufacturing remains positive as order growth rate slows".

That is from the Scottish Engineering quarterly review in September 2004. That is the reality of the situation, not the pessimistic interpretation of one aspect of a statistical review.

Mr. Duncan: The Minister clearly needs a longer summer recess. Scotland's manufacturing exports have decreased by more than 12 per cent. during the past year, and Scotland's manufacturing and business sector continues to suffer from more talk, more tax, more tape and more complacency from both the Scotland Office and the Scottish Executive. When will the Minister and her colleagues take their eyes off the ministerial reshuffle and focus on delivering an economy that works?

Mrs. McGuire: The hon. Gentleman fails to recognise that the Scottish manufacturing sector is more optimistic than it has been for some time and that we have cut some of the burdens. *[Interruption.]* To be frank, I will not take what the Member for Mid Scotland and Fife in the Scottish Parliament, Brian Monteith, says as gospel—he has interpreted a set of statistics.

The Scottish manufacturing sector is optimistic. The Scottish chambers of commerce business survey points to continued growth in the Scottish economy, and, according to the Lloyds TSB report, Scottish business has the highest expectations, which is the reality of Scottish manufacturing and the Scottish economy. It is a great pity that the hon. Gentleman colludes with hon. Members from other parties who continue to talk down Scotland.

Mr. Eric Joyce (Falkirk, West) (Lab): My hon. Friend may know that Alexander and Dennis, which builds buses in my constituency, has announced £40 million of orders today. Will she visit the plant in my constituency, which is an excellent example of a successful Scottish manufacturing venture?

Mrs. McGuire: As the Member of Parliament for Stirling, I am always delighted to visit Falkirk. I cannot promise that I will visit in my ministerial capacity, but I understand that my right hon. Friend the Secretary of State may visit in the near future, in which case my hon. Friend can personally apprise him of the situation with regard to Alexander and Dennis.

Scottish Enterprise

5. **Mr. Alex Salmond** (Banff and Buchan) (SNP): When he last met the head of Scottish Enterprise; and what issues were discussed. [187630]

The Secretary of State for Scotland (Mr. Alistair Darling): First, I congratulate the hon. Gentleman on his good fortune in being elected leader of his party for the second time. It is good to see him leading from London, and we look forward to his doing that for many months.

Secondly, the hon. Gentleman knows that the funding, direction and oversight of the enterprise networks is a matter for the Scottish Executive, although I have, of course, met the chief executive of Scottish Enterprise on a number of occasions.

Mr. Salmond: I thank the Secretary of State for his good wishes—I am full-time and elected as opposed to part-time and appointed, like him. I also thank Labour Back Benchers for their enthusiastic support—although it is also worrying.

Returning to the substantial issue, which was raised earlier, of renewable energy and, in particular, Talisman, the Secretary of State will have noticed that Talisman has cited transmission charges of £20 per kilowatt as the greatest single threat to the viability of the Beatrice offshore wind farm. Will he explain why generators in the north of Scotland must pay £20 or more per kilowatt while generators in the south of England are subsidised at a rate of £9 per kilowatt? How will the Secretary of State address that threat to thousands of Scottish jobs, billions of pounds of investment and Scotland's potential as the renewables capital of Europe?

Mr. Darling: Labour Members are enthusiastic about the hon. Gentleman's election because he did not win a single general election as leader last time. On the matter of substance, I said to the hon. Member for Caithness, Sutherland and Easter Ross (John Thurso), who speaks for the Liberals, that it is important to make sure that the transmission charge regime is fair in order to encourage the development of renewable energy. One of the new scheme's advantages is that the Scottish interconnector charges will go, but the hon. Member for Banff and Buchan (Mr. Salmond) is right that we must ensure that the regime is fair, so that we can generate renewable energy and other types of energy for sale in England, which is important for the industry's future.

Mr. Brian H. Donohoe (Cunninghame, South) (Lab): When my right hon. Friend met Scottish Enterprise, did he raise the Lyons review, in which, as it stands, Ayrshire is not included? What can be done about that and when will a report on the implications of the dispersal of public service jobs be produced?

Mr. Darling: My hon. Friend has met me to make the case for development in Ayr. As I told him, the object of the Lyons review is to encourage more dispersal of jobs away from Whitehall to other parts of the country. In relation to Scotland, while there are obviously advantages in putting jobs where centres already exist, it is also important that we consider other sites around the country, particularly those where jobs and development are needed. I am very much aware of my hon. Friend's point about Ayrshire, and I shall certainly bear it in mind.

Railways

6. **Mr. George Foulkes** (Carrick, Cumnock and Doon Valley) (Lab/Co-op): What recent discussions he has had with the Secretary of State for Transport about transferring further responsibility for railways in Scotland to the Scottish Executive. [187631]

The Secretary of State for Scotland (Mr. Alistair Darling): In July, I published my proposals in relation to railways in the White Paper "The Future of Rail". It sets out proposals for transferring further responsibility for rail in Scotland to the Scottish Executive.

Mr. Foulkes: I am grateful to my right hon. Friend. I am sure that his advocacy skills help in all his discussions. However, now that more power has been transferred to the Scottish Executive, I hope that he will ask them not to be too convinced by the right hon. Member for Edinburgh, Central (Mr. Darling) arguing for more money to be put into Waverley station, especially if that is at the expense of a more frequent and reliable rail service to Prestwick, which is Scotland's fastest-growing airport.

Mr. Darling: I found my discussions with the Secretary of State for Transport to be the most fruitful that I had during the entire consultation process; certainly, we were both absolutely agreed on the outcome.

In relation to Edinburgh Waverley, it is well known that that station needs substantial investment. Railtrack made a complete botch of it. The Scottish Executive, Network Rail, the Strategic Rail Authority and Edinburgh city council have had useful meetings about improving the station. Under the proposals that I made in July, in future it will be for the Scottish Executive to specify what they want in terms of track, stations and services. My right hon. Friend is right, however, that the rail link to Prestwick is equally important. Part of the reason for the success of the airport and development there is that that railway line provides a very good service for people travelling on it.

ADVOCATE-GENERAL FOR SCOTLAND

The Advocate-General was asked—

Devolution

16. **Miss Anne McIntosh** (Vale of York) (Con): What devolution issues she has considered since 29 June. [187623]

17. **Mr. Alistair Carmichael** (Orkney and Shetland) (LD): What human rights issues she has considered since 29 June. [187624]

18. **Mr. Alan Reid** (Argyll and Bute) (LD): What devolution issues she has considered since 29 June. [187625]

The Advocate-General for Scotland (Dr. Lynda Clark): Since 29 June, 83 devolution issues have been intimated to me, with all but six relating to human rights. Forty-nine devolution issues related to criminal matters, including pre-trial delay, self-incrimination, the use of temporary judges and regulatory fisheries offences. In the civil sphere, 34 issues were intimated, almost all of which concerned personal injury actions in respect of prison conditions.

Miss McIntosh: Having had such a busy summer, can the hon. and learned Lady share with the House her advice on the legality of the situation raised by the hon. Member for Banff and Buchan (Mr. Salmond) on the variations with regard to subsidies and grants for renewable forms of energy in Scotland, as opposed to England and Wales?

The Advocate-General for Scotland: Nobody has intimated to me—formally—any illegality. If anyone thinks that any illegality connects to my ministerial office by way of a devolution issue, there is a simple procedure to deal with that. However, it seems to me that this is not a devolution issue.

Mr. Carmichael: Has the Advocate-General had the opportunity to consider the provisions in the Civil Partnership Bill relating to survivor pension provision? Is she aware that the survivor in a civil partnership will receive a pension based on a calculation taken from the date of enactment, whereas the survivor in a marriage will receive a pension based on their entire length of service? Does she agree that that is an inequitable situation that will leave the Bill vulnerable to a human rights challenge? Will she consider that point and offer the appropriate advice to her colleagues in the Department of Trade and Industry?

The Advocate-General for Scotland: I am aware of the policy intentions that have been publicised, but any advice that I give will not be public.

Mr. Reid: As a signatory to the European charter for regional and minority languages, the Government are obliged to provide a Gaelic language TV channel. Broadcasting is a reserved power, but in 1999 secondary legislation transferred the funding of Gaelic language programmes to Scottish Ministers. There appear to be endless discussions between UK Ministers and Scottish Ministers on the subject, with no progress being made. Will the Advocate-General inform the House where responsibility lies for ensuring that the UK meets its treaty obligations to provide a Gaelic language TV channel?

The Advocate-General for Scotland: The obligations will always technically be on the state, which is, of course, the United Kingdom, but implementation can be tackled in various ways, as has been done through orders. In the case of any challenge, and if the matter were raised formally in court, for example, the European Court of Justice, the state would have to answer it.

Mr. George Foulkes (Carrick, Cumnock and Doon Valley) (Lab/Co-op): Will my hon. and learned Friend use her considerable legal skills to look into the especially difficult problem of leading a Scottish-based party from London and consider whether a Sewel motion might help?

Mr. Speaker: Order. I do not think that the Advocate-General needs to answer that.

DEPARTMENT FOR CONSTITUTIONAL AFFAIRS

The Parliamentary Under-Secretary of State was asked—

Legal Aid (Criminal Offences)

19. **Jane Griffiths** (Reading, East) (Lab): What assessment the Department has made of the operation of means-testing for criminal legal aid. [187656]

The Parliamentary Under-Secretary of State for Constitutional Affairs (Mr. David Lammy): On 17 May, the Department published the draft Criminal Defence Service Bill, which will permit means-testing for those charged with criminal offences. It has been a long-standing policy of this Government and previous Governments that those who can afford to pay their legal costs and are found guilty should do that.

Jane Griffiths: Clearly, when those proposals come into effect, overall access to legal aid for criminal cases will be reduced. What assurance can my hon. Friend give that the access that is provided is targeted where it is needed most?

Mr. Lammy: The community legal service is helping 925,000 people every year in a range of cases, from problems with debt to housing problems, domestic violence and contact with children. That work must continue. However, it is right to give ever greater scrutiny to our criminal legal aid spend when we have experienced a rising budget. Against that backdrop, we spend more on legal aid than any other developed nation in the world.

Sir Sydney Chapman (Chipping Barnet) (Con): Apropos of what the Under-Secretary has just said, will he confirm that the current legal aid budget is £2 billion a year? That represents an increase of at least one third in the past seven years. Two years ago, the budget was overspent by more than £250,0000. Given those facts, does he agree that there will be an economic madhouse unless a Government, of whatever hue, restrict the scope, range and amount of legal aid? If he presents sensible programmes, I for one will support a further restriction.

Mr. Lammy: We are all proud of the great Attlee invention of legal aid. At the same time, there has been an increase throughout the developed world in legal aid

spend. Like previous Ministers, I have presented proposals to deal with that. We have asked for a fundamental legal aid review to examine the issues, root and branch. I hope that we can put forward proposals in due course. I remind the hon. Gentleman that, under the previous Conservative Administration, costs increased by 131 per cent. between 1989 and 1993. The issue of legal aid spend is not unique to this Government.

Keith Vaz (Leicester, East) (Lab): How will the Government's new proposals square with any expansion of the salaried defender system?

Mr. Lammy: We have been keen to examine where a public defender system can add value. Indeed, the fundamental legal aid review will want to consider that and bear it in mind. It is extremely unlikely that the Government will move to a wholesale public defender system but there is a role to play where shortages exist. I am keen to observe the way in which the new public defender system will work in the context of asylum and immigration legal aid as it is set up in Birmingham.

Peter Bottomley (Worthing, West) (Con): Can the Minister remind the House about how few years ago it was that the present Government abolished the means-testing of criminal legal aid? Does he accept that this cut may lead to more cases going to the Criminal Cases Review Commission? Can he assure us that there will be no cut in the budget for that commission?

Mr. Lammy: The hon. Gentleman will know that at about the time that we changed from means-testing, the concern on both sides of the House was about the lack of speed with which cases went through the system because of the bureaucracy previously attached to means-testing. That is why we have come forward, in the draft Criminal Defence Service Bill, with a range of options. However, it cannot be right that all of us in the House would be entitled to legal aid should we be charged with a criminal offence. That is why we are looking at the issue and are coming forward with a range of models. Of course, I cannot predetermine the outcome of the consultation.

Evidence in Court

20. **Tony Cunningham** (Workington) (Lab): What measures are being taken to encourage witnesses and victims to come forward to give evidence in court.

[187657]

The Parliamentary Under-Secretary of State for Constitutional Affairs (Mr. Christopher Leslie): Removing obstacles and anxiety for victims and witnesses, who can sometimes be reluctant to give evidence in court, is a priority for my Department. Measures include the creation of separate waiting facilities at court, so that defendants and witnesses are not forced to wait together. The new witness care units, which provide tailored assistance to guide witnesses through the criminal justice process from beginning to end, are now being piloted in five areas to be rolled out everywhere from the end of next year.

Tony Cunningham: I thank my hon. Friend for that very encouraging reply. My concern is that if witnesses have a bad experience when they go to court, not only are they less likely to come forward again but, particularly in small communities, word spreads and others are discouraged from coming forward and becoming witnesses. How widespread is the provision of the witness waiting areas and what more can be done to make sure that when witnesses go to court, they are looked after properly?

Mr. Leslie: A great deal of improvement is still needed to the magistrates and Crown court estate, but about 90 per cent. of magistrates courts now have separate waiting facilities for victims and witnesses. That is good, but we have still got a lot further to go. That is necessary not just to make the experience for witnesses more comfortable, but to minimise the risks of intimidation if witnesses are sitting with defendants.

Mr. David Heath (Somerton and Frome) (LD): Would it not be a great disincentive to victims and witnesses if they believed that their evidence was going to be televised and used as entertainment? The Lord Chancellor's recent announcement applies only to the Appeal Court, but can the Minister tell me by what means and on what basis section 41 of the Criminal Justice Act 1925 has been set aside? Will he assure me that, at least in the criminal court and the family court, there will never be a circumstance in which witnesses, victims, defendants or members of the jury will have their interests overridden by importunate demands by the media or, indeed, a prurient interest by the general public?

Mr. Leslie: I understand much of the hon. Gentleman's concern. A debate has been going on about the pros and cons of televised court proceedings and the Lord Chancellor and I have been looking at the issue and are considering the consultation on it. I shall certainly examine whether we can share the details of the legal advice on the current pilot for the Court of Appeal with the hon. Gentleman. The issue merits wider public debate.

Mrs. Claire Curtis-Thomas (Crosby) (Lab): What measures have been taken to ensure that victims of sexual abuse are protected and encouraged to come to court to give their evidence?

Mr. Leslie: The Domestic Violence, Crime and Victims Bill, which has been progressing through Parliament recently, contains a number of measures, including those for a new commissioner for victims and for a statutory victims advisory panel, which I hope to attend again this month and at which we discuss in detail with those who represent, for example, the witness service and Victim Support the experience of people who have fallen victim to the sort of crimes that my hon. Friend describes. Funding for Victim Support has doubled since we took office, but I think that we can do more for victims, particularly those in vulnerable and sensitive circumstances. We are always interested in continuing a dialogue with them to see how we can improve services.

Postal Ballots

21. **Bob Spink** (Castle Point) (Con): What recent representations the Department has received on the report of the Electoral Commission on all-postal ballots. [187658]

The Parliamentary Under-Secretary of State for Constitutional Affairs (Mr. Christopher Leslie): The Electoral Commission's report on the June all-postal voting pilots was published on 27 August, since when there has been some media comment but no formal representations made to my Department.

Bob Spink: Given that the report found all-postal voting to be hopelessly flawed, unsafe and lacking in public confidence and support, will the Minister encourage the House to reconsider its decision for all-postal voting in the north-east and to go back to the tried and tested ballot box, which would be much more secure? He might find that the Electoral Commission would support such a decision.

Mr. Leslie: I do not see the hon. Gentleman quoting verbatim from the Electoral Commission report, and that is not quite the understanding of that report as I read it. In fact, some interesting aspects of the report have not been aired, reported or commented on. For example, turnout was significantly higher, the majority of the public were satisfied, the majority—69 per cent.—found all-postal voting more convenient and there was no evidence of increased fraud perpetrated in postal ballots.

John Cryer (Hornchurch) (Lab): Does my hon. Friend accept that millions of people want to continue to use the polling station, not to vote by post? Leaving aside for a moment the potential for abuse—which has been highlighted by the Electoral Commission not just recently, but in a succession of reports and comments from that body—can he guarantee that polling stations will be available in all elections, and if not, why not?

Mr. Leslie: I certainly think that there are lessons to be learned from the all-postal pilots, one of which is that the public prefer to have convenience, but they also like a variety of options for how they cast their ballot. That is the direction in which the Government will be developing policy for the future.

Mr. Peter Atkinson (Hexham) (Con): Does the Minister realise that many of us in the north-east feel that we are being treated like second-class citizens? If an all-postal ballot is wrong for the north-west and wrong for Yorkshire and the Humber, why is it right for the north-east? May I give him a piece of advice? He should take the advice of his colleague, the hon. Member for Hornchurch (John Cryer), and make ballot boxes available in polling stations.

Mr. Leslie: Of course, there will be assistance and delivery points—effectively the ballot box scenario—in that particular referendum. The Electoral Commission considered that very question and concluded that there should continue to be an all-postal ballot in that referendum. That is the judgment of the Electoral Commission and I commend its report to the hon. Gentleman.

Mr. Alan Duncan (Rutland and Melton) (Con): Over the past few months, Ministers have been utterly complacent about their policy on all-postal ballots and they have derided us whenever we expressed well-founded concerns about the scope that exists for malpractice. My hon. Friends have been proved right: elections through the ballot box are trusted; elections through the post box are not. The Electoral Commission has totally disowned the all-postal ballot that the Government are foisting on the north-east in its regional referendum, and it is deeply perverse of the Government to insist on proceeding under a system that is both loathed and discredited.

If the Minister is to act as the guardian of our electoral system and protect the integrity of our democratic processes, will he now confirm, as my hon. Friends have already asked him to do, that the north-east referendum will be either conducted under the tried and trusted system of ballot boxes at polling stations or, failing that, abandoned altogether?

Mr. Leslie: I answered the question about the north-east referendum a few moments ago, in response to the hon. Member for Hexham (Mr. Atkinson). In respect of the other spin that the hon. Member for Rutland and Melton (Mr. Duncan) is engaging in—trying to denigrate the all-postal pilot, which was, after all, worth a try, as the Electoral Commission said in its report—the commission concluded in its ICM survey of public opinion in those pilot regions that the majority of the public were satisfied and found it more convenient, and even that the majority of the public wanted all-postal voting for future elections. We must consider that when looking at the report. My feeling is that the public like to have a variety of different options when they cast their ballot. That will be the direction of policy development for the Government.

Magistrates Courts

22. **Mr. Henry Bellingham** (North-West Norfolk) (Con): What plans the Department has to support small magistrates courts in rural areas. [187659]

The Parliamentary Under-Secretary of State for Constitutional Affairs (Mr. Christopher Leslie): Section 30 of the Courts Act 2003 places a duty on the Lord Chancellor to have regard to the need for accessible courthouses for all people in each local justice area, whether rural or urban. As such, my Department has supported local magistrates courts committees as they enhance their facilities, with funding of almost £400 million in this financial year.

Mr. Bellingham: I am pleased to hear that, but is the Minister aware that until recently, every small Norfolk town, and a number of villages, had their own magistrates courts? Many of those have now closed under both Governments, to be fair—and justice has been removed from the local communities. Is he aware that morale among magistrates has now fallen substantially, and what will he do to try to reverse the situation?

Mr. Leslie: Since 1997, the Government have opened 18 new magistrates courts. We have given to the hon. Gentleman's magistrates courts committee in Norfolk an extra £1 million to support local magistrates courts services. There is a balance to be struck in making sure that there is good, strong, efficient administration of justice and that everybody has the opportunity to have good access. We will continue to strike that balance.

David Taylor (North-West Leicestershire) (Lab/Co-op): I declare an interest as a member of the Magistrates Association. Is the Minister happy that in counties such as Leicestershire, where the magistrates courts committee has just held its last ever meeting, the interests of rural courthouses will be protected, because decisions about their future will now be taken by civil servants and others with much less local input? Are we to be confident that the future of courthouses such as that in Coalville in north-west Leicestershire is assured for the medium term?

Mr. Leslie: The new courts boards, which will open as a unified administration, comes on stream in April and will, for the first time, help to ensure that there is a strong local voice, as local representatives go on those boards to scrutinise and investigate area directors' plans for magistrates, county and Crown courts facilities in an area, and not just to consider magistrates' facilities. That is the best way forward.

Mr. Tim Boswell (Daventry) (Con): Will the Minister also consider in particular the implications of the Disability Discrimination Act 1995 in relation to the supply of court services? I am pleased to see him nodding. I have a constituent who has a severe latex allergy and who is unable to attend court in normal circumstances because of her inability to go anywhere near rubber substances. That is a difficulty, whether in a rural or urban setting. Equally, I hope that the Minister will acknowledge that there are obligations on the Court Service under the Act that comes into force in respect of premises next month. Will he confirm to the House that he will take that issue seriously in general?

Mr. Leslie: As the hon. Gentleman has pointed out, the Government take seriously the disability discrimination obligations on us. We have quite an old stock of court estates, some of which are fine listed buildings, which we would like to continue to use. We must also recognise, however, that a modern Court Service, focusing on justice for all the community, must make sure that everyone can get in and out of the building and use the facilities. Certainly, I will consider any individual cases that he draws to my attention.

Compensation Culture

23. **Mr. Andrew Dismore** (Hendon) (Lab): If he will make a statement on the conclusions of the Better Regulation Task Force concerning compensation culture. [187660]

The Parliamentary Under-Secretary of State for Constitutional Affairs (Mr. David Lammy): Careful consideration is being given to the recommendations made by the Better Regulation Task Force, and the Government will respond shortly. We oppose strongly anything that contributes to a culture in which people believe that if there is an injury, there must be someone else to blame, and to pay.

Mr. Dismore: Does my hon. Friend agree that the conclusion of the Better Regulation Task Force was that there was no compensation culture, which was confirmed by the statistics from the compensation recovery unit last year, which showed a fall of 9 per cent. in the total number of claims? Is it not appropriate that the Government should promote knowledge of the law in this area rather than talk about compensation culture, and perhaps also promote safety culture rather than compensation culture?

Mr. Lammy: My hon. Friend is right that it is important that people with genuine claims are able to enforce their rights. The Better Regulation Task Force made a number of recommendations and was keen to encourage the media and others not to talk up a compensation culture, because it did not believe that we had one. It is also right that we consider in detail its report and come forward with our recommendations and proposals shortly.

Mr. Jonathan Djanogly (Huntingdon) (Con): The compensation culture seems to mean that whenever something goes wrong, someone else must take the blame. I wanted to quantify that, so I wrote to the Secretary of State asking for a list of the total damages awarded for clinical negligence claims in each year since 1997. On 23 August, I received this response from the Under-Secretary of State for Constitutional Affairs:

"Owing to a fault on its computer system the Legal Services Commission is unable to provide information on the total value of damages awarded each year as requested."

Do the Government intend to rectify the fault themselves, or to blame someone else?

Mr. Lammy: I wish that the hon. Gentleman had bothered to read the recommendation of the Better Regulation Task Force, which suggests that those of us in positions of responsibility should not talk up a compensation culture. It is right for those who are genuinely injured to be able to seek recompense in the courts, but of course none of us wants a have-a-go culture or a blame culture. That is why we are looking at the recommendations carefully and will produce our response shortly.

LEADER OF THE HOUSE

The Leader of the House was asked—

School Visits

32. **Sir Nicholas Winterton** (Macclesfield) (Con): To ask the Leader of the House what plans he has to make proposals to help schools outside London and the south-east of England with costs of visits to Parliament. [187671]

The Deputy Leader of the House of Commons (Mr. Phil Woolas): I thank the hon. Gentleman for his question and for his interest in the subject.

In its recent report on connecting Parliament with the public, the Modernisation Committee recommended an extension to educational facilities at Westminster—but it felt that as the vast majority of young people would not have the opportunity to participate in a school visit, the priority should continue to be to improve the parliamentary website and the outreach work.

Sir Nicholas Winterton: I am grateful to the Minister for his reply. Has he seen an article in *The House magazine*, headed "Parliament's past for pupils"? It says:

"Every schoolboy and girl is supposed to know that Parliament has been a central institution of the English, then British state for over 700 years."

Does the Minister accept that not only should information be available on the website and from the excellent education unit in the House of Commons, but school pupils should be able to come and see Parliament here in London? It is easy enough, physically and financially, for pupils from schools in London and the south-east to be brought here, but it is very difficult in constituencies in the north and others many miles from London. What action will the Minister take to enable funds to be available to schools so that pupils can be brought to the House of Commons?

Mr. Woolas: My right hon. Friend the Leader of the House will take firm action. I thank the hon. Gentleman for bringing the matter to the House's attention. Unfortunately, that magazine is still in the in-tray, not yet in the out-tray, but I will certainly read the article.

This is not a case of either/or. There is virtue in improving and encouraging access for school visits, and the Government agree with the hon. Gentleman that that is very important. However, there is also virtue in the outreach work and the website. The Modernisation Committee has reported on the matter and made suggestions and the House of Commons Commission is considering the recommendation for an increase in the education unit's budget. I am sure that we would all welcome that.

Perhaps we will read in the Modernisation Committee's report of the excellent measures that have been taken in Wales. The budget has been increased by half a million pounds, and increasing our youngsters' knowledge of the work of Parliament is of course paramount.

Mr. David Kidney (Stafford) (Lab): Given that Parliament has legislated for school pupils to learn about citizenship, is it not important for our wonderful education unit to work with the curriculum co-ordinators in schools to deliver a citizenship curriculum? Should not we in Parliament ensure that such assistance is given?

Mr. Woolas: That is an excellent suggestion, and I acknowledge the role that my hon. Friend has played in the road show by encouraging greater interest among, and the education of, our young people. The Modernisation Committee report examined how we can ensure that the work of the Department for Education and Skills—which recommended that we re-examine the balance of a citizenship curriculum—of the education unit and of Parliament is co-ordinated to ensure that such information is passed on to our young people.

Mr. Paul Tyler (North Cornwall) (LD): I very much welcome the Deputy Leader of the House's balanced response—as he says, this is not an either/or situation—but does he accept that in terms of cost benefit, easy access through the internet to this House and what happens here is surely our prime priority? Does he also accept that it is preferable, if we can, to take Parliament to the people, rather than expecting them to come to us?

I illustrate the point by drawing the hon. Gentleman's attention to the approach of the Swedish Parliament—I visited it last week—which has a Parliament week and Parliament places in local libraries in different parts of the country. Would that not be a very suitable way for us to take Parliament to the people—perhaps in the week leading up to Guy Fawkes day?

Mr. Woolas: My geography is not perfect, but my guess is that the hon. Gentleman's constituency is even further away from here than mine, so he speaks with some authority. *[Laughter.]* I am certain that it is further away—I was being polite, as hon. Members know. The website is being examined—it is a very good one, but it is now acknowledged that it needs improving—and, of course, the webcasting of Parliament's proceedings, which also improves access, is up and running. This issue is a priority—and as the hon. Gentleman has acknowledged it is not an either/or situation. Taking Parliament to the people, encouraging greater awareness of it and encouraging young people to vote are very much a part of my right hon. Friend the Leader of the House's strategy for reconnecting Parliament with the public.

Mr. Andrew Miller (Ellesmere Port and Neston) (Lab): My hon. Friend is absolutely right: online services are mission critical to the development of modern educational methods and they should be welcomed. They have radically improved services and the ability of people in remote areas to access this place. However, in considering this important question, will my hon. Friend examine the impact that the changed sitting hours have had on the ability of young people who have to travel long distances to access this House—for example, those who have to travel from the constituency of the hon. Member for North Cornwall (Mr. Tyler)?

Mr. Woolas: I thank my hon. Friend for that question. I am pleased to note that the House is debating how we can improve such education and access, rather than whether we should do so—an argument that we had 10 years ago. I can reassure my hon. Friend that my right hon. Friend the Leader of the House has had meetings with the visitors' manager, and that the central tours office has made changes to improve access for people from remote areas and for those who live in constituencies far away from the south-east. This is a gradual process, but things are moving in the direction that my hon. Friend wants.

Mr. Oliver Heald (North-East Hertfordshire) (Con): Websites are obviously an excellent thing and some of the other associated ideas are important, but there is something special about visiting this place, particularly for school students. I invite the Deputy Leader of the House to do a little work, to look at the scheme used in Australia and to provide the House, through the Modernisation and Procedure Committees, with a range of options and costings, so that we know what it would cost to give young people a little extra help and let them see what a living democracy is.

Mr. Woolas: That is a very good suggestion, particularly the idea that I should study the Australian method; perhaps that could be arranged. But seriously, the shadow Leader of the House's suggestion is very good and my right hon. Friend will want to look at it.

September Sittings

34. **Mr. Andrew Dismore** (Hendon) (Lab): To ask the Leader of the House what plans he has to assess the September sittings of the House. [187673]

The Secretary of State for Wales (Mr. Peter Hain): The Modernisation Committee is considering September sittings as part of its inquiry into the sitting hours of the House.

Mr. Dismore: Does my right hon. Friend agree that we really must consider whether it is a good idea for us to sit in September? Here we are—during good weather, when we could be doing work in our constituencies—in the middle of a building site because the building work has not been finished. The work that we will be doing in the next couple of weeks is just a sop to the press and not really part of the parliamentary process. We could be doing far more useful work in our constituencies during this fine September weather, compared with the rain of August. Is it not time that we looked at this issue again and went back to the old pattern of sitting weeks?

Mr. Hain: I understand my hon. Friend's point. Many representations have been made to me, as Chairman of the Modernisation Committee, by right hon. and hon. Members objecting to September sittings, for which the House voted almost two years ago. It is a matter that the Modernisation Committee is looking into and I am aware of the difficulties that the House authorities face in not being able to take advantage of this time. On the other hand, Parliament has been recalled during September at the request of Members in three of the last five years. The fact that we are back at this time is probably the reason why there was no demand for a recall during this summer.

Equally, the House will have to face the certain prospect of reports from "that quarter" saying that we are attempting to return to a 12 or 13-week break. We all know that Members do much work during that period—when they are not on holiday they do constituency work—but there has to be a balanced argument and I am listening to both sides of it. I can assure the House that there will be a vote early in the new year on the general question of sitting hours and the question of September sittings will come into that.

Mr. Andrew Mackay (Bracknell) (Con): Does the Leader of the House accept that many of us believe that the September return is a good idea? It is absolutely essential for the Government to be held to account, but if the recess is too long that becomes impractical. Notwithstanding the building chaos around us, it is right that we are here for these two weeks.

Mr. Hain: The right hon. Gentleman makes a persuasive point against the arguments that my hon. Friend the Member for Hendon (Mr. Dismore) quite properly made. We have to balance that argument, and that is precisely what we will be doing in the Modernisation Committee inquiry, which is due to be concluded within a few months. The House will then have an opportunity to vote and the different arguments will be balanced.

Iraq

3.31 pm

Mr. Tam Dalyell (Linlithgow) (Lab) (*urgent question*): To ask Defence Ministers to make a statement on the military situation of the coalition in Iraq.

In candour, I should say that, had we not been sitting now anyway, my hon. Friends and I would have been among those asking for a recall on Iraq.

The Minister of State, Ministry of Defence (Mr. Adam Ingram): Mr. Speaker, I would like to bring the House up to date in relation to the current military situation of the multinational force in Iraq. Before I do so, I am sure that the House would wish to record its wholehearted condemnation of the atrocious act of terrorism in Beslan. My right hon. Friend the Foreign Secretary will no doubt return to it later, but I am sure that the House will wish to join me in offering our deepest sympathies to the families and community of Beslan.

Hon. Members will be aware that more than two months have passed since the sovereign Iraqi Interim Government assumed power in Iraq under the leadership of Prime Minister Allawi. Since then, UK forces have operated as part of the multinational force whose mandate was unanimously endorsed by the United Nations Security Council in resolution 1546. That terrorists did not disrupt the transfer of power is due, in no small part, to the skill, professionalism and dedication of the multinational force operating alongside the Iraqi security forces.

The role of the multinational force as outlined in UNSCR 1546 is to contribute to the maintenance of security and stability in Iraq in support of the Iraqi Interim Government. To that end, the multinational force has developed a security partnership with the Iraqi Interim Government and the Iraqi security forces, which enables close co-ordination between the two.

We recognise however that the Iraqi security forces must increasingly take responsibility for the security of their country, and so another important task for the multinational force is assisting in building the capability of the Iraqi security forces and institutions through a programme of recruitment, training, equipping, mentoring and monitoring. That programme is well advanced and there are already close to 90,000 Iraqi police officers. The Iraqi national guard—(formerly known as the Iraq civil defence corps)—is now some 35,000 strong and is being trained and expanded to take over guard and patrol duties. The facilities protection service, which is responsible for protecting Iraq's major strategic infrastructure, Government buildings and other nationally important sites, consists of almost 74,000 personnel. Two brigades of the new Iraqi army are now fully trained and operational. The remaining seven brigades are expected to be operational by January of next year.

Of course, it will take time for those organisations to develop the capability to operate independently, and the multinational force is helping to achieve that aim. For example, in the UK area of operations, UK military police and Iraqi police have been conducting joint patrols since April 2003. We are also mentoring the higher ranks so that a truly capable force can be developed.

The past two months have shown that there are those who wish to thwart the aims of the Iraqi Interim Government and the multinational force. Terrorists have continued to launch a series of vicious suicide attacks, a number of leading Iraqis have been assassinated, and foreign workers and journalists have been kidnapped and brutally murdered. Yesterday, a joint patrol of US marines and Iraqi security forces came under attack, with the loss of many lives. I am sure that hon. Members will join me in utterly condemning those dreadful acts.

Prime Minister Allawi and the Iraqi Interim Government have made it clear that they will not allow terrorists and insurgents to derail progress in Iraq. Prime Minister Allawi has also outlined robust plans to create special police units trained and equipped in counter-terrorism and insurgency. He has emphasised his commitment to creating capable security forces that will include members of the military, the police, the national guard and the border guard. Tightening border security is also a high priority, and we welcome the commitment from Iraq's neighbours to work with the Iraqi Government to achieve this.

Moqtada al-Sadr's rebellion in Najaf has posed an early test for the capability of the Iraqi security forces and the authority of the Interim Government. Prime Minister Allawi's sensitivity towards the sanctity of the Imam Ali shrine for the Shi'a community, and his restraint in using force to quell the rebels, have been instrumental in bringing an end to the fighting. The Interim Government and Ayatollah Sistani and other senior religious leaders have shown that they do not accept violence, and that Iraq's future will be secured only through peaceful means. Ayatollah Sistani's successful peaceful intervention in, and resolution of, matters in Najaf deserve our praise.

Moqtada al Sadr's militia has also been responsible for attacks in the UK's area of operation, specifically in al-Amarah, in Maysan province. It is important to note that these people comprise an assortment of thugs and criminals. In no way do they enjoy the support of the majority of the local Iraqi people.

UK forces have been responding to these challenges in joint operations with the Iraqi security forces. As part of this operation, leaflets have been distributed across the city highlighting the fact that militia violence is preventing peace and that political dialogue is the way to bring change. British forces will continue to act robustly in responding to threats to legitimate authorities in Iraq.

It is vital that the Interim Government restore order so that the people of Iraq can live in peace and rebuild their lives. I am sure that hon. Members will agree that positive progress is being made, despite challenges from those who oppose the Interim Government. They know that their views are not the majority's, and that we will not let them prevail in the political process.

Mr. Dalyell: Has not the time come for a firm and early date for withdrawal? The alternative is chilling. Although the Minister has outlined the good efforts that our forces are making, those forces increasingly are seen as an army of occupation. The risks involved in

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withdrawal may be less than those involved in staying longer. A balance has to be struck, but should we not consider giving a firm date for withdrawal?

Mr. Ingram: I know where my hon. Friend is coming from with that question, but he must also take what is happening into consideration. We have an Iraqi Interim Government, and we are moving towards establishing a democratic electoral process in the country. If Iraq's people and legitimately elected Government feel that a withdrawal date is required, surely it is up to them to make that request? It is important that we work alongside the Iraqi authorities to establish the peace and stability that most of the people in Iraq want. I do not know whether my hon. Friend is saying that he wants our forces to withdraw tomorrow, but I am sure that more mayhem would follow any such withdrawal.

Mr. Nicholas Soames (Mid-Sussex) (Con): In praising the highly effective and determined gallantry of British servicemen and women at all ranks in the rebuilding of Iraq during the past few difficult weeks, will the Minister of State clarify for the House whether the rules of engagement in the multinational division south-east have been changed at all over the past two months? Secondly, what progress has been made by the NATO training implementation mission in Iraq? Where and when will training of Iraqi personnel start?

Mr. Ingram: The issue raised by the hon. Gentleman is important because of some of the controversy during the past few months. The rules of engagement have not changed, and the same rules will continue to apply. The hon. Gentleman knows only too well the difficulties associated with the type of environment in which our troops are deployed: they are trying to peacekeep as well as peacemake, and they sometimes find themselves in difficult firefighting engagements.

The NATO team was deployed to Iraq last month, and it is scoping the training requirement for the Iraqi security forces. A full report setting out the team's recommendation is due in the middle of this month. Clearly, the recommendations will be acted on quickly thereafter.

Mr. Stephen McCabe (Birmingham, Hall Green) (Lab): What can be the logic of people who have previously argued that our troops should operate under a United Nations mandate but who now argue that the troops should withdraw now that their actions are governed by a UN mandate and are there at the request of Iraqi Government?

Mr. Ingram: I have already answered a question from my hon. Friend the Member for Linlithgow (Mr. Dalyell), but my hon. Friend the Member for Birmingham, Hall Green (Mr. McCabe) has perhaps just posed his question in the way in which I should have answered it.

Mr. Paul Keetch (Hereford) (LD): May I associate my right hon. and hon. Friends with the condemnation of the attack in Russia and the continuing attacks on civilians and kidnapping in Iraq? The Minister is right to say that the people who do those things are nothing more than thugs and criminals.

May I ask two sets of specific questions? What other nations have offered troops to join the multinational force during the past few weeks? Have there been any additional contributions from other countries, and are negotiations in place with other countries to provide such troops?

Secondly, does the Minister consider that the existing force structure of the number of British troops in the British sector is sufficient? Are there any plans to send any additional troops from the UK to Iraq if necessary?

Mr. Ingram: On the latter questions, our current strength stands at just over 9,000 and our future deployment, come the roulement in November, will reduce that to about 8,500. There are no plans to increase the number. Clearly, however, in all theatres such as this one we must constantly consider the current situation. The deployments announced in June indicated our willingness to increase our presence on the ground in a very specific way. The situation is always fluid.

In terms of other countries' commitments, a sizeable multinational commitment exists, and there are constant discussions with other nations to encourage them to maintain their presence and to put a new presence into the country.

John McDonnell (Hayes and Harlington) (Lab): Based on the professional advice that the Minister has been given by the military and by his own diplomatic service, can he advise us on the best estimate of the length of time for which British troops will remain in Iraq, and on what target date we should be aiming at for their withdrawal?

Mr. Ingram: I am sure that when Moqtada al-Sadr and the other insurgent forces in Iraq were involved in fighting with us, they would have loved to know the answer to that question. Although it should certainly be examined at all times, it is the type of question that really should not be asked—

Mrs. Alice Mahon (Halifax) (Lab): Why not?

Mr. Ingram: For the very reason that the minute we set down a time scale, we give a set of objectives to those who are still carrying out terrible acts of terrorism and aggression, not just against our troops and the multinational force but against the Iraqi people. We are about trying to establish peace and stability in Iraq, not about giving the country over to the thugs and criminals who are carrying out those terrible acts.

Mr. Robert Key (Salisbury) (Con): Does the Minister share my observation that any bad news in this country is reported as front-page news and is top of the news, while the objective work of British forces and British charities and voluntary organisations is simply not mentioned? For example, can he recall a single occasion in the past six months when he heard a British

Broadcasting Corporation report that objectively described what was happening in that country instead of always reporting the worst possible events?

Mr. Ingram: I know from my regular contact with our forces that they take a similar view. They think that there are many acts of commitment to bring about peace and stability in Iraq, and that what they are doing to create that new country and to help the people find a new future is often overlooked. The very many acts of individual and collective gallantry, which have just been recognised in the honours and awards announced today, should be a salutary lesson to those who report on the bad news, bad news, bad news, which they exploit to the detriment of those who are putting their lives at risk.

Mrs. Anne Campbell (Cambridge) (Lab): Does the Minister agree that it is imperative that one of the British policy objectives must be to remove our troops from Iraqi soil as long as it is feasible and practical to do so?

Mr. Ingram: Yes.

Sir Teddy Taylor (Rochford and Southend, East) (Con): Does the Minister agree that it is not simply about those who opposed intervention, but about the growing view that despite the loss of more than 1,200 British and American troops and massive intervention, we have simply established an area of chaos, where we meet ever-increasing hostility from the people of Iraq? Is not that a fact? If the situation continues to get worse, what will the Government do? Would it not help to resolve things if they gave an indication of when they think it would be appropriate for foreign troops to be removed from Iraq?

Mr. Ingram: I sought to set out the background to that. We are trying to establish the new Iraq, alongside the Iraqi people and their leadership. That is not an easy process. Many people fail to recognise how brave those local politicians are. Day on day they are met with a threat not only to their lives, but to the lives of their families. We really should recognise the commitment that they are giving. It is right that we should stand alongside them in achieving that new future, for which they are prepared—sometimes all too tragically—to make sacrifices. Clearly, we have to plan, alongside them, future points of withdrawal and removal of troops from Iraq. All of those things are part of the fluid process and those discussions will continue with the legitimate elected authorities in Iraq.

Mrs. Mahon: I put it to the Minister that the only people in charge of the military coalition are the Americans, not the United Nations. I repeat the request of my hon. Friend the Member for Hayes and Harlington (John McDonnell) that we get a date for the withdrawal of troops. The Australian Labour party has said that when it wins the election it will bring its troops home. The Spanish Socialist party has already brought its troops home. The idea is gaining support world wide and we would not be isolated if we said that we were going to bring our troops home. We are now seen more as the problem than the solution.

Mr. Ingram: I remind my hon. Friend that the House voted for the deployment in Iraq and has continued to monitor the situation. I recognise that there are those who think that the withdrawal of troops will make the situation better in Iraq, but they are living in a dream world. They have to consider that Iraq would descend into chaos. They are effectively saying, "Withdraw the troops now", but they do not have an alternative proposition. It is a knee-jerk reaction and does not add up to a substantial policy, and this Government will not accede to it.

Adam Price (East Carmarthen and Dinefwr) (PC): Figures released by the coalition over the weekend show that August saw the highest number of attacks on coalition forces since the conflict began, averaging 87 a day. We know that we were misled into this war and we are now being misled about the aftermath, which is turning into a long, bloody conflict, with no end in sight.

Mr. Ingram: I think that the only person who is misleading the hon. Gentleman is himself. I constantly give detailed information, which is then twisted and turned, over-interpreted and misinterpreted. I explained that the situation has been bad during the past two months. That has to be dealt with. When I was asked whether that would require additional troops, I indicated that we are planning a reduction in troops. We are planning for a different scenario, but we have to manage the difficult situation. I do not know whether the hon. Gentleman is one of those who says that we should withdraw the troops, but what does he think would happen to Iraq if we did so?

Mr. Jon Owen Jones (Cardiff, Central) (Lab/Co-op): In April, during a Westminster Hall debate, I queried the description by the Under-Secretary of State for Foreign and Commonwealth Affairs, my hon. Friend the Member for Harlow (Mr. Rammell), of al-Sadr as an insignificant rabble rouser. Was the Foreign Office so ill informed at the time, or was it an attempt to mislead the House?

Mr. Ingram: I am sure that it was not an attempt to mislead the House. I would have to read the *Official Report* of the debate to see the context in which those words were said. Moqtada al-Sadr has been carrying out terrible acts and, clearly, he has the support of a percentage of the people in the area he represents. However, the weight of opinion within his community is against him, and that side of the argument will prevail. The minority—that rabble rouser and dangerous man—will not prevail. The people of common sense and decency who want a new Iraq will prevail.

Mr. Douglas Hogg (Sleaford and North Hykeham) (Con): Does the Minister agree that it is difficult for Members of Parliament to determine whether the violence is decreasing or increasing? Will he agree to put into the Library a monthly written report identifying the degree of violence in the preceding month? The report could, for example, state the number of incidents, as best it is known, the number of casualties on all sides, and the degree of ordnance used. That would enable us to begin to form a view on whether the violence is increasing or

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subsiding. If that cannot be done generally, in respect of the coalition as a whole, surely it should be done in respect of British servicemen.

Mr. Ingram: I am not wholly unsympathetic to that idea. My concern is about the exploitation of the information by people who are not of good will and who are not trying to establish a balanced approach to an undoubtedly difficult situation. Such information can be misused and misapplied—the hon. Member for Salisbury (Mr. Key) spoke about the way in which the media report these matters. We can take a snapshot, but the situation could improve in the month following the report. We hold regular debates in the House and Ministers are held accountable, but I shall consider how best we might communicate the overall environment in the area and give better information.

David Winnick (Walsall, North) (Lab): Is there really much of a difference between those who are carrying out murderous attacks in Iraq, including the killing of children, and those who are responsible for the atrocities that have occurred in Russia in the past few days? Is there not a common theme between terrorists of various sorts?

Mr. Ingram: Terrorism of all types when it involves indiscriminate—or, in many cases, discriminate—acts against women, children and defenceless civilians has to be condemned in its totality. However, no two sets of circumstances are the same. Although we can sympathise with the Russian Government and people and give them our best advice, ultimately, they have to find their own resolution to their own problems.

There are increasing indications of international connections in terrorism. We have to get on top of that. Nations are showing increasing willingness to share intelligence and to take action to stop the movement across the globe of international terrorists and the materials they use.

Hugh Robertson (Faversham and Mid-Kent) (Con): Events of recent weeks suggest that al-Sadr's army and other insurgents are extremely well organised and resourced. Is there any evidence that they are being helped by countries neighbouring Iraq, or does it remain likely that they are financed by money taken corruptly from the UN oil-for-food programme?

Mr. Ingram: I have no direct evidence of the terms in which the hon. Gentleman put his question. Clearly those people are getting funds, and part of the process of sharing intelligence is establishing where they are coming from. It is important to stop not only funds for the acquisition of weapons that come from individuals and organisations across the border and those collected in the country, but the movement of weapons. Sadly, there are many weapons in Iraq that the people may use, so funding may not be used for purchase if they already have access to all the equipment that they need.

Paul Flynn (Newport, West) (Lab): Two of my constituents, Helen and Kevin Williams, have been doing humanitarian work in Baghdad for the past two years. They report a recent deterioration of the situation, and in fact two of their fellow workers in the charity were killed last week. They say that there is increased violence and there are more no-go areas partly because of the actions taken by the Iraqi authorities. Is the Minister convinced that the actions of the Iraqis on policing and running prisons meet acceptable standards of international human rights?

Mr. Ingram: In my answer to the urgent question I indicated that we recognise that it will take time to make the Iraqi security forces fully capable. We should remember that it takes tremendous bravery for them to take action against the determined people whom they are up against, and many lives have been lost through their willingness to do so. Non-governmental organisations and those who work in such organisations on the ground can give us a better understanding of situations; so if my hon. Friend can get his constituents to write a detailed background of their experiences, I ask him to pass it on to me and the Foreign Office.

Dr. Vincent Cable (Twickenham) (LD): Given the evidence that the rebels are pursuing an increasingly successful campaign of sabotage against oil installations in the south of Iraq, what are the precise responsibilities of the British forces as regards the protection of production and distribution facilities?

Mr. Ingram: Our relationship with the forces has been set up precisely to protect the infrastructure, primarily the oil pipeline, processing plants and electricity plants. We work to try to apprehend people who do such things—if we can get there at the time they are doing so—and to take action against them. We have an important role to play on that because we have helped to rebuild the country not only through the money that we have put in, but through the many projects that we have commissioned using either our direct funding or international funds. We have a clear role that we shall continue to carry out to the best of our ability.

Jeremy Corbyn (Islington, North) (Lab): What representations were made to the Government of Iraq following their banning of al-Jazeera from the country, thus preventing it from reporting to the Arab world what it believes to be going on in Iraq at present? Is the Minister worried about the attitude towards freedom of speech shown by the Iraqi Interim Government?

Mr. Ingram: Not that I am aware of, but I shall draw my hon. Friend's question to the attention of my colleagues in the Foreign Office, who might have better information on the matter.

Mr. John Redwood (Wokingham) (Con): How does the level of violence against Iraqi personnel compare with that against coalition personnel, and are the Government pledged to making sufficient resources available for training and helping the Iraqi security forces so that an early and orderly transfer of authority is possible?

Mr. Ingram: That is exactly what we are doing. We are training up many people not only in Iraq, but in neighbouring countries. We are bringing together the best experience from countries with a good knowledge of the Arab community and of how best to interface with it, as well as imparting our forces considerable experience gained from Northern Ireland, the Balkans and elsewhere throughout the globe. Of course, the terrorists will always go for the softest targets because that is the very nature of their planning and approach. As the security forces build their capabilities, they will become less soft and more able to look after themselves. I guess that the attacks will decrease over time because the response to them will be much more effective.

Alan Simpson (Nottingham, South) (Lab): The Minister will know from his experience in other circumstances that one important distinction between a peace process and a terrorist movement or tyranny is a willingness to be held strictly accountable to international law. Does he have any intention of ensuring that British troops' activities will be answerable in the International Criminal Court? When does he expect to be able to tell the House that all those held by coalition forces will have access to legal representation, a trial in a court of law and unrestricted rights of access by the International Red Cross?

Mr. Ingram: There are a lot of implications to my hon. Friend's question that do not quite stack up. The International Red Cross has free access to our facilities, and has produced a number of reports. It continues to monitor the situation, and we continue to respond, if necessary, to its comments. There is no doubt in my mind that the Government have consistently applied a high standard of international law for years and even decades. We set an example to the rest of the world in the conduct of operations in the many countries in which we find ourselves, which is why many countries want to work alongside us when we deliver peacekeeping initiatives. I wish that my hon. Friend would reflect on that for a moment and pay tribute to the 55,000 British personnel who have served in Iraq, instead of blackening their name every time he asks a question.

Mr. George Osborne (Tatton) (Con): One of those personnel is my brother-in-law, who was on leave in August and told me about the good work that the British armed forces are doing in Iraq. Will the Minister join me in paying tribute to my local regiment, the Cheshire regiment, for their work? I agree that we must stay the course, but is he satisfied that the British Army is in a position to deal with a sudden upsurge in violence in, for example, Basra, similar to that with which the Americans have had to deal in Najaf?

Mr. Ingram: I pay tribute to the Cheshires and all the other regiments that have served in Iraq, as well as those that will serve there in future, as I have done time after time. Whether we are capable of meeting any upsurge in violence depends on its scale, but alongside that we must consider the international community's willingness to deal with the problem. There are a considerable number of international troops—admittedly, they are predominantly from the US and the UK—but in the past British troops and forces have shown the capability to deal with violence if it flares up. Yes, I think that we would be able to deal with any known increase in violence.

Mr. Andrew Miller (Ellesmere Port and Neston) (Lab): A young TA member, Sergeant Jones, told me on Friday of the unpleasant task that he had to perform with colleagues: uncovering a mass grave. Will my right hon. Friend consider, however unpleasant it is to do so, collating all that information in a single document, as there appear, to be some people, particularly in the media, who do not understand the nature of the regime that has been toppled?

Mr. Ingram: There were many acts of barbarism, and we have probably only discovered the tip of the iceberg. My hon. Friend makes a useful and interesting point, and I should like to reflect on it to see whether we can collate information to help us achieve a better understanding of the problem.

Sudan

4.3 pm

The Secretary of State for Foreign and Commonwealth Affairs (Mr. Jack Straw): With permission, Mr. Speaker, I should like to make a statement on the situation in Sudan. Before I do so, however, I should like to say something about Beslan.

This morning, on behalf of Her Majesty's Government, I signed the book of condolences at the Russian embassy to express our horror at the barbarity that befell the innocent children, women and men of Beslan, our profound sorrow at the grief of all those who lost loved ones, and sympathy for the injured. No cause justifies such bestiality in any circumstances. What happened was simply evil beyond reason or excuse, and we stand with the Government and the people of Russia at this terrible time of suffering.

I return to the issue of Sudan. After the House rose for the summer recess on 30 July, the United Nations Security Council adopted resolution 1556, which demanded that the Government of Sudan disarm the Janjaweed militias and apprehend and bring to justice their leaders and associates. The resolution further called on the Sudanese Government to facilitate international relief; to establish credible security conditions for the protection of the civilian population and humanitarian aid workers; and to resume political talks with dissident groups from Darfur. The Security Council imposed an arms embargo on the militias, including the Janjaweed, and endorsed the deployment of international monitors to Darfur, under the leadership of the African Union. The resolution was backed by the threat of sanctions in the event of the Sudanese Government failing to comply with its provisions. The Secretary-General of the United Nations was mandated to report back within 30 days on that compliance.

I visited Sudan one week before that deadline, on 23 and 24 August, to assess the situation for myself and to urge the Sudanese Government to comply fully with the terms of resolution 1556. In Khartoum, I met the Sudanese President, General al-Bashir, the Foreign Minister, Dr. Mustafa Osman Ismail, and other Ministers and political figures, along with the UN Secretary-General's special envoy, Jan Pronk, and representatives of non-governmental organisations. In the talks, I stressed to the President and to the Foreign Minister the international community's grave concern at the situation in Darfur, and the importance that we attached to compliance with the resolution and with the plan of action that the Sudanese Government had subsequently agreed. While there, I obtained undertakings from the Sudanese Government that visas would be issued to staff from Amnesty International and Human Rights Watch.

On my visit to el-Fasher in northern Darfur, I went to the Abu Shouk refugee camp, where I was given a tragically familiar account of atrocities and of attacks by armed militias that had forced people to flee their homes. The refugees spoke to me of their continuing fear of returning home until, and unless, their security was guaranteed. Abu Shouk is one of the better-run camps in the region, but many thousands more displaced people across Darfur and in neighbouring Chad still receive insufficient assistance, or in some cases none at all.

I also visited the headquarters of the African Union ceasefire monitoring mission in Darfur. AU observers told me that they judged that the ceasefire between the rebels and the Government of Sudan is largely holding, and they also said that there had been no aerial bombardment of civilians by the Sudanese Government since the end of June, but they also judged that there were still repeated attacks on civilians and credible reports of continued atrocities.

The UN Secretary-General, Kofi Annan, reported last week to the Security Council on the extent of Sudan's compliance with resolution 1556. His report found that the Sudanese Government had taken some steps to comply with the resolution and with the action plan. Security has improved for refugees in some limited areas, additional police have been deployed and disarmament has begun. Talks between the Government and the rebels opened on 23 August in the Nigerian capital, Abuja, facilitated by President Obasanjo of Nigeria. Mr. Annan said that access restrictions for humanitarian relief had been lifted, and that the humanitarian situation was improving, although conditions in many of the camps remained poor. The Sudanese Government had committed themselves to a policy of no forced returns of refugees, and human rights monitoring and investigations by the Office of the UN High Commissioner for Human Rights had begun.

However, Mr. Annan's report also found that

"after 18 months of conflict, and 30 days after the adoption of resolution 1556, the Government of Sudan has not been able to resolve the crisis in Darfur, and has not met some of the core commitments it has made"—

most critically, on the question of security.

The House will wish to know that an atrocities documentation team led by the US State Department has recently returned from Chad, where it interviewed 1,200 refugees in camps concerning allegations of atrocities. In the past two days the US Government have shared some of their evidence with us. We are examining that and other evidence carefully. All this is extremely disturbing and further highlights for the international community the urgency of ensuring that all the evidence is systematically examined by an international commission of inquiry, to establish what international crimes have been committed, and by whom.

The Security Council is today discussing its response to the Secretary-General's assessment of the situation, and we hope that a decision on a new Security Council resolution will be made later this week. In the Security Council, the UK is calling for clear benchmarks detailing what steps the Sudanese Government must now take towards meeting their responsibilities and resolving the conflict, but the rebels too must abide by their commitments by ending violations of the April ceasefire.

In making our proposals for a new Security Council resolution, we shall press for an expansion of the African Union monitoring mission—we always work with the AU itself—to help stop the attacks and create a safer environment for civilians. We must get both sides to engage constructively in the political talks in Abuja, which alone offer the prospect of a sustainable solution.

Alongside the international effort to resolve the crisis, we are working hard with the UN, NGOs and our international partners to improve the humanitarian situation for the people of Darfur. Now that access for aid workers has improved, we need to get in as much help as possible and ensure that the UN agencies and NGOs have the capacity to deliver aid to those most in need. Some 500 international NGO staff are now in Darfur alongside 3,800 local workers. That is a significant improvement over recent months, but it is still not enough with the rains continuing to worsen the plight of refugees.

We also seek to consolidate support for the AU and its monitoring mission. The UK provided £2 million at the start of the mission in May, the first assistance from any donor, and the European Commission has provided a further €12 million. We continue to provide logistical support, including helping to fly in 155 Nigerian force protection officers over the past few weeks. The Government have made it clear that we are ready and willing to do more to support both the AU's current mission and an expanded operation, as and when it deploys.

Moreover, we must not let the pressures from the crisis in Darfur distract the Sudanese Government and the Southern Peoples' Liberation Movement from concluding the peace talks in Naivasha aimed at ending the 21-year civil war in the south. A settlement in that conflict would be an important achievement in itself, and it could provide the blueprint for a political settlement in Darfur. Much progress has been made so far in those talks and the parties have concluded a political framework agreement, but the talks must now reach a quick conclusion. Once, and only once, security and a political settlement are established across Sudan as a whole—north, south, east and west—the international community stands ready to ensure that all Sudan benefits from a long-term peace dividend. The EU has some €400 million waiting to be spent on long-term development, and the UK has already pledged £150 million, or €250 million, over the next three years for similar long-term aid.

The situation in Darfur has rightly shocked the world. For our part, we are determined to do everything we can to resolve the humanitarian disaster and help secure a political settlement across the country as a whole. We have had a special representative in Sudan, who works with our ambassador, concentrating on the peace talks for the past two and a half years. We are the largest cash donor of aid, having already provided £65 million—almost €100 million.

The Secretary of State for International Development has visited the country twice, in December last year and in June this year, and today he is in Nigeria, where he has been discussing the situation with President Obasanjo and working hard with the parties in the peace talks to try to get them to agree the next stage in any settlement. Our Departments are working closely together in a special joint Sudan unit, and the Minister with responsibility for Africa will go to Sudan next week. We continue to press our European Union and international partners to do more, as I did last weekend at a meeting of EU Foreign Ministers.

Ten years ago, the world turned away from the horrors of Rwanda and Bosnia, and we all know the appalling results. We cannot do everything in Sudan, but we must do everything that we can to ensure that that vast country can at long last enjoy peace and stability, which have evaded it for so many years with such catastrophic consequences.

Mr. Michael Ancram (Devizes) (Con): I thank the Foreign Secretary for his statement, and for giving me advance sight of it.

May I, too, start with a word about the outrage and tragedy of the events last Friday in Beslan in North Ossetia? None of us can have been immune to the horror, the intense grief and the justified anger arising from the inhuman and obscene violence and murder that was meted out by vicious terrorists to innocent children and their parents and teachers. We join the people of Beslan and, indeed, of all Russia in their mourning, and renew our own determination to continue to fight the scourge of terrorism wherever it occurs. While those horrifying pictures are fresh in our minds, it is right that we are discussing another area of brutality and evil inhumanity: the unspeakable atrocities and acts of genocide being carried out against the people of Darfur in Sudan.

I welcome the Foreign Secretary's recent visit to Sudan. In June, my hon. Friend the Member for Buckingham (Mr. Bercow) went deeper into Darfur and saw the horrors at first hand. He informs me that those horrors continue today. Of course, I join the Foreign Secretary in welcoming the somewhat meagre improvements in the situation that have occurred in the past month—namely, improved access for aid and the tentative start of peace talks in Abuja. However, I am sure that he agrees that they do not go very far towards dealing with the continuing atrocities on the ground.

Did not the United Nations Security Council resolution 1556, passed at the end of July, require in effect that by the end of August the infamous Janjaweed should be disarmed by the Sudanese Government? That certainly has not occurred. Surely the international priorities are now clear: to provide genuine security for the swelling refugee camps; to facilitate and target the distribution of desperately needed aid; and to police a genuine ceasefire. Should not those be the clear and determined objectives of both the United Nations and ourselves? Yet violence and murder continue unabated. Indeed, have not some 3,000 people been driven from their homes in renewed violence during the past few days? Is it not disingenuous for the Sudanese Government to continue to argue that this situation is not of their making or is beyond their control?

Kofi Annan admitted last week that

"the violations of human rights and the basic laws of war . . . continue in a climate of impunity."

In the face of that, how can the international community wait while further atrocities are committed in Darfur and more people die? If aid workers are to be believed, every day of prevarication will cost another thousand deaths.

Three years ago the Prime Minister talked about a "moral duty to act". The moves that the Foreign Secretary has outlined today simply do not go far enough. He should start by pressing in the United Nations for an African Union peacekeeping force of sufficient size to deliver those objectives. The African Union military seem willing to undertake that task. Our

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involvement, along with other non-African countries, should be to provide communications and logistical support, and possibly, if necessary, the wherewithal to enforce a no-fly zone over Darfur.

We are told, however, that such a peacekeeping force can be put in place only at the highly unlikely invitation of the Sudanese Government. Is that not in practice an unacceptable recipe for inaction? Such is the scale of the atrocities that if the United Nations Security Council is to mean anything in terms of the relief of human suffering it must find a way to intervene directly. I hope that the Council in its discussions today will seek to identify such a way. The British Government should in due course lead by moving the relevant resolution.

The current situation in Darfur is a test not just of the Government of Sudan: it is a test of the credibility of the United Nations and, ultimately, of the moral duty of the British Government. The time for inaction has passed.

Mr. Straw: I am grateful for the right hon. and learned Gentleman's words about the situation in Beslan. He spoke for the House in those remarks.

The right hon. and learned Gentleman said that the international community's priorities should be the disarmament of the Janjaweed, the safety and proper supply of the refugee camps and policing the ceasefire. I agree with those priorities, but add to them the need for comprehensive disarmament of all the paramilitary groups: the Popular Defence Force operates directly under the orders of the Government of Sudan; a large part of the Janjaweed also operates under their orders, and there are rebel groups. It is sad but true that atrocities continue to be committed by rebels, albeit on a lesser scale than those of the Janjaweed under the control of the Government of Sudan.

In addition to those four priorities, success in the political talks is crucial. The terrible conflict in Darfur, which goes back many decades, can be resolved only through a political settlement, along similar lines to that towards which the parties are edging in Naivasha on the north-south axis. The critical point about the Naivasha accords is that the Government of Sudan have already agreed with the rebels that there should be both devolution of power within Sudan and a devolving and sharing of the wealth of the Government of Sudan. I kept making the point to President al-Bashir, Foreign Minister Mustafa and others that those principles are sound and that if they want peace throughout Sudan, they must apply them in Darfur, too.

The right hon. and learned Gentleman mentioned the climate of impunity, which is a phrase that Kofi Annan used. We want an end to that climate of impunity and we therefore support proper international investigation of all the evidence about what international crimes have been committed—it is certain that such crimes have been committed—and by whom.

The right hon. and learned Gentleman also mentioned an African Union peacekeeping force. I believe that it is a matter of agreement in all parties that it is crucial, if we are to have any success, to work with the African Union. It has shown a high degree of responsibility. It must be borne in mind that there are disagreements among its members, too, and it has to resolve them. However, we stand ready to provide all the assistance that we can to the African Union and I know that that applies to most other international partners.

On drafting the Security Council resolution, we already have drafts, which we are discussing privately with our Security Council colleagues. We want the strongest possible resolution. I understand everybody's impatience—I share it. It took us longer than I had hoped to get a Security Council resolution at the end of July. The right hon. and learned Gentleman said that it took too long and he is right. However, we wanted an international consensus and the result of working and negotiating with the Security Council was ultimately getting all three African members—Algeria, Benin and Angola—to support that tough resolution. That is crucial in pressuring the Government of Sudan.

Mr. John Battle (Leeds, West) (Lab): I welcome my right hon. Friend's genuine efforts to resolve the crisis in Sudan. He began by mentioning Beslan and I note that many financial appeals have been launched in the past few days as a compassionate response and practical contribution to the communities of Beslan. However, in the short term, I ask my right hon. Friend to re-emphasise that humanitarian resources are still desperately needed in Sudan now and that Beslan appeals should not overshadow those needs. Rather, we should all do and give much more to both international appeals.

Mr. Straw: I agree with my right hon. Friend. As he said, there are sufficient riches and resources around the world to provide fully adequate material relief to the poor people of Beslan and adequate humanitarian relief in the Sudan.

Sir Menzies Campbell (North-East Fife) (LD): May I associate my right hon. and hon. Friends with the proper expressions of sympathy that the Foreign Secretary made to the Russian people at the outset of his statement? Nothing, but nothing, justifies the calculated brutality that we saw at Beslan. On such occasions, language sometimes seems insufficient to express the depth of horror and revulsion that we all feel.

May I commend the Foreign Secretary for his efforts in relation to Sudan and, in particular, for his visit there? Do the British Government accept the estimates that 50,000 people have been killed and that more than 1 million have fled their homes? Do the British Government consider that what has happened in Darfur amounts to genocide? If what has taken place there does not justify the description of genocide, how would the British Government characterise the killing, the rape, the forced displacement and the human rights violations?

Do the British Government accept the verdict of the United Nations special representative that

"no concrete steps have been taken to bring to justice or even identify any of the militia's leaders"?

What is the assessment of the degree of complicity of the Sudanese Government in these terrible events?

While accepting that, for the moment at least, there is no political will to authorise intervention and that neither sanctions nor an arms embargo have as yet

sufficient support, what can be done with Rwanda and Bosnia in mind—the Foreign Secretary referred to both—if the Sudanese Government persist in failing to meet their responsibilities?

Mr. Straw: I commend the right hon. and learned Gentleman for his remarks in respect of Beslan.

The right hon. and learned Gentleman asked me whether the figure of 50,000 killed was accurate. The answer is that I cannot say, but I have seen that estimate. I can say that at least 1,200,000 have fled their homes and are currently in properly registered refugee camps. Many thousands more may be elsewhere; another 200,000 are across the border in Chad.

One of the most extraordinary experiences on my visit to the Sudan was to stand on the top of a hill to look out at the rows and rows of huts in a camp that stretched to the horizon. Some 50,000 people, the size of a medium-sized town in this country, were housed in those huts and I reflected on the fact that the refugees we know about are contained in at least 24 more such camps.

The right hon. and learned Gentleman asked whether what has happened amounts to genocide. The answer is that there is evidence that clearly suggests that international crimes against humanity have been committed. Just before making the statement, I discussed the issue with Secretary-General Kofi Annan. The acting high commissioner for human rights, Bertrand Ramcharan, reported to the Security Council in the spring of 2004 that there was no doubt that there had been gross and systematic violations of human rights and of international humanitarian law. Mr. Annan said to me that we were all agreed that the parties in Sudan needed to act to ensure that these violations did not continue. The Secretary-General is keeping the question of whether what has happened is genocide under very close review, and so are we. We are examining the evidence that has been made available so far to us in confidence by the US Government. Of course, I will keep the House informed on that.

The right hon. and learned Gentleman's final point was about sanctions. The international community has not backed away from the possible use of sanctions. Indeed, operative paragraph 6 of resolution 1556 plainly lays down that, unless there is compliance, the Security Council will actively consider whether to bring in the sanctions—they are called "measures"—that are provided for under article 41 of the charter. It is our intention to see that point repeated in the new resolution. What I cannot say is the point at which we can persuade other partners in the Security Council that such action needs to be taken, but I can say for certain that it is only as a result of the strength of feeling and the resolve of the Security Council expressed at the end of July that the Government of Sudan, having resisted some improvements previously, have now started to make changes that are acceptable in themselves but do not go nearly far enough and are unsatisfactory altogether in respect of the security situation outside the camps.

Mr. Clive Soley (Ealing, Acton and Shepherd's Bush) (Lab): Does my right hon. Friend accept that the frustration and anger felt by so many people and Governments about the ineffectiveness of the Sudanese Government in this situation reflect the much wider problem of failing states? When Kofi Annan's high level panel reports, which I think it is due to do at the end of this year, will my right hon. Friend make that a major debate and matter of attention in this country and other countries around the world, through the international institutions, because the international community's failure to have a coherent policy towards failing states led to us wringing our hands and looking on in horror at Rwanda, intervening ineffectually in Somalia, intervening effectively in Kosovo and now, I fear, having only a marginal impact in Darfur? The international community really has to do better than that, and that high-level panel is vital to the future of foreign policy and defence for this country and for others for years to come.

Mr. Straw: I agree with my hon. Friend about the importance of this; it was the subject of an excellent pamphlet written by him recently with my hon. Friend the Member for Cynon Valley (Ann Clwyd). I offered some perhaps more modest thoughts about this subject in a speech to Chatham House last Thursday. It is crucial that, once we receive Kofi Annan's report, we really deal with this issue, and we should.

There are some structural organisational issues that we have got to handle for the UN, but the worst thing in the world for the future of the UN is to get drawn into organograms or rebranding the organisation and avoid the central conceptual issue, which is in what circumstances in the world we live in today—where the threats come from terrorists and failing states, and not normally from functioning states—the Security Council takes action and how it ensures the same resolve today to deal with these new threats as the international community had in 1945 when the UN was established.

Tony Baldry (Banbury) (Con): The Secretary of State cited Rwanda and Bosnia, but in respect of both the UN set up a war crimes tribunal to bring to justice those most guilty of perpetrating war crimes. Can he clarify what he meant when he referred in his statement to the international commission of inquiry to see what international crimes are being committed and by whom? Will that be conducted under the auspices of the Secretary-General of the UN and is it intended that, if those responsible can be identified, there will be a UN war crimes tribunal in respect of atrocities committed in Sudan?

Mr. Straw: The hon. Gentleman is right to say that such tribunals were set up, and are still operating, in respect of both the former Yugoslavia and Rwanda. Of course, roughly speaking, that was all the international community did: although it was a necessary step to take, it was too late and completely insufficient. I do not want to be there.

Our immediate concerns are security, proper supplies and humanitarian access, and a political solution. We are also concerned, as is Secretary-General Kofi Annan, about the climate of impunity. The only way to take away that climate of impunity is to ensure that there is a proper investigation of alleged crimes and a proper process after that.

The Government of Sudan have established their own national commission. If there were wider international confidence in the effectiveness of that commission, okay,

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but Jan Pronk has already made clear his concerns about its adequacy. For that reason, we are looking carefully at what wider international commissions or institutions should operate. I cannot give the hon. Gentleman the detail he needs, because that has not been decided. It is something that we are discussing with our international partners.

Mr. Tom Clarke (Coatbridge and Chryston) (Lab): In thanking my right hon. Friend for the excellent work that he is doing in a very complex situation, may I take him back to the meeting of 23–24 August when he met the President of Sudan? Were the President of Sudan and the Sudanese regime aware of the true anger in the international community, as well as in the House? What regard did he give to resolution 1556? Is there any evidence that, if a strengthened resolution is introduced, as we all hope that it will be, he will give it any regard? Was it made clear to him that, if he does not, the international community's patience is not inexhaustible?

Mr. Straw: I did everything that I could to stress to the President of Sudan the gravity of the situation and the intense concern of the international community. That is understood. Initially, there was almost a refusal to acknowledge the strength of the terms of 1556, and there were statements by the Government of Sudan that they were unwilling to implement it. After further pressure, however, not least from fellow African countries, they have said that they will implement it, and have signed up to the action plan that they put forward. They offered undertakings about what they will do in the 30-day period, some of which they have done, but by no means all. On those, above all, we must hold the Government of Sudan to account.

Mr. Andrew Robathan (Blaby) (Con): Nobody pretends that there is an easy solution to this situation, but is it not the case that the Government of Sudan have form on this? They have form throughout the south during the civil war, in the Nuba mountains and elsewhere, and they have form on getting away with it with impunity. Furthermore, they have achieved their aim in the south to destroy the infrastructure and intelligentsia and their aim in Darfur to empty the region of black African farmers. Will the Foreign Secretary make it his policy with the international community that individuals in the Government of Sudan, from Bashir downwards, should be held responsible for their complicity in war crimes, that they will not have impunity and that they will be brought before the bar of international justice, wherever that may be, and held responsible for the awful crimes that may yet lead to the deaths of as many as 1 million people?

Mr. Straw: I have commented on the need for international investigation of those crimes. I will not anticipate the outcome of those investigations, except to say that it is clear beyond doubt that international crimes against humanity have been committed. The Government of Sudan have been engaged in peace talks in respect of the south and we are tantalisingly close to complete agreement, which can produce peace and stability in the south. The sense that I got when I was in Khartoum was that something was holding the Government back, which is why I have worked hard with all my international interlocutors, including Secretary-General Kofi Annan, to impress on them, as well as the Government, that if we want peace and stability in Darfur, we must make rapid progress on the peace that is available today or tomorrow, in respect of the south, through the Naivasha accords.

Mr. George Foulkes (Carrick, Cumnock and Doon Valley) (Lab/Co-op): May I commend the Foreign Secretary, and the International Development Secretary, on the tremendous work that they are doing in relation to Sudan, compared with the previous Government's abject dereliction of duty in relation to Rwanda? In relation to the Foreign Secretary's preliminary remarks about the tragic events in Russia, will the Government examine the serious implications that they may have for security in the United Kingdom, and will they consider what my hon. Friend the Member for Walsall, North (David Winnick) described earlier as the common threads between events in Russia, Iraq and, perhaps, the Sudan that threaten us all?

Mr. Straw: I am grateful to my right hon. Friend for his remarks and he is right to congratulate my right hon. Friend the Secretary of State for International Development, and all his staff, here and in the field. Our two Departments have been working together extremely closely to produce a higher level of effort by the British Government than by any comparable Government. We are proud to do that, but we also regard it as our duty.

On worldwide terrorism, it goes without saying that we are already seeking to learn the necessary lessons from the terrible atrocities that took place in Beslan last Friday.

Sir Patrick Cormack (South Staffordshire) (Con): May I endorse the remarks about giving help in both Beslan and Sudan made by the right hon. Member for Leeds, West (Mr. Battle)? In view of the Foreign Secretary's last remarks, can he assure the House that, although the Dutch hold the presidency of the European Union, the insensitive and intemperate remarks of the Dutch Foreign Minister are not endorsed by the British Government?

Mr. Straw: The Foreign Minister of the Netherlands has already explained the circumstances in which he came to make those remarks. I think that he explained that they were made ex cathedra and did not reflect the discussion that took place among European Foreign Ministers. I have set out our position this afternoon and on the radio yesterday. I believe that we must stand absolutely firmly with the Government and people of Russia, and—as I have said—not allow any excuse for what happened in Beslan.

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. For understandable reasons, the right hon. Gentleman referred to the situation in Russia at the beginning of his remarks, but it ought not to be taken up generally, because the statement is essentially about Sudan.

Mr. Hilton Dawson (Lancaster and Wyre) (Lab): I congratulate my right hon. Friend on a balanced and entirely sensible approach to a complicated issue. I urge him to continue setting that issue in the context of a tremendous diplomatic effort by the Government to help all parties to reach a comprehensive peace agreement across Sudan. As one who also visited Sudan recently, may I ask whether he is aware that many thousands throughout the country are now enjoying peace for the first time in 21 years? Does he agree that, in the attempt to deal with the desperate humanitarian situation in Darfur, it is essential that no encouragement whatever be given to the militias, rebel groups and special interests that would seek to undermine the comprehensive peace agreement that is now so close?

Mr. Straw: I entirely agree with my hon. Friend and commend his work as chairman of the all-party Sudan group over many years. He is absolutely right: the only future for the people of Sudan—as elsewhere throughout the world—is through politics and the putting aside of violence.

Mr. Roger Gale (North Thanet) (Con): This should be set in context. It is arguable that more people—men, women and children—are dying in Sudan every few days than died in one day of terror in Russia last week. That is not to belittle the terror of the latter event, but to highlight the enormity of the former. It means that every few days that the United Nations does not enforce sanctions, every few days that the African Union does not take action, every few days that the United Kingdom Government do not—as was suggested by my right hon. and learned Friend the Member for Devizes (Mr. Ancram)—provide support in terms of communications, more men, women and children will die. The United Nations is beginning to acquire a well-earned reputation for procrastination. When will the Foreign Secretary take some action?

Mr. Straw: I have just spelt out the action that we have taken. I understand the hon. Gentleman's impatience: I share it, and his frustration about our inability to do all that we would wish to, because of the atrocities and deaths that are plainly taking place. However, I do not think that much purpose is served by his thrashing around demanding action that we have already taken, or action that we have offered which requires the agreement of other people.

We have done virtually everything in our power. We are the largest cash aid donor, second only to the United States in terms of overall value. We have been hugely involved in facilitating the peace process in Naivasha, which we hope will have good results. We are also working very hard with the African Union. The hon. Gentleman mentioned communications equipment. We have provided the money for the African Union. When I was in el-Fasher two weeks ago, the problem was not our provision of money for communications equipment, but bureaucratic difficulties that we are now trying to sort out but which are quite outwith the responsibility of the United Kingdom Government.

As I have said, I understand the hon. Gentleman's frustration. If he has constructive proposals to make, I will of course—as ever—take them on board, from wherever they come. But given what we are doing, it is wrong to suggest that we in the United Kingdom—the people, the Government or Parliament—are in any way evading our responsibilities, because we are not. We are fulfilling them, and we are also trying to get others to fulfil theirs; that is the crucial point. I understand some of the hon. Gentleman's frustrations with the international community, but if people want us to work through the United Nations—as I do—that is what we must do. Sometimes it takes longer than we would wish, but it is the only international organisation available to us with the legitimacy and power to enforce what we want to happen.

Mr. David Drew (Stroud) (Lab/Co-op): My right hon. Friend is absolutely right to rule out simplistic causes of the conflict in Sudan and he is even more right to avoid considering pre-emptive intervention, which is potentially very dangerous. Indeed, we must be honest: it is simply undeliverable. Does he agree that we should consider issues such as environmental changes in that part of Africa, particularly desertification, which is one reason why the nomads have moved? Of course, that does not excuse the behaviour of the Janjaweed, and we must also consider the question of resources. One strong argument for the action taken by the Sudan Liberation Army is that it is trying to get in on the back of the north-south peace settlement to make sure that it has resources. What we need is a sustainable peace in the whole of Sudan.

Mr. Straw: I agree entirely with my hon. Friend. There are many reasons for supporting the Kyoto protocols and for the world to get a grip on climate change, which is within our power, but one of the best is the political, social and humanitarian effects of desertification in Darfur and Chad. As I have said, the key to the Naivasha accords is the devolution not only of power but of wealth in resources. That is also the key to a political settlement in Darfur.

Angus Robertson (Moray) (SNP): One course of action that has not yet been pursued is the imposition of sanctions, which was discussed at the European Union meeting in the Netherlands over the weekend. EU officials have been asked to draw up a list of possible sanctions and their implications. What is the UK Government's position vis-à-vis such sanctions? Do they support them? If so, but they are being braked by other EU member states, who is slowing this process down?

Mr. Straw: We actively supported operational paragraph 6 of resolution 1556, which specifies that the Security Council will consider imposing measures—sanctions—under article 41 if there is non-compliance with the terms of the resolution. That remains very strongly our position and no one is blocking the imposition of sanctions. The judgment that has to be made is whether sufficient progress has been made to justify delaying the imposition of sanctions for a further period. As I said in my statement, in our discussions in New York, which are taking place right now, we are seeking the establishment of very clear benchmarks—clearer than those in resolution 1556—and timelines against which the progress or otherwise of the

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Government of Sudan, and of the rebels, can be measured. The clear warning should be given that if there is a major failure to meet those benchmarks and timelines, in our judgment the Security Council would have to impose sanctions at that stage.

Mr. Andrew Mackay (Bracknell) (Con): Rightly and inevitably, the shadow of Rwanda and Bosnia hangs over us, and the situation in Darfur is unbelievably dire by any standards. However, if at some point military intervention is desirable and advisable, it should come from the African Union. I cannot conceive of circumstances in which it would be right and proper for our troops, who are already heavily overstretched, to be in that particular theatre.

Mr. Straw: The right hon. Gentleman offers considerable wisdom to the House, and we are indeed working with the African Union. I spoke to one of the AU's leading Foreign Ministers at the weekend, and for most—but not all—members of the AU, there is greater anger at what has happened in Sudan than exists even in this House or in the continents of Europe and the Americas. There is real, profound anger—not only among the non-Arab African states, but among many of the Arab Muslim states as well. They see it as a great test of the African Union itself. We should not put them to the test, but allow them to make their own test for themselves and help them in every way that we can. We are doing so through provision of some monitors and the facilitation that we have already provided to move in, for example, Nigeria's armed forces—and not only a couple of companies, as we have said that we stand ready to provide for many more troops to be moved there. There are already troops from Rwanda and Nigeria in the country. If the African Union asks for our logistical or financial help, by God we are ready to provide it, as are many members of the European Union.

Mr. John Redwood (Wokingham) (Con): In view of the daily death toll, the murders, rapes and brutalities, matters are urgent and there is a growing sense of anger throughout the House and outside it. Which are the countries on the Security Council that understand the need for urgent action by the international community, and which are the worst offenders that are holding it all back? I need to be able to tell my constituents why the Government are well intentioned but nothing happens.

Mr. Straw: It is not adequate, but a good deal has happened as a result of the passage of resolution 1556, as I set out in my statement. I am not here today to name names on a contingent basis: we have not reached the point of discussing the terms of the new resolution in open Council. I can tell the right hon. Gentleman that, as a result of intensive diplomacy by the United States Government and the UK, we managed to achieve a position on 31 July where 30 member states—all the European countries, American countries and all three relevant African countries—voted in favour of 1556 and two abstained. The abstainers were China and Pakistan, and he should seek their explanations for the way they voted—it is for them, not for me, to explain. However, it was not because they lacked concern about the situation, but for other reasons.

Andrew Selous (South-West Bedfordshire) (Con): The Foreign Secretary referred to UN resolution 1556 as being tough when he spoke to the House earlier, but is he satisfied that it has sufficient teeth so that the necessary international action can be taken—for example, in policing a no-fly zone?

Mr. Straw: I am satisfied that it was tougher than the Government of the Sudan anticipated at the end of July, because it certainly came as a shock to them and put greater pressure on them. Resolution 1556, as the hon. Gentleman would see if he read the text, does not of itself lay down what sanctions are to be taken. It simply lays down in operational paragraph 6 that the Security Council is ready to consider measures under article 41. It remains to be seen what measures, including the policing of no-fly zones, would be taken. Any such measures would require further specific authorisation by the Security Council under chapter VII.

Points of Order

4.53 pm

Mr. Oliver Heald (North-East Hertfordshire) (Con): On a point of order, Mr. Deputy Speaker. The standard practice is to give the House notice of two weeks' business in advance. So far, however, we have details of business only for this week, although it seems that every national newspaper has been briefed and reported what we will be dealing with next week. In those circumstances, have you had a request from the Leader of the House to make a business statement today? If not, will you confirm that that is not in accordance with the practice of the House and that the Leader of the House should make such a statement? Modernisation should not apply only when it suits the Government.

Mr. George Foulkes (Carrick, Cumnock and Doon Valley) (Lab/Co-op): Further to that point of order, Mr. Deputy Speaker. Is it not the case that we should receive information about the subject for Opposition day debates two weeks in advance as well?

Mr. Deputy Speaker (Sir Alan Haselhurst): I am not entirely sure how far that supplementary point of order was helpful and I must say to the right hon. Member for Carrick, Cumnock and Doon Valley (Mr. Foulkes) that that matter has been aired before Mr. Speaker in the past. It is a question of balance between topicality and longer-term planning.

I am sure that the hon. Member for North-East Hertfordshire (Mr. Heald) will appreciate that announcements on the business of the House are not a matter controlled by Mr. Speaker. No notice has been given of any intention to make a statement on next week's business any earlier than the usually predicted time. Indeed, it is the Chair's understanding that it is often the hon. Gentleman who receives earlier notice than anyone else of these matters.

Mr. Brian H. Donohoe (Cunninghame, South) (Lab): On a point of order, Mr. Deputy Speaker. In a previous life, I was a trade union official and took much interest in questions of health and safety. I must admit that, on returning to the House today, I would condemn the conditions that obtain here and that I would not let anyone work in this environment. Worse still, staff have been expected to work here all summer, when the temperature in the offices has sometimes reached 38° C. Surely something must be done to protect everyone who has to work in this environment.

Mr. Deputy Speaker: I appreciate the hon. Gentleman giving notice that he wished to raise this subject. Obviously, it is a matter of great difficulty for hon. Members and for the staff of the House. Necessary long-term work has to be completed and hon. Members were given notice that there would be some inconvenience in the short term, and that it would be impossible to get the building back to normal in time for the September sitting. In certain instances, conditions may have gone beyond what is normally acceptable, but I obviously do not know the details. If the hon. Gentleman is aware of specific concerns, they should be brought to the attention of the Clerk of the House and the Serjeant at Arms so that they can be investigated. I am sure that the whole House will agree that everything possible must be done to safeguard the interests of our staff, and of those who are working on a temporary basis, and to put the building to rights. Ultimately, that will benefit us all.

Mr. Patrick McLoughlin (West Derbyshire) (Con): On a point of order, Mr. Deputy Speaker. I draw your attention to today's Order Paper, and to the 17 written ministerial statements listed on page 2374. Those statements are due to be given today, and they include two—Nos. 12 and 13—that are listed to be made by the Secretary of State for Work and Pensions. However, my understanding is that that person resigned yesterday, so how can he make a statement?

Mr. Deputy Speaker: It is a constitutional feature that Secretaries of State are interchangeable. Indeed, legislation only ever refers to one Secretary of State, even though several in fact exist. However, I am sure that there are adequate deputies in the particular Department of State to which the hon. Gentleman has referred, and it may be that the statements will be made in their names on this occasion. I suspect that the large number of statements being made today is because there has been an accumulation while the House has been in recess over the past few weeks.

Disposals of Public Land and Property (Design Competitions)

4.58 pm

Roger Casale (Wimbledon) (Lab): I beg to move,

That leave be given to bring in a Bill to enable the Secretary of State to require public bodies to hold design competitions when drawing up planning briefs in respect of the disposal of publicly-owned land and property.

The purpose of this Bill is to introduce a systematic and informed approach to the disposal of publicly owned land and property. Most hon. Members will know of cases where public land has been disposed of by central or local government, or by a public body such as an NHS trust. In some cases, that property will have been developed sympathetically, but in too many others, subsequent development will have been poor. Until this Government introduced stricter criteria for their disposal, many school playing fields were lost, and buried under anonymous, badly designed housing. We have all passed examples, and I am sure we have all thought, "Surely that could have been better designed. What a wasted opportunity!"

Such regret is pointless. It is rarely possible to remedy development mistakes, as to do so is always time-consuming and often expensive. The Government now plan to secure £30 billion from the sale of public assets. My Bill is designed to avoid future mistakes, and to make sure that the assets are disposed of in a way that enhances the quality of urban design and of our environment.

The Atkinson Morley hospital site in my constituency is currently owned by the St. George's NHS trust. In 2002 the hospital vacated the site to move to the new Atkinson Morley wing at St. George's hospital. The site comprises a large range of Victorian and more recent health buildings, standing in 17 acres of open land. Initial proposals were put before the local planning authority to convert the existing buildings into residential units and to add a number of new homes. That not only sparked enormous concern among my constituents in relation to the loss of precious open space, but gave rise to the feeling that the current proposals did not do justice to the site and that something better could be done.

I declare an interest as the honorary president of the Wimbledon civic forum, which has established a taskforce bringing together the trust, potential developers, the local authority and other interested parties. I am grateful to the forum for all its hard work, and in particular to its chairman Marcus Beale, an architect who gives me valuable advice on such matters. Marcus and our forum colleagues, including Sir Jack Zunz, established a taskforce that has worked with the London borough of Merton on drawing up a planning brief. I commend the local authority for listening carefully to our views, as well as to other Wimbledon residents and to amenity associations such as Lung and the Wimbledon Society.

In the face of that positive process, the former trust management launched an unsuccessful and expensive challenge to the planning brief and metropolitan open land designation, at a public inquiry held at enormous public cost. It commissioned its own architects to develop proposals for the site, which were inappropriate. Eventually, those plans were thrown out and two years were wasted.

Like the civic forum and local residents, I want a solution that preserves the integrity of the land and achieves an appropriate development sensitive to local needs. The initial proposals from the trust met neither criterion. The overriding duty governing the disposal of public assets is surely the duty to secure best value. In the bad old days, that simply meant trying to get as much money as possible. Now, I am happy to say, a more enlightened spirit is abroad. Best value should be taken to encompass a range of other factors that are not always as readily measurable as pure cash, such as environmental quality, urban design, educational or cultural provision, and the enhancement of public space.

There are encouraging signs. In relation to general issues, the Government are pointing in the direction in which I would wish them to go. Their regeneration body, English Partnerships, has worked well with good developers to leave a mark of quality on former publicly owned land. The millennium village on the Greenwich peninsula, of which my right hon. Friend the Deputy Prime Minister and his colleagues are justly proud, is a great example of how the system can work well. Sadly, however, such cases—particularly those concerning local government assets—are usually the result of happy accident and rely too much on a senior figure who can champion good design being in the right place at the right time. In my constituency example, it was only when new management—a new chief executive and chairman—took over at the trust that new proposals were made that took better account of residents' concerns.

Communities are rarely involved in decisions about the disposal of public assets until it is much too late. There is a fundamental issue of legitimacy, and it is little wonder that local people feel disfranchised when public property is gobbled up by development that they have no desire to see, and in a process in which they seem to have no say. Is it any wonder that local people so often treat development in their community with suspicion? Is it any wonder that local people so often say, "We don't want this—not in my backyard."?

I believe that there is a desire within communities—often latent, but it certainly exists in my community—for better-designed buildings and public space. People want an improved sense of place, and this Bill can give them that. We cannot leave it to chance to answer that demand. We need a systematic approach, and that is what my Bill would seek to achieve in relation to surplus public land and property.

The public sector is one of the biggest architecture clients in the country, and its record as a client has certainly improved. In 2001, my right hon. Friend the Prime Minister launched the better public buildings initiative and committed Ministers to seeking higher standards in public building programmes and becoming champions of good design. Thanks to the assistance of the Commission for Architecture and the Built Environment, a great deal of progress has been made, but the Government are also one of the UK's major

landowners, and informed disposal is a critical issue, alongside informed commissioning. My Bill would enable government at all levels to lead by example. It would avoid the sense of disfranchisement and frustration felt by many communities when local public amenities are disposed of, and it would avoid wasted opportunities to involve them at an early stage. Design competitions offer a flexible, well-structured, transparent and auditable process. Community representatives can work alongside other interested parties and experts in drawing up a competition brief, sitting on selection panels and aiding selections. A well-publicised and well-organised competition can include opportunities for the wider community to have its say through consultations, exhibitions and workshops.

The Royal Institute of British Architects runs the most respected and experienced architectural competition system in the country. Iconic buildings such as the Baltic Centre for Contemporary Art in Gateshead and the Evelina children's hospital across the Thames at St. Thomas's are the results of RIBA-organised competitions, alongside many projects of every size and type around the country. That is a record of success that ought to be spread as widely as possible. The competitive process can be used to throw up a range of innovative design concepts, master plans or detailed solutions for particular sites, involving the local community at every stage. Alternative visions can be set out, debated and discussed. By exploring possible options, we can avoid embarking on a course which all involved may later live to regret.

How would my Bill work in practice? There would have to be a trigger for a competition. First, the property would have to be on a public asset register of the kind that already exist. Thereafter I envisage a system analogous to the call-in powers enjoyed by my right hon. Friend the Deputy Prime Minister in respect of individual planning decisions. Acting on advice from local planning authorities or other statutory advisers—either the CABE or English Heritage—the Deputy Prime Minister would then have the power to order a competition.The Secretary of State should have discretion, but for the most important or sensitive sites I suggest a presumption in favour of ordering a design competition. Elsewhere, his decision would be affected by the weight of advice coming from his statutory and other advisers.

Some developers may resent and resist such an initiative, but enlightened developers are already welcoming public involvement and community ownership as important factors for the success of their project. My Bill is all about flushing out bad development, which should not go ahead, before it is too late. Surely a well-thought-out development would stand up to the public and critical scrutiny afforded by the design competition process.

Had the proposed measure been applied to the Atkinson Morley hospital site, a great deal of time and money could have been spared, the local community could have been properly involved in the disposal of a public asset, and we could have ensured that the resulting development was the best possible solution in terms of its design—something that we still hope to achieve. A good design, which made the most of the site and enhanced its setting, would deliver value and be seen to have done so in a transparent and accountable way. Such competition would not only add value to the disposal of sites but save money because the disputes that often occur as a result of divisions and contention over the disposal of a site can weigh heavily on the public purse.

In short, my Bill offers a systematic approach to delivering an informed and enlightened disposal system for public land. I commend the Bill to the House.

Question put and agreed to.

Bill ordered to be brought in by Roger Casale, Peter Bottomley, Mrs. Anne Campbell, Sir Sydney Chapman, Mr. Mike Hancock, Alan Howarth, Ms Christine Russell, Mr. Derek Wyatt and Richard Younger-Ross.

Disposals Of Public Land And Property (Design Competitions)

Roger Casale accordingly presented a Bill to enable the Secretary of State to require public bodies to hold design competitions when drawing up planning briefs in respect of the disposal of publicly owned land and property: And the same was read the First time; and ordered to be read a Second time on Friday 15 October, and to be printed [Bill 148].

Orders of the Day

Companies (Audit, Investigations and Community Enterprise) Bill *[Lords]*

Order for Second Reading read.

5.9 pm

The Minister for Industry and the Regions (Jacqui Smith): I beg to move, That the Bill be now read a Second time.

The Bill comes to us having been thoroughly and expertly examined in the other place. Their lordships debated the Bill for some 27 hours and made 67 amendments, many of which were, at least in part, in response to points made by Opposition parties. I hope that this House can continue to deal with the Bill in such a constructive manner.

Good company law needs to provide the framework for enterprise—to provide a legal form for organisations to help them to do business, to build prosperity, and to create jobs and opportunity in our economy. Company law has a long history. Before Gladstone's Joint Stock Companies Act was passed in 1844, it was very difficult to form a company as a body corporate. Once it became possible to incorporate a company simply by registration, and especially when limited liability became available a decade later, the company form very quickly gained in popularity, and today there are some 1.8 million companies on the register in Great Britain.

We all need to feel confident in our dealings with business. As investors, creditors and consumers, we need to know that our money is secure, and to have trust in corporate Britain. Our company regulation is designed to balance the freedoms that promote enterprise and wealth creation with the necessary minimum safeguards to protect investors, creditors and others who do business with companies. The law therefore requires companies to comply with certain requirements and make available specified information. Almost all companies also opt for limited liability, meaning that if a company becomes insolvent, its shareholders are liable only for the amount that they have agreed to invest in the company. Limited liability companies must therefore provide additional financial information, so that those doing business with them can judge their soundness.

A sound system of company regulation is an important source of competitive advantage. By matching the degree of control to the amount of risk to the economy and society, a good system will encourage business start-ups and minimise regulatory burdens. It will ensure confidence in companies and financial markets and thus lower the cost of capital.

Company law not only sets out the conditions for incorporation and limited liability. As the author of one book on company law puts it, there are

"arguments for state-provided default solutions, so that each set of contracting parties"

does

"not have to re-invent the wheel".

The Bill sits firmly in the tradition of statutes that facilitate the framework for enterprise and set the terms of the company bargain. Part 2 creates a new type of company, the community interest company, as a tailor-made vehicle for social enterprise—for businesses trading with social objectives rather than to make private profit. We believe that social enterprises can play a distinct and valuable role in creating a stronger, sustainable and socially inclusive economy. They can help to drive up productivity and competitiveness, enable individuals and communities to work towards regenerating their local neighbourhoods, develop new ways to deliver goods and services, and encourage active citizenship. Social enterprises also help to drive innovation, not only in relation to their products and services, but in relation to the way in which they operate.

Research by the Small Business Service found that social enterprises made both a substantial contribution to local economic development, with 86 per cent creating additional jobs, and a wider social contribution—for example, involving volunteers and providing training and experience for socially excluded people. Social enterprises include Bulwell Hall Community Garden, a business that provides training opportunities for the long-term unemployed and work placements in gardens and allotments; at the same time, it grows and sells healthy produce and creates community space. Bulwell Hall supported the principle of the community interest company and agreed that it would help to raise the profile of the sector and help others to understand social enterprises. That organisation and others in the social enterprise sector told us that they wanted the advantages of the company form but found it difficult and expensive to set up a company with the special features that they needed, such as safeguarding the company's assets. Thus, we are doing exactly what the textbook prescribes and providing a default solution so that people who start a company for social enterprise do not have to reinvent the wheel. That will make it easier to set up social enterprises and will, over time, encourage the development of the social enterprise sector, which has much to offer our communities and economy.

The community interest company will be a new and additional choice for social enterprises. It is not meant to replace other options such as charities, or the industrial and provident society, which is the form used by many co-operatives. Indeed, the Government are committed to modernising all legal options used by voluntary and community organisations and helping people to choose their most appropriate option. The special value of the community interest company is that it will offer the flexibility of the company form, yet be more suitable for many social enterprises than existing types of companies. Responses to consultations show that there is about 80 per cent. support for the idea of the community interest company, and it is supported by bodies including the Social Enterprise Coalition, the National Council for Voluntary Organisations and the Association of Charitable Foundations.

Again, the community interest company is based on the idea of a bargain, and part 2 of the Bill creates the legislative basis for that balance. The people who run a community interest company will voluntarily accept certain constraints and a higher level of supervision and, in return, the company will acquire a status that signals to customers, investors, employees and bankers that the business is run for the benefit of the community, that its profits are wholly or largely applied for the benefit of the

community, that its assets are protected for the benefit of the community and that it is subject to oversight from a regulator. The regulator will have the task of maintaining confidence in community interest companies and will also promote awareness of the potential of the new type of company.

Bob Spink (Castle Point) (Con): Of course we are all in favour of social enterprise and want the new CICs to succeed. How many of the new companies does the Minister expect to be formed over the first year and over the first five years? What will be the cost of the regulator for such companies?

Jacqui Smith: I genuinely do not know how many companies will be formed over the first year or five years. However, we have already received general support for the measure and from the sector, and specific requests for information from enterprises that think that the provision might be appropriate for them. Such enterprises range from educational companies to companies that provide community services, such as community transport companies. Many bodies think that the measure will be beneficial. As we made it clear in the regulatory impact assessment—I will correct myself if I am wrong—we suggest that the set-up costs will be about £500,000, that the cost of the regulator will be about £150,000 a year and that the cost of setting up an individual community interest company will be about £40.

Part 1 of the Bill will strengthen existing provisions on company accounts and audit, on the regulatory system for auditors and on company investigations in the wake of the Enron and WorldCom scandals. Although those scandals occurred in the United States, they raised fundamental questions about the reliability of the accounting and auditing system. However, we did not rush to legislate here. Instead the Government, acting jointly with business and the accounting profession, reviewed the whole British system of controls on financial reporting in the light of lessons learned from the American problems. We reviewed our corporate governance, company law and the role of the auditor in a measured and inclusive way. We consulted widely, listened to experts and set up the co-ordinating group on audit and accounting to consider issues of financial reporting and auditor independence. Of course, our system comprises not only company law itself but those parts of the financial services regulatory system that set standards for companies listed on the stock exchange. The FSA's listing rules give legal force to the Financial Reporting Council's combined code on corporate governance, which was revised last year, with the Government's full support, following reviews by Sir Derek Higgs and Sir Robert Smith.

Sir Robert Smith's report called for the strengthening of the role of the audit committee. In addition to recommending that all members of the audit committee be independent, Smith recommended that at least one member should have significant recent and relevant financial experience. Those recommendations, along with Sir Derek Higgs's proposals on the role and strengthened effectiveness of non-executive directors, provide a sound basis for improvements in audit and in our boardrooms.

Mr. David Drew (Stroud) (Lab/Co-op): If my right hon. Friend does not mind my saying so, something is missing from the Bill, as the administration process needs to be made more transparent. Accountants and auditors play a specialist role in running companies in difficulties, but the lack of transparency means that the companies, their workers and pensioners are completely in the hands of the administrators. Would my right hon. Friend care to look at this matter to see if we can open up that secret garden, as insolvency practitioners can do enormous damage to our country—let alone individual companies?

Jacqui Smith: My hon. Friend is right that that is not within the remit of the Bill, but I, like him, have dealt with constituency cases that demonstrated that we need to shed light on the process for the sake of people's jobs. I cannot undertake to look at that matter in this Bill, but as is the case in a range of areas in corporate governance and financial reporting, we will ensure that the greatest amount of transparency and information are provided so that we can serve the best interests of businesses and the people who depend on them for their jobs and livelihood.

I was outlining the review process, which confirmed that the British system of company regulation was fundamentally sound. The priorities for change, however, were to build independence, transparency and high standards of corporate governance to keep Britain at the forefront of company regulation. Many of the recommended changes were aimed at companies and accountants and did not require legislation. Audit firms, for example, have agreed to rotate at regular intervals the lead and other audit partners working on a company's audit. Non-legislative changes, including the reform of the combined code I mentioned earlier, work with the targeted statutory provisions in this Bill to create a measured, well-considered and thorough response to the problems highlighted by Enron and WorldCom. The review ensured that there was wide consultation leading to much consensus, both on what should be done and how it should be done. In particular, there was much agreement that, wherever possible, transparency was preferable to inflexible rules.

Lynne Jones (Birmingham, Selly Oak) (Lab): The Bill merely proposes rotating the partners of an auditing company. Is my right hon. Friend satisfied that that is sufficient, as it is hardly likely that a partner who replaces his colleague as auditor will criticise him?

Jacqui Smith: We started from the belief that auditors are professionals who are committed to their responsibilities to company shareholders. My hon. Friend may be suggesting that an alternative is to make it a statutory or compulsory requirement to rotate the firm. No other European country has undertaken to do that.

The emphasis on good practice already adopted by the profession, such as rotating the audit partner, is likely to bring about improvements. My hon. Friend says that that is the only thing the Bill does, but that is

[Jacqui Smith]

not the case. We have taken non-legislative action, as well as legislative action in the Bill, to create a comprehensive range of improvements with respect to audit, in terms of the independence of the regulation of auditors, the recommendations that Sir Robert Smith made in his report, which are now enshrined in the combined code, and the rotation of audit partners, as I outlined. All those together help to build the improvements in the quality of audit which—I agree with my hon. Friend—we want to see.

Bob Spink: With all due respect to the right hon. Lady, I hardly see how she can pass the Bill off as providing a comprehensive range of solutions to the problems in company law. The Bill simply tinkers at the edges. It would be far better to tackle the wholesale reform of company law, rather than introducing piecemeal solutions such as the Bill.

Jacqui Smith: The hon. Gentleman accuses me of doing something that I do not think I did. I did not say that the Bill was a wholesale reform of company law. I said that, together with the non-legislative measures taken following the reviews that the Government carried out, it brought about a comprehensive change in the system of audit regulation and independence. That is what the Bill focuses on, particularly the role of auditors. It is right that we did that in response to the concerns raised internationally and certainly in the House after the Enron and WorldCom scandals. As I suggested, there is a fundamental need to ensure that we have faith in our financial reporting and our corporate governance. Of course it is important that we also take action more broadly on company law reform. That is why we instituted the company law review and why we will introduce more fundamental legislation as parliamentary time allows.

To build on what I was saying to my hon. Friend the Member for Birmingham, Selly Oak (Lynne Jones) about the scale of what is being changed with respect to audit, the Bill, in line with the principle of transparency, extends the requirements for disclosure of the non-audit services that a company buys from its auditors. It completes the review process by giving legal underpinning to many of the changes that have already taken place.

Lynne Jones: My right hon. Friend is correct—as she would be, being the Minister in charge of the Bill—that there are many measures in the Bill, but are not most of them very weak? Again she mentions non-audit activities. The United States legislation passed in response to the Enron scandal, the Sarbanes-Oxley Act 2002, prohibits certain non-audit functions or requires the rest of them to be authorised by the audit committee. Why are our provisions so much weaker than those in the US?

Jacqui Smith: Given the experience of the US and the fact that the Enron and WorldCom scandals happened there, it can hardly be argued that the basis of our regulatory system is much weaker than theirs. It is true that the changes made in the Sarbanes-Oxley legislation with respect to non-audit services took a different route from ours. That Act lists a range of non-audit services which it would be illegal for the auditor to provide. Interestingly enough, the list is not as wide-ranging as some believe—it does not include tax advice, for example. That is not forbidden in the Sarbanes-Oxley legislation. We took a different approach, in line with our principles-based approach to company legislation, so that, for example, under the new ethical standards drafted by the Auditing Practices Board and currently out for consultation, it would not be appropriate in this country to provide alongside audit many of the non-audit services that are contained in the Sarbanes-Oxley Act. Alongside that, we have clarified the detail that companies must provide to their shareholders on types of non-audit services and money spent on non-audit services.

Mr. Austin Mitchell (Great Grimsby) (Lab): Will the Minister give way?

Jacqui Smith: I shall give way in a moment.

We can take one of two approaches to audit regulation. We can take a rules-based, legislative approach, which was adopted in the United States, or we can build on the principle-based approach that we already have in the UK. My hon. Friends push for more legislation, but I ask them to consider which of those approaches has been most successful up to this point.

Mr. Mitchell *rose—*

Mr. Jim Cousins (Newcastle upon Tyne, Central) (Lab) *rose—*

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. It would help if the right hon. Lady gave an indication.

Mr. Cousins: The Minister knows that the Sarbanes-Oxley Act does not contain a system of exemptions for British companies that are registered and quoted in the United States, so the provision about the separation of audit and non-audit services will be imported into the British system by that route. Has she closed her mind to a statutory provision on the separation of audit and non-audit services, because possible conflicts lie ahead if she has?

Jacqui Smith: We have not closed our minds to anything, which helps us to improve confidence in both financial reporting and the quality of audit. My hon. Friend is right that the Sarbanes-Oxley Act has implications for the operation of UK companies, and it has potential implications for UK audit companies operating in the US. Nevertheless, that does not mean that the US and the UK must take the same approach to delivering the same objective. As I suggested earlier, evidence suggests that our approach has successfully achieved the objectives of effective auditing and confidence in financial reporting. Confidence in the quality of auditing depends on high standards for the training and supervision of auditors, high standards of practice and ethics and an independent system for investigating and disciplining auditors who fall short of those standards.

A clear recommendation from the reviews was that the regulatory regime for the accountancy and audit profession could be simplified, improved and made more visibly independent by combining the bodies under the Accountancy Foundation with those under the Financial Reporting Council. That has created a single, independent group of organisations responsible for the recognition and supervision of the professional accounting and audit bodies, the preparation of accounting and auditing standards and for ensuring that major companies' accounts comply with the law and accounting standards.

That reorganisation has already taken place with the profession's full involvement and the Government's full support. The Bill makes the necessary amendments to legislation to support those organisational changes and bolster the independence of those arrangements. In particular, it requires that ethical standards, quality control and disciplinary action for audits of public interest companies be independent of the professional bodies themselves.

The Bill also contains measures to help auditors do their jobs properly and effectively. It extends the range of people from whom auditors are entitled to obtain information and, in effect, requires directors to state that they have not withheld relevant information from auditors. We redrafted that provision in response to concerns expressed while the Bill was in another place, and it now sends a clear and useful signal to directors and auditors, while avoiding placing an unreasonable duty on, for example, non-executive directors.

In addition, the Bill contains important clauses aimed at strengthening compliance with the law and standards on accounts, which, again, largely involves implementing recommendations from the post-Enron reviews. The Bill strengthens the body responsible for compliance—in practice, the financial reporting review panel, which is part of the Financial Reporting Council group. It will, for example, enable the Inland Revenue to pass to the panel information to help it in its function of securing compliance with accounting requirements. The panel will also be able to require information to assist it in its inquiries, and its scope will be extended to cover interim as well as annual reports.

Of course, the vast majority of British companies conduct their business honestly and produce accurate financial reports. They will seldom, if ever, be subject to enforcement action by bodies such as the financial reporting review panel or the DTI's companies investigation branch. However, a very small minority of companies do seek to abuse the system and we need to take firm and effective action against them. Their misdeeds can harm not only their own customers, suppliers, employees, creditors and investors, but confidence in companies generally. That is why the Bill contains some amendments to the powers of company inspectors and investigators.

In a typical year, the companies investigation branch receives more than 5,000 complaints about companies. All are examined to see whether they merit formal investigation. Some are passed to other bodies, such as trading standards authorities, the Financial Services Authority or the police. Each year, the DTI itself investigates some 350 companies out of the total of 1.8 million. Where an investigation reveals significant wrongdoing, further action can be taken. In 2002–03, following DTI investigations, 80 companies were wound up by the courts, 17 directors were disqualified, and seven individuals were convicted of offences. Moreover, my right hon. Friend the Secretary of State can disclose the otherwise confidential information resulting from investigations to a regulatory or professional body, such as the FSA, the financial reporting review panel or the Accountancy Investigation and Discipline Board, so that it may take action where appropriate.

The amendments in the Bill to increase investigators' powers—for example, to enter and remain on premises and require documents and information, including from third parties—are modest and remain subject to safeguards to protect human rights, legal privilege and banking confidentiality. But they are necessary to prevent a very small number of people from exploiting limitations in the existing law so as to frustrate investigations. That small minority gives companies a bad name. Indeed, victims are often other companies, as well as other organisations and individuals. These changes are therefore necessary and urgent, and it is right to include them in part 1, which is about maintaining and improving standards of financial reporting and preventing abuse.

I turn to the subject of director and auditor liability, on which the Government published a consultative document in December last year. That was in response to calls from some quarters to change the law dating from the 1920s that prohibits companies from agreeing to limit the liability of their directors or auditors. We received more than 120 responses to the consultation, from a wide cross-section of British business. The Government are grateful to all those who took the time and trouble to respond to the consultation. My right hon. Friend the Secretary of State set out our response in a written statement this morning. I do not intend to repeat that statement, but it explains that we propose to table amendments in Committee to tackle concerns that good candidates for directorships are being increasingly deterred by the risk of lengthy and expensive legal proceedings. I shall ensure that hon. Members on both sides of the House receive those amendments as soon as possible.

The statement also explains why the Government do not propose to introduce a cap on auditor liability. However, we remain committed to improving the operation of the audit market. We will continue to consider any proposals, including the possibility of limiting liability on a proportionate basis by contract, which can be demonstrated significantly to enhance competition and to improve quality in the audit market. We urge auditors, business and investors to work together to examine whether proposals for a system of proportionate liability via contract are practical and desirable.

Mr. Cousins: I apologise for interrupting my right hon. Friend's flow on an important point, which is at the heart of the Bill. She has outlined a system whereby audit liability could be limited by contract. That was in this morning's important statement. Do I understand correctly that any reflection of that in legislation will not be for the Bill but for a future date and that her

[Mr. Cousins]

assurance that the Government have no proposals on restrictions or caps on auditor liability will remain in full for the lifetime of the Bill?

Jacqui Smith: I said that we would not want to act unless there was evidence that that would improve quality in the audit market or support competition. However, the ball is now in the court of the auditors, business people and investors to ascertain whether that would be desirable or practical. The speed of the considerations and those of Government would determine when, if and in what legislation the proposal was presented.

Mr. Mark Hoban (Fareham) (Con): I am grateful to the Minister for clarifying the statement that the Secretary of State made this morning. Could she set out more clearly whether, if industry and the professions come together and reach a consensus on how to limit liability by means of proportion, the Government will accept their conclusions, subject to their being capable of translation into law? Is it down to professions and the industry to drive the process forward? Will the Government accept their conclusions?

Jacqui Smith: I do not believe that the Government would ever give carte blanche and simply accept conclusions without careful consideration. We would want to put our objectives at the centre of that consideration. They are that companies in this country can find and get access to suitable audit, that the audit quality continues to be driven up and that we improve the competitive position in the audit market. If it is possible for us to find a route that enables us to deal with the auditors' concerns and support could be built for it with business and the investor community, I have undertaken to consider how, when and if it could be included in legislation.

Mr. Andrew Mitchell (Sutton Coldfield) (Con): I want to cover the matter in my remarks later. However, in view of the comments from the hon. Member for Newcastle upon Tyne, Central (Mr. Cousins) and my hon. Friend the Member for Fareham (Mr. Hoban), will the Minister explain why this morning's statement contained no clear analysis of the responses that were received to the consultation process? Will she make available to hon. Members an analysis of all the responses so that we can judge whether there might be the sort of agreement to which both hon. Members referred?

Jacqui Smith: I shall ensure that, in the next couple of days, an analysis of the responses to the consultation is made available to all hon. Members. It is worth saying that the option was not presented in the consultation, but it has now rightly been proposed, so we need to examine it in detail. I undertake to ensure that the analysis of the consultation is made available to all hon. Members as soon as possible.

Company law is fundamental to our economic success. It is a large and complex subject that has developed somewhat haphazardly in the past 150 years. It has been further complicated in recent years by the addition of European legislation on some aspects, and the task of updating and, wherever possible, simplifying that body of law has proved challenging. We are now close to completing it and we intend to restructure the law in line with the principle that we set out from the beginning: think small first. Instead of complex and detailed provisions, coupled with exemptions and relaxation for smaller companies, often hidden away in different parts of the legislation, the law will start with the basic requirements for all companies and subsequently set out any necessary additional requirements for larger companies. That will help to make the law clearer and more accessible for all, but especially for smaller companies and their advisers. It will be a valuable reform and a good example of better regulation.

As I suggested earlier, we are working to modernise company law in the light of the recommendations of the independent company law review. We intend to publish a draft Bill for consultation and then introduce it as parliamentary time allows. We are already consulting on a key element of the modernisation proposals, namely powers to reform and restate company law so that it remains flexible and accessible to business, especially smaller companies. We have also consulted on many other elements, as did the company law review itself. Topics include directors' duties, annual general meetings and the requirement for company secretaries, and we intend to consult on a new additional element, namely the implementation of the EU takeovers directive.

The Bill makes some important improvements, facilitating a new type of company and giving further opportunities to the social entrepreneurs who are doing so much to build new ways of providing services and doing business. In improving our audit regime and our investigations powers, it will help to maintain and improve the integrity of financial reporting, further underpinning confidence and trust in markets, with higher standards and, importantly, an effective enforcement regime for when things go wrong. It will build on the remarkable success of the company form, which is the keystone of economies throughout the world, and ensure that this country's corporate structures and regulation remain one of our key competitive advantages. I commend the Bill to the House.

5.46 pm

Mr. Andrew Mitchell (Sutton Coldfield) (Con): I draw the House's attention to my interests, which are clearly laid out in the register.

In her most interesting speech, the Minister inadvertently emphasised the fact that this is a very disappointing Bill. In opening, she referred to the joint stock company and to what Gladstone had said about it. When the Bill received its Second Reading in the other place, Lord Sainsbury, quoting a recent publication, said that the joint stock company was

"the greatest single discovery of modern times".—[*Official Report, House of Lords*, 8 January 2004; Vol. 656, c. 258.]

It is certainly true that the company has a claim on such an accolade, but it has been severely let down by this Government.

As my hon. Friend the Member for Castle Point (Bob Spink) asked in an intervention, where is the long-promised, comprehensive and much-needed reform of

company law? Did not the distinguished men and women who made up the company law review produce and deliver their two-volume report to the Department as long ago as 2001? Why are we abusing the parliamentary timetable with this partial and emaciated little Bill? How long does she think it will be before her Department is able to secure once again parliamentary time for such matters?

The Bill in no way provides the comprehensive, much-needed and long-promised reform of company law. Despite the Secretary of State's assertion that

"the law needs to change. It needs to modernise and reform. It needs to be fit for the twenty-first century and beyond",

the Government have instead chosen to amend and add yet another layer of complexity to existing company law while tackling only a very small area of reform. Despite the excellent work of the 15 members of the company law review group, the Government have failed to tackle wholesale reform as promised.

If the Government had devoted sufficient resources following the presentation of the report in July 2001, we would not now be debating the Bill. Instead, we would be tackling a Bill that would streamline procedures for all companies, especially smaller companies, making the law clearer, more accessible and responsive to developments, strengthening trust in UK markets and its companies and developing an even more effective UK corporate law and governance regime. Instead, more than three years later, we are dealing with a Bill that cobbles together bits and pieces and adds yet another layer of complexity and confusion.

I draw the House's attention to page 19 and clause 15, which tackles the

"Application of provisions inserted by sections 11 and 12 to bodies appointed under section 14".

The entire page is comprised of references to the Companies Act 1985. It does not read as prose, but as a series of numbers so complex and inter-related as to obscure the implications and meaning.

The second key point about the Bill is equally worrying. We remain concerned that the Government have no concept of the damage excessive regulation and bureaucracy do to UK plc and of the difference between the two separate concepts of fraud and risk. As a result, Labour continues to impose burdens on business that frustrate the honest and may not much impede the dishonest.

Where the Government are targeting fraud and wrongdoing, we will, of course, support them, but when the Bill imposes burdens on business that are little more than box ticking and that discourage entrepreneurs and entrepreneurialism, we will oppose them.

During the recess, hon. Members may have enjoyed a series of articles about the British economy by Anatole Kaletsky. He explains how its current strength is derived from a number of reforms, made principally, it has to be said, by the last Conservative Government, but also by this Government. However, with words that the Minister would do well to heed, he warns that red tape and bureaucracy—hugely increased and promoted by this Government—are seriously damaging the British economy, saying that

"proliferating regulation, especially employment regulation, is now probably the greatest threat to the long-term growth of living standards in Britain. Over-regulation is also a greater handicap for exporters than the value of sterling, the scale of the consumer boom or any of the other macroeconomics 'blunders' attacked by the manufacturing lobbies. Anyone concerned about the sustainability of Britain's balance of payments should forget about the Bank of England and Gordon Brown and worry instead about the threats to Britain's export earnings from heavy-handed regulation."

Anatole Kaletsky is entirely right.

The Government's failures in those two areas—delivering on company law reform and understanding the damage to business caused by excessive regulation and bureaucracy—are matched in part 2 by our third major concern, which is the cack-handed way in which they are seeking to introduce the community interest company. This new legal form for charitable and not-for-profit enterprises is peculiarly tacked on to an audits and investigations Bill, rather than forming part of the long-awaited Charities Bill, which is due to come before Parliament this very autumn and is now receiving pre-legislative scrutiny.

It would have been far better to allow the major debate on charity law reform to run its course before engaging in this minor debate on CICs. We do not even know how CICs will fit into the new regime once major reform has taken place. I commend to the Minister the opportunity to study the charitable incorporated organisations—the CIOs—planned for the Charities Bill. This is yet another example of the cart being placed before the horse.

I have the honour to sit on the Committee of both Houses that is examining the draft charities legislation under the able chairmanship of the right hon. Member for Darlington (Mr. Milburn). I hope that we can improve the draft legislation that the Government have helpfully already published, so what a remarkable decision it is to introduce the CIC in this Bill and at this time, rather than wait until the eminently sensible discussions and consultations on the wider issues affecting charities have been concluded. This is yet another example of Government incompetence, their abuse of the House of Commons and their failure to live up to their high aspiration for joined-up government.

Fourthly, the Bill, which was introduced in November 2003 and imposes more liabilities on directors, completely pre-empts and makes a mockery of the Government consultation exercise on auditor and director liability concluded in March this year and on which they have only this morning rushed out a statement. Thorough consultation before the drafting and publication of the Bill would have been far more appropriate and would have led, one hopes, to a more tightly and better-drafted Bill that was less in need of correction and amendment.

As the Bill is an amalgam of leftovers and add-ons, it is very difficult to appreciate the full impact that it will have. That is particularly true of the measures designed to strengthen corporate governance and audit practice, some of which the Minister mentioned. The Bill is only the tip of the iceberg—the tip that requires legislation—but there is a great deal going on elsewhere that does not require or has not required legislation.

Paragraph 3 of the original explanatory notes states:

"These legislative changes . . . are intended to complement a package of non-legislative measures designed to strengthen corporate governance and audit practice".

[Mr. Andrew Mitchell]

The non-legislative measures are very important. They include changes to the combined code on corporate governance in July 2003 following a review by Sir Derek Higgs of the role and effectiveness of non-executive directors, Sir Robert Smith's guidance on audit committees in January 2003 and the Financial Reporting Council taking over the functions of the former Accountancy Foundation.

No one can be in any doubt about how very complicated these issues are, and especially about how the Bill relates to the wider package of reforms and changes. We need to ensure that the parameters of these legislative provisions are appropriate, given that wider framework. A great deal remains to be done. Not only do we continue to await wholesale reform of company law, but the Government still have not tackled issues such as auditor liability. I hope to say something about that at the end of my remarks that may even be helpful to Ministers.

In the rush to push the Bill through Parliament, the Government have produced a measure that is deeply flawed and often poorly drafted. I am particularly alarmed that so many provisions rely on secondary legislation and additional and often undetermined regulations. There are no fewer than 81 references to further or existing regulations. Even in the smaller second part of the Bill, which tackles the CICs, further regulation is required under—at the very least—clauses 27, 28, 29, 31, 32, 33, 34, 44 and 55. We are all grateful to the House of Lords, and especially to Lord Hodgson and Lord Glentoran for their thorough scrutiny of the Bill, which led to much-needed amendments and clarifications. Here, at last, we can say something more positive.

On reading the list of amendments accepted on Report in the other place, I was relieved to see that the Government have made several concessions, which go some way to improving the legislation. About half the Government amendments were a response to points made by the Opposition during consideration of the Bill. In particular, we are pleased to see the original clause 9 replaced entirely, in response to Lord Hodgson's argument that the original wording—relating to the statement of disclosure to auditors—placed an onerous and unacceptable burden on directors.

We remain concerned, however, that the introduction of a new clause 9 does not go far enough. Although directors are now provided with some defence, there is not sufficient distinction between the role and responsibilities of executive and non-executive directors. Under company law, all directors are considered equally responsible for the company and therefore equally liable; new clause 9 does not undermine that. However, in reality a non-executive director does not play the same role as an executive director, nor is he as well informed about the operations of the company. He must rely on his co-directors, yet the Bill fails to recognise that.

Any person who is thinking of taking on such a role will ask themselves, "If I am going to take on this non-executive role, what are the risks involved and possible costs?" If we want to encourage good-quality people to take on those positions, we must ensure that the risk involved does not outweigh any potential reward. As the Bill stands, the role of a non-executive director will become increasingly undesirable.

Picking on directors or auditors may excite the juices of some Labour Members, but there are very serious issues at stake. The potential personal liability of a director of a public company is out of all proportion to any rewards he or she may receive. That simply means that good people will not come forward to serve on major public boards. We are moving towards a situation where experienced independent non-executive directors will not be willing or available to come forward just when we are all agreed that company boards should have more independent non-executives on them to promote good corporate governance.

As Lord Hodgson said in the other place, we are nearing the point when the only qualification for being a non-executive director is to know nothing about it. I shall come to auditors later, but our argument about capping potential liability of directors remains compelling, as the Government have begun to accept in their response to the consultation document today.

We have also made some progress in other areas. We are glad that the Government have accepted the Opposition argument that co-operation between the FRC and the accounting profession is vital, and that clause 2 has been amended to ensure that co-operation is not misconstrued as compromising the independence of arrangements under the FRC structure. The original clause ran the risk of preventing senior members of the accounting profession from sitting on the council or its board of directors, providing much needed experience and advice. We can all agree that co-operation is essential for the smooth running of the new system.

I will not tire the House with a full list of the changes that have been secured, but it will be a relief to those thinking of setting up a CIC to learn that clause 23 of the original Bill—now clause 24—has been amended, replacing the original and vague wording with a clearer and more precise concept of the CIC and the issues surrounding charitable status. They will also find a number of amendments accepted to clause 28, which places a cap on distributions and interest, creating an asset lock relating to restrictions on distributions; distribution limits, which are now to be set according to "descriptions" of CICs, based on sector or geographical area rather than each CIC; and the removal of specific powers from the Secretary of State relating to the manner in which the regulator is to review the limits on distributions. Furthermore, greater transparency will be achieved as a result of the Government's support for an amendment to clause 32, which will require that information on directors' remuneration must be included in the annual report of any CIC.

That is not a complete list, but I hope that it might show that the Government continue to have an open mind about other necessary amendments, on which basis I advise my right hon. and hon. Friends not to oppose this Bill on Second Reading today. I can tell the Government, however, that our position on Third Reading will depend on whether the spirit of co-operation evident on Report in the other place survives the Bill's translation to Committee and Report in this place.

I turn now to our concerns about the Bill, and it might help the Minister to consider them before they are discussed in Committee. We remain particularly concerned about six aspects.

First, on the independent monitoring of major audits, the Bill's scope is too broad. The aim of part 1 is to reinforce faith in the auditing and investigatory regime and to protect the UK economy from the impact of a crisis similar to that experienced in the United States. The Government would have us believe that that can be achieved only by introducing the independent monitoring of audits of all listed companies—excluding the alternative investment market—and other major companies. However—this point has been made many times in the Lords, albeit with little effect on the Government—the same protection could be achieved by limiting the compass of the term "major audit" to the constituents of the FTSE 350 index, which, after all, cover 96.5 per cent. of the whole market capitalisation.

In that way, we may avoid excessive regulation and supervision where it is not warranted, and instead focus attention and resources on the areas where an audit failure is likely to have the most significant adverse effect and impact on the economy. That is not a choice between monitoring and not monitoring, but a choice between an independent body monitoring audits of major companies and the regulatory bodies continuing to regulate the audits of other companies. As the law stands, accountancy firms have a statutory obligation to carry out company audits in accordance with the rules set down by the recognised supervisory body, and that body has a duty to monitor it. That situation will continue.

The imposition of statutory regulation under the FRC to complement the already existing self-regulation through the recognised supervisory bodies runs the risk of creating a complicated, multi-layered, regulatory system. A more cautious and limited approach would be better and would achieve very similar results.

Secondly, on the levy, there is a considerable danger that part 1 will overburden businesses, leaving them with little hope of redress. In particular, the ability of the Secretary of State, under clause 17, to increase the levy payable, without limit, to cover the costs of the FRC could see listed companies' contributions rise inexorably. The Government have already predicted a 400 per cent. increase from £400 to at least £1,600 by 2006.

A safeguard is necessary in the event that the current funding arrangements, which are purely voluntary, break down. The voluntary arrangements have seen the running costs of the Financial Reporting Council

"broadly shared by Government, business, and the professional accountancy bodies",

but there is no guarantee that the Government will continue to pay one third of the FRC's costs. They may choose, particularly in a cash-strapped year, to pass the costs on to those that pay the levy, and there will be little that anyone can do to prevent it.

We are particularly concerned that the levy may become an onerous burden for the smaller listed companies. Irrespective of their size in terms of turnover, all listed companies, simply because they are listed, will face the exact same bill as decided by the Secretary of State. The impact, however, will not be the same. Selecting those that will pay the levy by relying on a criterion of being listed is incredibly crude. Lord Evans of Temple Guiting assured us in the other place that it is not the Government's

"intention to use the levy power to change this balance of funding"—[*Official Report, House of Lords*, 22 March 2004, Vol. 659, c. GC242.]

He can only speak for now, however; his word is not a safeguard against the future.

Thirdly, a wider group of people could face serious criminal penalties for failing to provide necessary information—

Mr. Cousins: To return to the hon. Gentleman's previous point, is the implication of his remark that he would want a cap on expenditure on regulation, and that he would want to build that into the Bill? That would be a very significant step.

Mr. Mitchell: Indeed. However, I assure the hon. Gentleman that that is not my intention. I want to see the Government committed to paying their fair share, along with the business community. They cannot in one year decide that they are not going to pay it, and leave the cost entirely to the business community as a result.

My third point relates to the wider group of people who could face serious criminal penalties for failing to provide necessary criminal information. There is concern that the correct balance has not been struck between strengthening the auditing regime—empowering auditors and investigators—and adequately protecting those against whom the powers may be exercised. For example, the original clause 9 required directors to state that not only have they given to the auditors any relevant information, but that each and every other director of the company has also given to the auditor the information that he or she should have. Directors were not only asked to take responsibility for the actions of their colleagues but were required to state that there was no information that had not been disclosed to the company's auditors—an extraordinary requirement.

The problem has been dealt with by the introduction of new clause 9, following several amendments sponsored by Lord Hodgson, but officers and employees of the company remain relatively at risk under clause 8. Clause 8 empowers an auditor to require a very wide range of people—under sanction of serious criminal penalties—to provide him with information, including

"any officer or employee of the company"

or "a subsidiary". An auditor may require information from any and every employee of the company, irrespective of their role or position.

There is a considerable risk that employees who have not had their duties explained to them in as much detail as directors might unwittingly fail to provide information, or sufficient information, and face considerable penalties and/or fines. It is possible to imagine a scenario in which a junior employee, perhaps on the accounts team, might have access to, or handle, relevant information, and yet he or she may not fully comprehend what is required of them by the auditor or the nature of the information to which they have access. There is a distinction between having information and

[Mr. Mitchell]

having knowledge. I have in my study an encyclopaedia, but that does not mean that I have encyclopaedic knowledge.

Mr. Austin Mitchell: Is not the real problem not the hypothetical one to which the hon. Gentleman refers, but that someone who does give information—such as a tea lady reporting a conversation that she has heard in the canteen between directors, which indicates that something irresponsible is going on—is effectively a whistleblower, blowing a whistle to the audit firm, and will be dismissed? That kind of person needs protection.

Mr. Andrew Mitchell: I look forward to discussing those measures with the hon. Gentleman in Committee. He is dealing with exactly the same problem as me: the role and position of a junior employee not being protected in the same way as that of a director.

Similarly, an employee may handle aspects of company accounts without realising their import.

The Bill fails to provide adequate grounds of defence. The defence allowed to an employee of the company is that

"it was not reasonably practicable for him to provide the required information or explanations."

That is insufficient.

I therefore hope that the hon. Gentleman agrees with me that the Government have agreed to give an improved level of protection for directors but not for those further down the scale. It will therefore fall to the Conservative party, as so often before in Committee, to protect and enhance the position of ordinary people, unionised or not, whom Labour has forgotten.

Fourthly, I turn to the issue of excessive investigatory powers. Provisions contained in the Bill, particular clause 21, place only the barest of limits on investigatory powers, and may well give rise to an abuse of power. Clause 21 empowers inspectors and investigators to enter and remain on premises, considerably extending their existing powers. Previously, they had no power of entry without a search warrant.

I am not against giving inspectors and investigators power of entry, but I am firmly against allowing them entry when they only think it will materially assist their work. The House has rightly resisted the giving of powers to investigatory officials to go on fishing trips for information, and it should certainly do so again in this case. The inspector or investigator must reasonably believe that entering and remaining on the premises will materially assist him. That is particularly vital because there is no limit to the time for which he may remain on the premises. Is he to be allowed to sit in someone's house for any length of time, just because that person carries on a business from his home? The Government must offer clear legislative protection against abuse, rather than seeking to rely on administrative law and retrospective challenge.

My fifth point relates to compliance with the European convention on human rights. Despite Lord Sainsbury's statement, under section 19(1)(a) of the Human Rights Act 1998, that the provisions of the Bill are compatible with the convention rights, the Government appear reluctant to enforce ECHR article 6, which concerns the right to a fair trial. We fear that the Government will not prescribe in legislation how disciplinary hearings relating to public interest cases are to be conducted. We are informed by Lord Sainsbury that the representation of all defendants is too detailed a matter to include in the Bill, and is

"best left to the arrangements".—[*Official Report, House of Lords, Grand Committee*, 16 March 2004; Vol. 659, c. 33.]

Although we accept the Government's argument that if there were no access to representation the person or body exercising the recognition function would not agree that the particular disciplinary arrangements were "appropriate", there seems no good reason not to "set in stone" the rights of the defendant.

It must be made clear that the hearings are to comply with the rights of the defendant in accordance with the ECHR—specifically article 6—and the standards expected in a fair trial. As all parties are agreed that representation is necessary, and the Minister has stated that the Bill is compliant with the ECHR, there is no good reason why that should not be confirmed in primary legislation.

Let me say something about CICs, which the Minister mentioned. While we support the concept of the CIC, I feel that the introduction of yet another legal form for those wishing to set up a not-for-profit body or a social enterprise is unnecessary, and is contributing to the growing confusion of the wider public and those wishing to set up such enterprises. As I mentioned earlier, it seems very strange that CICs are to be introduced ahead of the Charities Bill, which promises wholesale reform of charity law, when that Bill is only now receiving pre-legislative scrutiny. It would surely have been sensible to keep the proposals on CICs until we could see how they would fit into the new regime following the long-promised overhaul of charity law. There may even be other models that would be preferable.

In creating ad hoc new legal forms and tacking them on to any Bill, we risk confusing and discouraging both the wider public and people wishing to set up a not-for-profit body or a social enterprise. I doubt that there is a benefit in setting up an additional special legal form for non-charitable public interest organisations. In particular, I cannot see that CICs offer any real advantage over industrial provident societies, established in 1965 and reformed partially in 2000 and 2003.

The "distinguishing" characteristics of a CIC, outlined in paragraph 161 of the original explanatory notes, are very similar to those of industrial provident societies, established by the Industrial and Provident Societies Act 1965. In particular, the justification for CICs has focused on the provision of an asset lock, but sufficient protection already exists for industrial provident societies. The Financial Services Authority will not register a community benefit society unless it has an asset lock-in, prohibiting the distribution of assets to any person or body other than another society with an equivalent rule or a charity, in its constitution.

The problem that a society might convert to a company and some time later reverse the asset lock-in rule in its company constitution was tackled by the Co-operatives and Community Benefit Societies Act 2003.

The Act contained an enabling provision allowing the Treasury, through secondary legislation, to make provisions to permit IPSs whose business is conducted for the benefit of the community to commit their assets permanently for that purpose—in other words, an asset lock-in—subject to appropriate safeguards and supplementary provisions, thus giving community benefit societies the option of protecting their assets in perpetuity for a public purpose. All that is set out in the regulatory impact assessment.

Rather than introducing yet another additional form, the Government should provide the much-delayed and much-needed secondary legislation. There are problems with the industrial provident societies, but it would be far better to amend IPS legislation so that one form is flexible enough to cope with differing circumstances than to create a plethora of new forms.

Let me now deal with an issue that has attracted a great deal of public comment—auditors' liability. This is a glaring omission from the Bill. Large audit firms are in all respects, bar one, like any other commercial business. Every other business—I can think of no exception—can either limit its liability by way of contract with its customers, or obtain insurance to cover any residual risk that cannot be limited by contract. Auditors can do neither. They are unable to limit their liability by contract, because of the terms of section 310 of the Companies Act 1985; but they are also not able to obtain insurance in the commercial market to protect them from catastrophe. There is simply no capacity in the market. In other words, we have the bizarre situation that professional men and women are being asked to take on a risk that the insurance market, with all its resources, deems to be unacceptable.

Mr. Cousins: Does the hon. Gentleman accept two things? First, does he accept that limited liability partnerships have been introduced to protect people involved with audit firms? Secondly, does he accept that the motivation behind the exclusion clause in the 1985 Act was the fact that those who remove financial hazards create moral hazards?

Mr. Mitchell: The hon. Gentleman is right about the creation of a new form of company, but wrong in thinking that it works in these circumstances. If he will bear with me, I hope I will be able to carry him with me.

There are only four auditors left who can audit our largest companies. It is therefore important not only to make sure in so far as we can that those four remain, but, if possible, to encourage new entrants to make the necessary investments to take on the audits of larger companies.

The Government recognise that the problem is a real threat to the stability of the audit profession, and indeed to the UK corporate sector. Today, they have finally responded, very negatively, to the consultation on auditors. It is widely believed that DTI Ministers understand and accept that the liability must be capped, but are being restrained from taking the necessary action by their colleagues in the Treasury. In Committee the Conservatives will table a range of amendments for the Government to choose from, so that the Government can discharge their responsibilities to the UK corporate sector.

Mr. Austin Mitchell: I do not want to restrain the hon. Gentleman's headlong rush into this folly, but does he accept that most actions against auditors are pursued by the insolvency arm of the big four, which is anxious to recoup fees and other money from the auditors of another arm? Where will this end? If we cap the liability of auditors, why cannot motor manufacturers or insurance companies, or any other section of society, say, "We want our liability capped?" Why should we give so much to a group that is making enormous profits from selling other services that often produce the problem?

Mr. Andrew Mitchell: The hon. Gentleman did not listen to what I said earlier, which explained precisely that point. I can think of no other group of men and women who cannot go to the market to receive insurance to cover those risks, apart from the big four audit companies. The reality of section 310 of the 1985 Act is this: if, God forfend, there is another collapse and one of the auditors goes down, there will then be only three. There will certainly be no new entrants to the market. There will be a systemic failure in the governance of our major companies, with all that that means for the corporate sector, for savers, for pensioners and for others who depend on it.

One of our amendments—I have made it clear to the House that we will submit various amendments—in the best tradition of the deregulatory agenda championed by the Conservative party, would amend or scrap section 310 of the 1985 Act. That would allow markets to reach a conclusion and would be a deregulatory and permissive measure, subject to negotiation between willing parties. There would almost certainly be a role for the CBI and the Financial Reporting Council in bringing together all the relevant parties, and there would also be full transparency in respect of any contractual arrangements.

There are of course other ways of limiting auditors' liabilities, but the important point is that they should no longer be unlimited. Leaving the matter to a later date, as the Government's response today envisages, increases the very real risk of one of the large firm's failing, and of consequent damage to confidence in the UK capital markets. That, in turn, would cause huge damage to savers.

We have a lot to examine in our two days in Committee and on Report. The Bill has already benefited from some improvement in the Lords, but we remain very concerned about the Government's failure to introduce the long-promised company law review, and about the way in which CICs have been tacked on to the Bill. Those issues are small parts of what should be two major and separate Bills, and we greatly regret the Government's failure to tackle the important issue of auditor liability.

We are committed to ensuring that the UK is the best place in the world to do business, which means achieving the correct regulatory balance. The continuing delay in the overhaul of company law will certainly not improve the UK's competitive position. As in so many other areas, this Government have lost an important opportunity and failed to measure up to the challenges before us.

6.21 pm

Mr. John Battle (Leeds, West) (Lab): I generally welcome the Bill and I note in passing the Opposition's willingness to see it progress to consideration in Committee, despite their having serious reservations about it. The first part deals with the organisation and regulation of auditors of companies, and the second and substantial part, which consists of clauses 24 to 61, is concerned with setting up a new form of company, known as a community interest company. CICs will build on Britain's experience of social enterprises, which provide new kinds of mutual companies that offer support, goods or services to particular groups in our communities. I welcome and look forward to the setting up of these CICs.

The Bill could provide a new instrument to help in the economic development of communities. In talking about community development, we often miss out the crucial word "economic". Such development is central, and vital in ensuring that our communities have a future. We can talk for ever about social work in the best of all senses, but without genuine micro-economic development our communities will have no future. So I welcome the introduction of another such instrument, and in that regard I do not take quite such a dim view as the Opposition.

I hope that CICs will not be overlooked, not least because in the other place, gladly, most Members seemed to be satisfied with the detailed provisions relating to them. I would not like this issue to die through lack of interest in the House or in Committee, or for the real potential of CICs not to be recognised outside this place. The Social Enterprise Coalition welcomes the introduction of CICs, as does the new West Yorkshire Social Enterprise School. In her introductory remarks, the Minister talked about the difficulties associated with forming companies before Gladstone's Act. I should point out that, even now, it is difficult to set up companies. It can take up to a year for even a well-developed proposal to be turned into a business proposition that gains acceptance. However, CICs would cut through that difficulty, and well-developed proposals could get through in days. Encouraging people to set up more businesses more quickly is to be warmly welcomed.

The CIC will be used primarily by non-profit enterprises that provide benefits to the community. Such enterprises will have to define what those benefits are. Traditionally, social enterprises provide community services such as child care, housing, services for the elderly, leisure services and community transport. As we know, existing social enterprises, like traditional private businesses, are usually companies limited by guarantee and share ownership. However, the new vehicle of the CIC will enable those working specifically for the benefit of the community to do so within the relative freedom of a non-charitable organisation; they will not be limited by the restrictions of charity law. Those of us who have been involved in charity law know how constricting such restrictions can occasionally prove. At the same time, a clear assurance of non-profit distribution status will be offered.

I should point out to the Minister that we need to spell out to people—be it in Committee or at a later stage—what non-profit distribution status will actually mean, so that they can be encouraged to join in. In order to set up a CIC, a proposed company will have to satisfy a new community interest test. It will have to show that it will pursue purposes beneficial to the community and will not serve a restricted group of interests, so the key test will be the provision of services to the community. That could prove incredibly innovative. New kinds of services and blends of services and goods could be provided. The primary interest will not be the promoting of a trendy name for a company and the floating of a new brand in order to see how it goes; nor will it simply be a question of keeping a good idea for a business ticking over, or of providing employment for those who work for the company. The focus will be not just on jobs for paid employees, but on how the business will benefit the community.

CICs could prove a very innovative generator of micro-businesses. I accept that they will not wipe out the residue of unemployment, but they could spark some new ideas and ways of providing goods and services in our neighbourhood communities. They will be wider in scope, but simpler and clearer, than the traditional charitable test of public benefit.

Some immediate benefits arise from CICs. When a proposal is put together, it will be easier for other investors, supporters and public bodies to back it. In other words, it will be easier to attract funds in the first place. At the moment, there is some haziness so far as charities considering their trading options are concerned. It should also be easier to engage individual people, who will be able to become economic participants in companies in their neighbourhoods. They will be able to buy shares in a community enterprise, which is to be welcomed. Such companies will be able to act like proper companies—pay their directors, change the nature of their activities—but they will also have to meet the reporting and accounting requirements associated with being a company. That is also to be welcomed.

In the other place, the Minister emphasised that

> "CICs should resemble other companies as far as possible in terms of the way in which company law applies to them."—[*Official Report, House of Lords*, 25 March 2004; Vol. 659, c. GC354.]

So they will still be under company law, but we need to spell out not just the legal details of how to set up a CIC; we also need to give general advice on the benefits of a CIC to a neighbourhood. For example, what would be the gain in terms of regenerating our urban neighbourhoods in particular? What are the benefits associated with blending together workers and volunteers to provide goods and services locally? The new corporate vehicle that the CIC could become should make it simpler and easier to set up a local business whose profits and assets are used for the benefit of a given neighbourhood and community. That is why the special feature of the CIC's statutory lock—as we now refer to it in technical terms—on profits and assets is important. It sends a clear signal to ordinary people who might want to buy a share that their investment is safe. They are investing in their neighbourhood not to walk away as millionaires at the end of it, but to contribute to building up the community. That is where the lock on profits and financial assets as well as the cap on dividends is such a positive attribute of the CIC.

Basically, CICs will ordinarily be prohibited from distributing any of their profits to their members and I understand that, when the CIC is wound up, its residual assets will not be distributed to its members, but will remain in the community. If I understand it rightly, the assets will be passed on either to other CICs or to other charities in the neighbourhood, so the assets will remain in the locality. That is rather different from other co-operative ventures—the provident societies and other kinds of mutuals—to which the hon. Member for Sutton Coldfield (Mr. Mitchell) referred. Locking the assets into the community provides a different feature—an insistence that the assets are reinvested locally, even if the company goes under.

There was a debate in the other place about the implications of charity law and charities, but we do not need to get bogged down by it. We need clarity and to be able to give good advice about what non-profit distribution status actually entails. Already some charities providing services that budget from month to month or hand to mouth are looking into the trading possibilities. They need to be clear about what the new option actually means. I know that there are further proposals to reform charity law, but we do not need to wait for them. I believe that we can get this vehicle up and running in the meantime.

A letter from the charity commissioners supporting the Government's approach was quoted in the other place and is worth repeating. The letter said:

"It is not always clear-cut when a particular form of object is charitable or not. That is, perhaps, particularly so in the area of social enterprise where many CICs are likely to operate, and where ideas as to what should, and should not, be regarded as charitable are evolving. Our understanding is that there is a demand for a form of company where the promoters can be certain that, notwithstanding the public interest element, the company will not fall within the framework of charity regulation."

It is the freedom there that is important, without getting bogged down in the constraints of charity law. That is what we should focus on and emphasise at this point. I particularly underline the word "evolving" in that letter. I have dealt with charity law for many years, so I know that it has been evolving and I hope that it will continue to evolve, as will the nature of businesses, social enterprises and community businesses. It is right and proper to move forward and not hold back in the vain hope that we can fix all the law so that businesses will fall into line to suit the needs of the people in the future. It will not happen that way round.

We therefore need rather more clarity about the status of a community interest company. It is not a charity, so a donation to a CIC will not attract tax relief, to give a practical example, whereas a donation to a charitable trust of which a CIC is a trustee will be eligible for relief. Those issues are important for people who deal with charitable status and they must have clarity at an early stage, so that they know whether to move into CICs or even whether to take an interest in them rather than be frightened off by them. If we do not provide more clarity about the relationship between CICs and the difference between them and charities, it might put people off.

Transferring existing companies into CICs or setting up CICs for charities requires particular clarity in respect of the financial benefits. We must be able to spell out what it means when a CIC is established for a charitable purpose without being a charity, as it states in the Bill, so that ordinary people who want to set up businesses are not frightened off by feeling that they are going into a morass of charity law or an enmeshing argument between business law and charity law. I want people to be enthusiastic, to see the benefits simple and clear and to move forward to have a go. We need the new legal entity to be as simple and as uncomplicated as possible so that it is clearly understood not only by people in communities that might get engaged in these companies, but—dare I add—by banks and other businesses that will deal with them and will also want to know that the rules of the game are clear. Let us remember that it is a new option for organisations seeking a flexible form that will not be restricted by traditional charitable status, so it should be of benefit to communities.

As said in the other place, we should not see the new CICs—I am already falling into the acronym for community interest companies—as a brand for all social or co-operative ventures or mutuals. It is another form within that family, which we should experiment with and support. The difference in the Bill between the non-profit distribution service and charitable status benefits needs spelling out rather more clearly.

I have already said that there was a debate in the other place about the difference between a community interest company and a charity, particularly the benefits or otherwise of charitable status. That relates to tax reliefs, mandatory reliefs and all the rest of it. The noble Lord Sainsbury spelled out that clause 23 is in the Bill to ensure a clear distinction between the new type of company and charities, but I have to say, in all honesty, that I do not fully understand the distinction. I doubt whether it has the practical clarity that he claimed for it. However, I understand and accept the intention to regard the CIC as a new instrument rather than simply a revision of charity law that will arrive later with the forthcoming Charities Bill. CICs should be regarded as an alternative or a new model that we should experiment with. They will be able to trade and behave in enterprising ways as other businesses do.

My main point is that while it is right to focus on the regulation and the legal framework of the CIC, that should not overshadow encouraging people to set them up. I am in favour of making use of this new instrument and encouraging more people to set up new businesses—not the opposite. I do not want people to be warned or frightened off. There is almost a tendency to discuss getting the disposal of a CIC's assets right before convincing anyone that they should try to set one up. I welcome the establishment of a regulator and the forthcoming detailed regulations, but at this stage we should be advertising the benefits to convince people to have a go.

My constituency of Leeds, West is a sort of pizza slice coming out from the city centre towards Bradford and the ring road. It is on the south-west of the city and, amazingly, if we examine the structure of cities in Britain, we find that small businesses often cluster in the south-west corners. The heavy industry tends to be, for some reason, on the eastern side of cities. In my neighbourhoods of Armley, Kirkstall, Wortley, Farnley, Burley and Bramley, there are more than 400 small businesses, most of which employ fewer than 10 people. I was surprised to discover how many small

[Mr. John Battle]

businesses and family firms—some going back more than 100 years—have been based there. One or two have moved out nationally, but there could be an entrepreneurial gene in the water in west Leeds, which we should encourage and build on. We want more businesses to come forward.

At the same time as small businesses are developing, the needs of the people are increasing, particularly in respect of care for the elderly, the sick and the young. We have good voluntary bodies working locally—whether it be Bramley elderly action, Armley helping hands, the Burley 2000 or the Farnley elderly group—but I see no reason at all why new mutual forms of business cannot be engaged in all that, particularly in view of the community focus. The introduction of Sure Start projects in Bramley and Burley is welcome, and a healthy living project supplements the work of the new primary care trust, but much more remains to be done, especially in the provision of caring services. Help is needed with shopping and gardening, and with the provision of nurseries and play services. I see no reason why that cannot be part of the structure of businesses formed through CICs.

The decline of local family shops has led to units in community shopping parades being boarded up, but people still need fresh food, healthy eating options and even farmers markets. Where there is little in the way of entertainment for local people, the provision of cinemas, theatres and music venues could be part of the new initiative.

Mr. Cousins: Jazz clubs.

Mr. Battle: My hon. Friend suggests that jazz clubs could be provided, and I know that he is a great jazz fan. I see no reason why entertainment and leisure provision should not be part of the new companies' remit. A micro-economy is developed through the local provision of services and goods. New forms of social enterprise can meet local needs, and new community economic development can serve as the focus for the work of community development and rebuilding. In turn, that will lead to local people being trained in new skills. People will therefore remain in the community because they enjoy living there, as a result of having the access to the same services and goods as are available elsewhere.

A recent report from the London Business School entitled "Social Entrepreneurship Monitor UK 2004" found that 7 per cent. of the UK population was engaged in some form of community work or social entrepreneurial activity. That is a start, but the figure is still far too low if we want to think about regenerating urban neighbourhoods. In the past, social enterprises that use business tools and techniques have resulted in co-operatives and housing associations being set up. Cafe Direct and *The Big Issue* are examples of that, but most social enterprise has been focused around London, as the LBS study found. I suggest that it needs to be spread around the country.

We need more of it in west Yorkshire and in my neighbourhood. We must encourage people to have a go, and we will not do that if we do not sell the ideas behind CICs. If people take on this new interest, the development of micro-businesses could be assisted. What is more, they could open up some innovative space and provide to their communities new goods and services that have not previously been thought of. That entrepreneurial imagination would be most welcome.

There remains a need for quality jobs and training and for businesses to provide goods and services. That is certainly true in my constituency, but the provision must happen within a fully sustainable economy so that we can move into the future with some stability.

I am enthusiastic about CICs and believe that they will have a role to play in the community economic development of the future. However, I urge the Minister to ensure that we get the solid legal framework right in our discussions in this Chamber and in Standing Committee. I hope that she and the Government will take a more proactive role in encouraging and supporting the development and growth of CICs, as soon as the Bill becomes law.

6.43 pm

Brian Cotter (Weston-super-Mare) (LD): Thomas Edison, the famous inventor, once said that opportunity is missed by most people because it is dressed in overalls and looks like work. When it comes to the question of reforming company law, I would certainly not accuse the Government of being workshy. An enormous amount of consultation has already been completed in this area, yet various proposals are still waiting to be enacted.

Thus, for whatever reason, this Bill represents a major missed opportunity to carry out the extensive reform and simplification of the law that is so desperately needed. That point that was made eloquently by my noble Friend Lord Sharman in the other place when he criticised the Government for nibbling away at the edges of company law reform. My noble Friend mentioned the Enterprise Act 2002, which dealt with questions of bankruptcy and insolvency, but now we have this Bill, which devotes 17 clauses to the reform of regulation, five to improving company investigations, and 37 to establishing community interest companies.

But what about other matters that have yet to be addressed? We still await draft regulations to require companies to produce an annual operating and financial review. This continued piecemeal approach to company law is causing immense frustration. Last month, Eric Anstee, the chief executive of the Institute of Chartered Accountants told the *Financial Times* that, without action on both auditor and director liability, the initiative by the Department of Trade and Industry on the OFR was "doomed to failure."

I now turn to this morning's statement announcing the Government's approach to director and auditor liability. I shall come to auditors later, but I give one cheer to the announcement that companies will be allowed to indemnify directors in terms of legal costs. That is a step forward, but will the Minister explain why the Government rejected the proposal from the Institute of Directors to cap director liability?

The prospect for company directors is therefore bleak and, for the near future, it is evident that they will have no choice but to continue wading through successive

layers of company law many of which have become unfathomable as a result of continual change and amendment.

Mr. Austin Mitchell: Does the hon. Gentleman agree that, if we are to cap the obligations of company directors, chief executives and the like, we should also cap their salaries? Their salaries can be raised to quite obscene levels, and the people involved use their positions to control and decide them.

Brian Cotter: The hon. Gentleman raises a matter that is of great concern. The way salaries have been raised is absolutely appalling, but I do not think that problem falls within ambit of this Bill.

A written ministerial statement made by the Secretary of State on 26 May 2004 announced new proposals to try and deal with this problem, promising the introduction of

"new types of legislative power enabling company law in future to be amended by a special form of secondary legislation".

That would make it easier to keep company law updated over time. The Secretary of State assures us that these new powers will be

introduced as part of the major new Companies Bill . . . as soon as Parliamentary time allows."—[*Official Report*, 26 May 2004, Vol. 421, c. 78W.]

Yet here we are in the meantime scrutinising another companies Bill. On behalf of all the company directors who are currently frustrated by the plethora of company law regulations, the first thing I ask the Minister is how much longer they will have to wait for the major reform and simplification that is promised.

Although the Bill is a missed opportunity, it still has merits that the Liberal Democrats wish to support—as do those who sit on the Conservative Benches. The first part of the Bill aims to improve public confidence in companies and financial markets by strengthening the system of regulating auditors, tightening up the enforcement of accounting and reporting requirements, and strengthening the company investigations regime.

That is very welcome in light of the recent Enron and Parmalat cases, and others, and I know that my noble friend Lord Sharman was able to offer his expertise to strengthen the Bill further, in respect of the provisions relating to auditing and investigations. Indeed, he has applied his expertise so rigorously that we are relatively content with this part of the Bill.

We are all aware, as a result of what has been written in the pages of the *Financial Times*, of the arguments that have been raging between the Treasury and the DTI about whether a cap should be introduced to limit auditor liability. We found out today who won that particular argument.

The Liberal Democrat party is concerned to ensure that the free market should be allowed to operate in this area. We currently have a unique situation in which statutory intervention will not allow an auditor and a company freely to negotiate the liability to be borne by either party. We know that auditors, lawyers and the business community have questioned the Office of Fair Trading's conclusion that a cap on liability would be competitively neutral and that they have claimed that the OFT's report is flawed.

At face value, those claims carry some weight. In Germany, where a cap is in existence, 67 of the top 300 quoted companies are audited outside the big four auditing firms, and the story is similar in countries such as Greece and Austria. In the UK, in contrast, all the FTSE 100 companies, and 248 of the FTSE 250 companies, are audited by the big four firms. Are the Government satisfied that these competition points were adequately addressed by the OFT? If agreement is reached, will the Secretary of State consider a legislative timetable in relation to auditors' liability so that we can look forward to legislation early next year?

Does the Minister further accept that confidence is dented if the OFT gets so wrong the availability of personal indemnity insurance for auditors? In the statement issued earlier, the Secretary of State said that the Government would look closely at the option of proportionate liability by contract. We welcome that. It would ensure that auditors paid for their mistakes in an equitable way, which would, I think, carry the support of businesses and the auditing profession. I ask the Minister to clarify two points. First, what is the timetable for looking at proportionate liability by contract? Secondly, will the right hon. Lady make a commitment the effect that if agreement is reached between auditors, investors and business, the Government will quickly legislate to allow proportionate liability by contract?

Mr. Cousins: In his apparent support for the idea of a contractual limiting of auditor liability between the auditor and the company, does the hon. Gentleman conceive of possible collusive relationships that might be built up?

Brian Cotter: Yes. That is why we need a lot more consultation to arrive at the solutions we need. We certainly need a way forward.

The second part of the Bill introduces the community interest company, which is a new type of company whose profits and assets will be used for the public good. The Minister quite rightly applauded that sector, and I pay tribute to the right hon. Member for Leeds, West (Mr. Battle) who promoted CICs through his very constructive speech. For many years, we as a party were leaders in the co-operative field, and we therefore support community interest companies very much. When we reach Committee stage, I hope to deal with the important issues that the right hon. Gentleman raised. I shall certainly look at the Bill with renewed interest to ensure that it contains every encouragement for community interest companies to be effective and to provide a route for economic progress in many parts of the country. I have met a number of people involved in community interests of one sort or another—the right hon. Gentleman mentioned cinemas, but there are many others. I welcome the Government's saying that they will progress that part of the Bill.

We have historically welcomed such things. Indeed, we argued that the Government's long-promised companies Bill should be used to create a public benefit organisation structure, which is very much in sympathy with the aim of the community interest companies that are now being proposed. However, we still have some concerns about the nature of the new companies. In the other place, Lord Phillips of Sudbury was able to use his

[Brian Cotter]

expertise in the legal and charitable sectors to argue that the Bill should not prevent charities from choosing to become community interest companies, which is what seems to be being proposed. As he said,

"the law of charity has been distinguished by being a function of purpose and not a form or format."—[*Official Report, House of Lords*, 7 July 2003; Vol. 663, c. 848.]

That principle has given charities maximum choice in allowing them to determine whichever form best allows them to carry out their work. The Bill represents the first step away from that flexibility. Although opinion is somewhat divided on the issue, we feel that there is an important point to which we shall return in Committee.

Corporate governance is an area in which the general public increasingly look to companies to demonstrate high standards. Indeed, we would hope for high standards when it comes to remuneration and just returns as shareholders and stakeholders. My friends in the other place, Lord Sharman and Lord Razzall, attempted to mitigate the slow progress towards reporting details of social and environmental performance by tabling an amendment requiring the Secretary of State to publish standards in order to guide companies further in that respect. That may be an issue to which we will wish to return, as it is an important one. I have been involved in small business all my life, and when I came back to big business after many years of non-involvement, I was quite concerned about the lack of transparency.

There is another issue of corporate governance relating to larger companies dealing with smaller suppliers. In particular, there is the issue of late payment of debt, an ongoing bugbear for British small firms, which according to some estimates are owed up to £20 billion by larger companies in payment for services and goods provided. The Federation of Small Business estimates that one in four business failures are as a result of cash-flow problems caused by the late payment of commercial debt. I very much supported the Bill on late payment brought in by the Government, and the FSB and the Forum of Private Business were instrumental in helping me and others to do our best to ensure that it was placed on the statute book. Clearly, there is a major problem, and despite the introduction of legislation allowing businesses to claim statutory interest on any overdue invoice, the situation has not improved as much as we had hoped. Further action is needed to tackle the culture of late payment.

At least five pieces of independent research confirming that have been published since January. A Bank of Scotland survey this month found that almost half of small businesses had been forced to take legal action against late or non-paying ones. The FSB payment performance tables in April showed no improvement in the amount of time it takes plcs to settle their commercial bills. The latest survey, published in July by Experion, suggested that the amount of time it takes companies to settle their bills has risen to its highest level since 1998, which is very worrying. Unless the Government encourage and actively help the largest companies to lead by example, we will never achieve the culture change that is needed to eliminate the late payment that continues to plague Britain's small businesses.

Sadly, the Government are failing to lead by example, as my hon. Friend the Member for Twickenham (Dr. Cable) illustrated when he revealed this week that the Treasury is one of the worst culprits when it comes to late payment of bills. The Forum of Private Business has been particularly assiduous in pressing the Department for Environment, Food and Rural Affairs to release the money that it still owes many foot and mouth contractors for work carried out during the crisis some three and a half years ago. It is hardly surprising that many large businesses still fail to pay small suppliers on time.

Trying to identify in advance whether a large company is likely to pay on time is near impossible for small businesses. Under the Companies Act 1985, UK plcs are required to publish details of their payment performances in their annual accounts. Yet when the FSB was conducting research for its payment performance league tables, it was unable to find that information for 57 of the FTSE 100 companies. Following an investigation at my request, Companies House confirmed that all the companies had published the details, but the problem is that there are no standard requirements for reporting payment performance. The job of finding the information is rather like hunting for the proverbial needle in the haystack. Following my inquiries, Companies House admitted that it had taken

"a considerable amount of time to examine each set of accounts"

to check whether the companies had made the required disclosure. Clearly, there is a problem there. If Companies House cannot easily identify the information, how on earth is a small business person who lacks the necessary resources supposed to identify it?

I hope that the Government will take the issue seriously. Liberal Democrats, the Government and others are committed to the measure, but there are clearly problems with the way in which it works. If a business cannot access a company's payment performance record, how can it make an informed decision about whether to enter into a contract to supply that company? Given that the law was introduced to help small firms, we must ensure that it does so effectively.

Having addressed that point, let me say that I hope we can make progress on the Bill in Committee to ensure that small business and others have transparent information available based on strict and clear guidelines on what firms should include in their records. As Companies House has difficulty in listing the information, perhaps we can do something to clarify that situation. I look forward to addressing that issue and others in Committee.

7.2 pm

Mr. Austin Mitchell (Great Grimsby) (Lab): I am surprised that the spokespeople for the two Opposition parties are so overwhelmingly favourable to the big four. It is an interesting revelation. They are both sycophantically grovelling at the feet of the big four, but it is no use: we have been so kind to the big four that they are probably about to affiliate to the Labour party, so there is no hope of attracting their support.

The hon. Member for Sutton Coldfield (Mr. Mitchell) gave us the views of unregenerate accountants, greedy and irresponsible chief executives and indolent non-

executives—three small minorities in the business community—and erected them into an ideology for the Conservative party. Indeed, the longer he spoke, the more favourable I became to the Bill, which I did not favour in the first place. Having given that panegyric on the big four and that astonishing rant against a mild an innocuous Bill, he has given me the opportunity to welcome it. The measure is long overdue and has the potential for being improved in Committee. I know that there are doubts about the Whips' enthusiasm for putting critics on Committees, but I hope to contribute to those debates to produce an effective system of regulation of the business community. That is the strongest praise I will give the Bill, so I put it at the head of my speech.

I want to deal primarily with part 1. It follows a long period of delay and obfuscation by the Department of Trade and Industry, which over the years has acted as the protector, friend and, alarmingly, sometimes the spokesperson for the big four. The DTI stands in awe of them. It must be frustrating for civil servants to have to put the views of the big four when they get much lower salaries than the partners of the big four, but that is the reality: hear no evil, see no evil, speak no evil.

The measure goes back a long way. In 1992, my hon. Friend the Member for Newcastle upon Tyne, Central (Mr. Cousins) and I, along with our advisor, Professor Prem Sikka, persuaded the then Opposition spokesperson on trade and industry, Mo Mowlam, to include in the manifesto a provision for the independent regulation of accountancy, like the Securities and Exchange Commission. In 1997, independent regulation of accountancy appeared in Labour's business manifesto and stayed there all those years, which is quite an achievement given the transformation that took place. However, when we sent our ritual delegations to the DTI to ask when we were getting the independent regulation, we were told, "Oh no. Sorry. There's no time for the independent regulation that we promised in the business manifesto. What we're going to do is create a foundation based on the Swinson report", which was a means of avoiding independent regulation. The Department would have put that foundation on top of the 23 other bodies responsible for regulating accountancy and auditing—a cherry on top of the pie. Lovely.

We were told there was no time for legislation and that the foundation would do the job, but the Bill effectively kills off the foundation, which in reality was stillborn. It achieved nothing and was a waste of seven years. The big four, however, decided that that was not enough. They wanted limited liability partnerships, which they set about achieving by buying legislation in Jersey. They drew up legislation, which Jersey passed. That clearly concentrated the mind of the Government. Indeed, the senior partner of Ernst and Young said:

"It was the work that Ernst & Young and Price Waterhouse undertook with the Jersey government"—

they actually took over the job of the Jersey Government—

"that concentrated the mind of UK ministers on the structure of professional partnerships . . . The idea that two of the biggest accountancy firms plus, conceivably, legal, architectural and engineering and other partnerships, might take flight and register offshore looked like a real threat . . . I have no doubt whatsoever that ourselves and Price Waterhouse drove it onto the government's agenda because of the Jersey idea".

By threatening to go to Jersey and getting limited liability partnerships past their Government, the big four forced the hand of our Government who, having told us that there was no time to legislate for independent regulation, immediately rushed through limited liability partnerships.

The big four now want us to move a stage further. We are told that they want us to cap their liability. It appears from the report that I received that the Minister told the Institute of Chartered Accountants conference in July that the DTI would cap their liability. We are confused about what will happen and I want to encourage the Minister not to go ahead with that disastrous idea or anything like it. It is not simply that the European Union Commissioner, the American Government, the Office of Fair Trading and the institutional investors—all minor, unimportant people—are against it, but that it is daft. We could have a dual system, as the Americans do. They have a day-tripper auditor—an external auditor—plus the Federal Reserve audit of all financial institutions, which could be handled by the Financial Services Authority here.

We are told that there is an issue of competition. In that case, why were all the mergers of the big accountancy houses allowed? If competition is now so restricted that we have to revive it and encourage it by capping liability, why did we allow the mergers in the first place? It seems a little illogical. We could introduce competition by using other sources of audit. Why should not the Inland Revenue, Customs and Excise or the National Audit Office do audits? Why should not financial service groups such as Virgin or Marks and Spencer's financial services do audits? Either widen the competition or, having encouraged the concentration, break up the big four so that we get real competition.

Most of the claims against auditors come from the insolvency arms of other big accountancy houses. The problem is self-perpetuating. The inflated figures that have been bandied around to create shock and horror take no account of the fact that the principle of contributory negligence was introduced in 1993. Deloitte used that in the Barings case to get a fine of £150 million reduced to £1.5 million on the basis that its negligence was only contributory.

We also have to think of the knock-on effect on other sectors and industries. It is all very well for the Opposition to say that other firms can get insurance cover against their failures, but they might not want to because it becomes expensive. So why not cap their liabilities, as has been suggested for accountants? If we do it for one sector, we shall have to do it for others. It is ludicrous to argue that we would not because the companies can get insurance cover, because there is no guarantee that that will be maintained.

Mr. Andrew Mitchell: With the greatest respect, the hon. Gentleman is talking absolute nonsense. People might not like the cost of getting insurance, but insurance is available for them in the market, if they choose to take it. Can he name any other group in society that is in the position of the auditors, which simply cannot get insurance but are expected to take on the liability?

Mr. Austin Mitchell: Speaking from a higher level of nonsense than the hon. Gentleman, let me say that there is no need for it, because the claims are enormously exaggerated and hypothetical. In addition, the firms have not tried to get insurance cover, so we do not know whether they could get it; in any case, insurance cover could be arranged. There is no need to cap liability. Why should one sector, comprising the incompetent auditor, the failed auditor, and the auditor who has cut corners, be protected from the consequences of its failure? If the auditors' liability is capped and the public have no right to sue, why should the public not demand compensation from the Government who applied capping? Capping will lead to all sorts of legal complications, of which the hon. Gentleman took no account.

Perhaps we should give up on the proposal. I am sorry to say that, because my right hon. Friend the Minister for Industry and the Regions, who spoke well today, has received us courteously and always listens to our arguments. However, I remember that when F. E. Smith claimed that something that he had said in the House of Commons had shocked the world, moved the Hottentots and frightened the Eskimos, the concluding line of Chesterton's poetic response was was, "Chuck it, Smith!" The same applies to limited liability, capping and the rest of my right hon. Friend's proposals for the big four.

The Bill is the product of a review conducted by interested parties dominated by business and accountancy interests, and spatchcocked into it is our response to Enron, Global Crossing, Tyco International, Parmalat and all the other scandals. We have had our own share of scandals, including the Versailles accident group, Wickes, Slug and Lettuce—I am not sure which of them failed—Wiggins and Shell, as well as the endowment mortgage scandal, personal pension failures and Equitable Life. It is time that something was done to prevent further problems, but the pressure for action arose from the scandals in the USA. It is interesting to compare what happened in this country with what happened in America when both were faced with similar scandals and similar potential for business fraud.

In the United States, the independent regulator had the strength and the independence to take powerful action—"perps walked," as they say in the USA. In this country, if they walked, they walked off to Switzerland or to the south of France with their retirement benefits. In the USA, fines ran into billions of dollars; here, they were pathetic in relation to the income of the accountancy houses. Even a company the size of Shell received only a small fine. In contrast, in the United States Andersens was closed down within five months, after the authorities launched criminal actions against it in respect of the frauds that had been carried out. In addition, 250 chief executives were prosecuted, at least 25 of whom were convicted and imprisoned, such is the strength of the sanctions available in the USA.

All big four accountancy houses are now being pursued for various infringements by federal or state authorities—a study of auditing practices at PricewaterhouseCoopers revealed 8,000 violations of rules and ethics by that one firm in a single month, such is the scale of invigilation in the United States. Ten banks were charged in connection with fraudulent research, and 350 companies were forced to restate their accounts. Ernst and Young was banned from new audit business for a year, the judge in that case saying that the company had shown no regard for the rules, for professional ethics or for morality.

That is the treatment meted out by independent regulators in the United States to the big four accountancy houses—multinationals operating in this country as well. What happened in this country? Our first reaction resembled

"going around the country stirring up apathy,"

as Lord Whitelaw put it. It was to say that what happened in the US could not happen here—there was no problem. The British Government even lobbied for exemption for British multinationals from the Sarbanes-Oxley legislation. I had the pleasure of meeting Senator Sarbanes last year and I introduced myself as a British MP. He leapt back, saying "No!" When I asked him why, he said, "You are the latest in a long line of Brits and British companies who have come to me to ask for exemption from Sarbanes-Oxley. Well, you're not going to get it!" He is a good man who got through good legislation—earlier, my hon. Friends and I agreed that in this country, Senator Sarbanes would have been a member of the old Labour party. It is incredible that the British lobbied for exemption on the grounds that our accountants were better regulated, our standards higher and our accountants more honourable.

The proposals in the Bill are weak. The Financial Reporting Council will now dance to a different tune and will be an independent regulator—one of 23 remaining regulators, not including the DTI. That will simply add to the confusion. No ombudsman is provided for appeals at the end of the process. Let us consider what the effect of the Bill would be on the type of scandal experienced in Britain and the United States.

Four problems are common to all the big corporations that have been affected by scandals and, in some cases, collapsed because of them. First, corporate power is concentrated in too few hands—the classic example is the case of Robert Maxwell, where corporate power was focused entirely on him. The Bill contains no proposal to prevent such concentration of power in the hands of a few overweening individuals, who are able to serve their own greedy purposes, set their own salaries and rewards, and milk the companies like Lord Black milked Hollinger. The Bill contains no proposal for two-tier boards, which are an effective form of protection against concentration of power that enables one individual who is paid according to the company's profitability to hike profits by using creative accountancy in collusion with the accountants, thus enabling that individual to pay himself more and milk the company uncontrolled.

The second common characteristic of such companies is that they have ineffective audit committees. Traditionally, such committees often comprise non-executive directors who are the directors' golf club pals, or the chief executive's mates. They hold too many non-executive directorships and do not bother themselves with getting to grips with the affairs of any one company, because they are waiting for the Rolls to collect them and take them to another board meeting at another company that has a different set of problems. They do not have time to focus on the issues. The Bill makes no provision for representation on audit

committees of stakeholders—people who invest their lives in the companies—or for election of the audit committee.

The third characteristic common to the companies in question is that they all had extremely complex structures, which resulted in extremely opaque accounts. No one knew what was going on. No outside assessor was able to deal firmly with the accounts or to obtain a clear picture of what was going on—usually because so many transactions were channelled through tax havens and companies in other jurisdictions that no one could trace the money. Most FTSE 250 companies use tax havens and channel money through overseas companies to obscure their accounts. It has become a classic technique for News International because as most of its profits pass through companies in other jurisdictions, it does not pay tax here to any extent and its accounts cannot be effectively audited. Virgin does the same thing, but it restructures every couple of years, so no one can work out a clear trail of where the money has gone, the companies through which it has passed, who has done what and who has responsibility for it. Nothing in the Bill will stop that practice because it cannot be traced.

We cannot control transfer pricing, transfers of capital or companies' activities if we do not know what is going on and, indeed, we cannot stop off-balance-sheet accounting. Private finance initiative projects in this country are financed by that practice, but the Americans have just banned it. Cable and Wireless indulges in hollow swaps with other telecommunications companies and treats debts as investments, which is the basis of the finance of British Nuclear Fuels Ltd., in which the Government are the only major shareholder. Capitalising interest is the basis of the finance of British Energy. All the practices that brought down American companies are available here. They are authorised by accountants and used by companies whose accounts are opaque and kept that way.

The fourth common factor of such corporations is the longevity of their relationships with auditors. It is all very well for the Minister to tell us about rotating partners, but Maxwell's relationship with Coopers and Lybrand was so long standing that the partners must have rotated several times. However, that did not change Coopers' deference to Maxwell because it wanted to keep its other business.

We must tackle the key problem that auditors are deferential because they make more than 70 per cent. of their money from selling other services to audit clients, but the Bill does nothing about that. Auditors are deferential because they want to sell more business. Ernst and Young has established a $4 million contract in the United States for cleaning lavatories. Accountancy firms will sell any services to audit clients to make a buck, but that creates a collusive and damaging relationship in which auditors authorise practices that they should not and treat things that are dodgy as safe without drawing public attention to the fact.

The most telling quote about the problem comes from the senior audit partner of Coopers who was responsible for the Maxwell audit. He told his audit team:

"The first requirement is to continue to be at the beck and call of RM"—

I give hon. Members three guesses at who RM is—

"his sons and staff, appear when wanted and provide whatever is required".

The senior audit partner told his team that it was its job to jump when Maxwell wanted it to jump and to do whatever Maxwell wanted. Dependent relationships produce such practice and the situation has not changed—rotating partners will not change it. It might be changed only if new auditors are brought in and the sale of other services to audit clients is banned—that is the key problem. The Government have not done that. Although they are holding a consultation on what should and should not be sold, only a total ban will work.

A classic example of why the rotation of individual auditors in a company will not work comes from Andersen. Carl Bass, one of its auditors, began to have doubts about Enron's accounting practices in 1999. He voiced them to Andersen, but the firm did not say, "More power to you! Keep at it and we'll stop this." It simply moved him on to another account, thus getting rid of the man and the inconvenience.

The sale of other services makes for complacent auditing, so the practice should be stopped. The Bill does not address such matters, so although it could be improved, it represents a lost opportunity. I could have understood that happening if the Bill had been introduced in 1997 because we were learning the job then, but we have now had seven years' experience of such practices and we have not done enough about them. The Financial Reporting Council will not be able to do much either. I tabled a question about the council and found that since 1991, it has required only 14 companies to restate their accounts, although some 350 companies were required to do that over six months in the United States. Only two such cases occurred in 2002, and two in 2003. The council is statute based, which I want, but it is insufficiently independent because it is made up of representatives of the big four and other corporate interests that dominate the scene and work with them and because it has no ombudsman. We could devise a more effective way of dealing with the problem—I hope that the amendments that I will move in Committee will do that—than such comparatively weak and inadequate measures.

I am not impugning the integrity of auditors. We need audit because it represents the police force of capitalism. We need accurate reports and information for markets, shareholders and stakeholders. We must have good audit and if that costs more, the charge must be paid. No market can work without the accurate and honest information that is provided by independent auditors who are not brought into a collusive relationship with the companies that they audit.

I look forward to a co-operative relationship with Ministers who will serve on the Committee on the amendments that I have in mind to improve and strengthen the Bill, which I welcome. I hope that my critical remarks about the DTI's relationship with the big four will not affect my impetuous enthusiasm to work with it for a better Bill.

7.27 pm

Mr. Mark Hoban (Fareham) (Con): I rise with some trepidation because I am probably the only person in the Chamber who has worked for one of the big four firms

[Mr. Mark Hoban]

that the hon. Member for Great Grimsby (Mr. Mitchell) called into disrepute. I am a non-practising chartered accountant, and I want to focus my speech on auditors' liability.

The Minister was right to stand firm against the siren voices of her colleagues, especially the hon. Member for Great Grimsby, who called for more detailed regulations and rules on aspects of audit firms' operations, because a rules-driven approach has been shown not to work in certain jurisdictions. The principles that underlie UK accounting standards, rather than the rules-driven approach that underpinned US practice, explain why we have managed to avoid the great corporate collapses experienced in the States over recent years. It is important to stand behind the principle-driven approach on regulation and accounting.

Having said that, it is a great shame that the Bill has not been used to limit auditors' liability by setting up rules for proportionate liability or capping the liabilities faced by audit firms—different approaches to tackling liability that, I suspect, would have different consequences for the market for audit services. It is especially disappointing that this morning's written ministerial statement used the cover of the Office of Fair Trading report as a reason not to proceed with limiting liability through the Bill. The report has come in for a fair bit of criticism from not only the accountancy profession but independent commentators, due to its relative merits, the time scale in which it was completed and its lack of a thorough investigation of the market. I hope that the Government will support and encourage the consultation process to which the Minister referred in her speech and the Secretary of State referred in the written statement so that the issue will not continue to fester for years to come.

Limitation of liability is a problem for auditors for two reasons. First, the legal position is that an auditor held responsible with other parties for the loss suffered by a company, no matter how minimal its role in that loss, is liable as a consequence of joint and several liability to pick up the whole loss. People often sue audit firms because they believe that they have deep pockets. The hon. Member for Great Grimsby highlighted the fact that insolvency practitioners pursue firms of auditors to recover losses suffered by creditors and shareholders. It is right and proper for them to do so, as they have a duty to maximise the amounts that they secure for creditors. Sometimes, however, auditors are seen as an easy target, compared with directors, who may not have the resources of accountancy firms.

Secondly, limitation of liability is a pressing issue because of the financial risk to which my hon. Friend the Member for Sutton Coldfield (Mr. Mitchell) referred. Large firms of auditors may be unable to secure sufficient insurance cover for the financial risks that they face as a consequence of claims. If cover is not in place firms are exposed to the danger of a catastrophic loss, leading to the collapse of the business. That also acts as a barrier to other audit firms that may wish to enter the market for large audit clients—a point to which I shall return. As well lacking access to insurance cover an audit firm, by virtue of being a people business and a partnership, may lack ready access to capital. A big four firm may have a £1 billion turnover in fees, but its net assets are a quarter of that sum. A successful claim against such a company could lead to its collapse.

We need to think carefully about the consequences of not implementing limitation of liability. Audit firms will continue to tighten their client acceptance and retention procedures, which determine whether or not they take on or retain a client. When I worked for an audit firm, there was a distinct tightening of risk management. Audit firms are focusing much more on risk in a range of different areas, especially client acceptance and retention. In recent years, their procedures for doing so have become more rigorous, and as the risks faced by auditors increase as a result of the growing size and complexity of their client companies, they will adopt an even more rigorous approach to client acceptance. Auditors will look more carefully at high-risk factors and companies, and decide whether or not they want to be exposed to the risk that such companies bring. They may start to show the independence that the hon. Member for Great Grimsby wanted them to show by turning such clients away. That process could start if limitation of liability is not implemented.

Mr. Austin Mitchell: Does the hon. Gentleman think that that careful scrutiny of clients is more common than the widespread practice of low-balling—putting in a low bid to get the audit contract? We have heard several examples of things that firms have done to get their foot in the door and get the contract, so that they can sell other services. However, they have to reduce the quality of the audit, perhaps by using unsupervised and untrained staff, and cut corners so that the audit meets the cost given in their bid.

Mr. Hoban: The hon. Gentleman's intervention demonstrates the weakness of his case, as he tends to overstate the extent of low-balling and collusion. In her written statement today, the Secretary of State referred to the reputation of audit firms, which they know they risk if they produce poor quality audits. The value that they place on their reputation stops them cutting corners and risking the quality of their audit work. In overstating his case, the hon. Gentleman does himself an injustice, as earlier he made a powerful argument about problems that need to be tackled.

There is a risk that some clients will be turned away and will not find an auditor to audit their accounts. At the weekend, one newspaper referred to the prospect of companies in the financial services sector being unable to find an auditor, which would create a serious risk for capital markets and shareholders. Auditors must engage in a debate about the financial risks that they are prepared to accept when taking on clients and the extent of their financial exposure. Reluctance to limit auditors' liability could also restrict the work that they do. In the past few years, as I saw when I was in the profession, more and more information has been included in company accounts. In addition to financial data, there are reports on corporate governance, internal controls and, as was said earlier, operating financial reviews. Much of that information is non-financial and is not audited. Auditors are required only to give a true and fair opinion of financial statements, so a large part of the accounts that shareholders receive includes information that the auditor has not looked at. I looked at a copy of

an audit report earlier today, and the auditors clearly differentiate between their work to test the accuracy and integrity of financial accounts and their work on non-financial data. They do not pass comment on the quality of a company's systems, on which the directors themselves report. They do not say whether those controls are adequate or inadequate—they simply say that a board has published a statement, and do not comment on the effectiveness of corporate governance or risk and control procedures.

I should have thought, however, that many investors would like the auditors to comment on those internal controls and corporate governance procedures. The risk to which audit firms would be exposed if they made such a report restricts to the minimum the scope of the comfort that they can give. If we want better-quality information to be given to shareholders, and if it is to be validated and verified by accountancy firms, we must look at their liability, and decide whether we want to restrict it to enable auditors to undertake more services of genuine value to investors and shareholders. The hon. Member for Weston-super-Mare (Brian Cotter) referred to the comments of the chief executive of the Institute of Chartered Accountants, Eric Anstee, who said:

"A fair liability regime encourages more transparent corporate reporting and enables auditors to exercise professional judgment on matters that go beyond the statutory audit requirements."

That is a valid point—if the Government want auditors to comment on the operating financial review and non-financial data and accounts, they must look at the liability faced by auditors in producing such work and consider whether they should restrict it to enable them to provide much greater assurances.

Another consequence of a failure to tackle limitation of liability in the Bill is a restriction of the number of firms willing or able to audit large companies. I became an accountant in the mid 1980s, when I joined a big eight firm. Those firms have now been reduced to the big four, which, as has been said, dominate the market for large audits, auditing every single FTSE 100 company and 97 per cent. of FTSE 250 companies. A catastrophic claim against one of the big four could restrict those firms to the big three. It could be argued that that creates an opportunity for someone to enter the market and pick up audit work, but under current conditions that is not possible, as Steve Edmonds of Grant Thornton pointed out:

"The OFT's report has not addressed the consequences of the marketplace if another Big Four firm were forced to seek protection from enormous professional indemnity claims. Were the Big Four reduced to a 'big three', it is highly unlikely that Grant Thornton or another mid-tier firm would seek to take the place of the former Big Four member in such a risk segment of the audit market."

Eric Anstee said of middle-tier firms:

"These firms wrote to the DTI at the time of the original consultation indicating they wished to audit larger public companies but were reluctant to do so either because they could not get insurance or because the potential exposure was too great."

There we have it. If we are looking to support the existing structure of the market or to support competition between audit firms, we need to reconsider the limitation of liability for audit firms. If we wish to move away from the big four and encourage middle-tier firms to audit larger clients, we need to limit liability for their sake, to reduce their exposure. Comments have already been made about the much greater dilution of power in some of the overseas markets where there is already limitation of liability. In Germany and Austria a larger number of companies are audited outside the big four because those smaller firms feel confident, given the existence of the cap on liability.

The principal argument against the limitation of liability is the concept of moral hazard—that if we start to restrict the liability of auditors, they will reduce the standard of their work and, in the words of the hon. Member for Great Grimsby, cut corners. I am not sure that that would happen. I have done work that was subject to unlimited and limited liability, and I do not believe that my standard of professionalism dropped between different types of assignment. One tackles all assignments with the same degree of care and the same sense of the importance of one's work for the firm's reputation.

The Government have made a mistake by trying to kick the issue of limiting auditors' liability into the long grass. By setting up an open-ended consultation process and by not tackling the issue in the Bill, they are creating the potential for a further concentration of the audit market down to the big three, and a situation where audit firms will turn away clients whom they consider to be too great a risk for them to bear. That will lead to a restriction in the type of work that audit firms will consider. I hope that the Government will take advantage of a short Committee stage to think again and take some positive action to tackle the issue of auditors' liability.

7.42 pm

Mr. Jim Cousins (Newcastle upon Tyne, Central) (Lab): I intend to be extremely brief, so I shall do nothing other than comment on the part of the Bill that refers to the creation of community interest companies, except to say that I thoroughly support the remarks of my right hon. Friend the Member for Leeds, West (Mr. Battle) in his excellent exposition of the case for such companies and the service that might be provided by them. I shall not dwell too long on aspects of the Bill that I wholeheartedly support, such as the creation of new rights for auditors to demand papers and to demand replies of the companies and services that they audit. That is extremely sensible.

My hon. Friend the Member for Great Grimsby (Mr. Mitchell) draws to the attention of the House the problem of the new grandees of our economic life—the big four accountancy firms. The Bill does not address that issue. It is one thing for a Parliament to decide that it does not wish to address some matter. It is another thing for a Parliament to give the impression that it is happy and satisfied with the matter. Of course, Parliament and Government have important relationships with the big four accountancy firms. More than £100 million in the past three years was commissioned in contracts by Government Departments. That does not include the cost of the beginnings of the implementation of the identity card scheme by the Home Office, which has been placed by one of the big four accountancy firms, nor does it include the Department of Health, for the remarkable

[Mr. Jim Cousins]

reason that the Department of Health cannot tell us the extent of its contracts with the big four accountancy firms, which is not good news.

For that reason, I share with my hon. Friend the Member for Great Grimsby great concern about the connection between audit and non-audit services. We should recognise that the value of non-audit services now far exceeds the value of audit services. That offers the possibility that audit services become a loss leader to attract non-audit business. It is true, as my right hon. Friend the Minister set out, that it is open to the Auditing Practices Board to lay down guidance and rules about limitations on audit and non-audit services, but that would mean Parliament farming out its duties to another body. I regret the fact that the Minister did not offer any guidance to the Auditing Practices Board on how it should seek to exercise its powers in that respect.

The House should recognise that it is no longer its own master with regard to these issues. The Sarbanes-Oxley Act—the new regulatory legislation in the United States—will apply to a great many British companies if they list and are quoted on American stock exchanges. Parliament cannot simply pass such matters over to some other body. It would be entirely wrong for Parliament to leave these issues to be determined by the US Congress. When we see in the American legislation that, for example, audit firms are banned from outsourcing internal audit functions, it is hard to say that that is not right. When we see that the American legislation bans audit firms from supplying investment broking services to the companies that they are auditing, it is hard to say that that is wrong, or that we would not want to consider that for our own legislation.

The Minister said that tax advice was not part of the limitations of the American legislation, and that audit firms can carry out tax advice as part of their non-audit services to the same firms. That is true, of course, but she did not tell us that that was one of the most hotly contested issues in Congress, and that many in Congress bitterly regretted the fact that there would be no ban on tax advice being given by firms that were supplying audit services to the same companies.

The Minister also did not tell us that those in Congress who wanted passionately to see that limitation introduced were successful in requiring that audit firms that offered tax advice should have the specific approval of the audit committee for the tax advice that they were giving, issue by issue, contract by contract. These issues are being raised in the US Congress and put into American legislation, and they will apply to UK companies, yet Parliament expresses no view about them. What an incentive, what an encouragement to all the proactive prosecutors in the United States to take their revenge on our companies for our failure as a Parliament to address the same and similar issues.

What a pity, too, that we have offered no guidance to the financial reporting review panel on what duties it should regard itself as having. The Bill increases the panel's powers and allows the Inland Revenue to talk to it. That is good, but we have not provided any guidance on what duties we see the panel carrying out or how it should report to Parliament or the outside world. We have left the impression that those activities are simply the property of a small collection of key stakeholders and that they are not a matter of public interest and public debate. That omission is important, and British companies will pay a heavy price for it at the hands of prosecutors in other jurisdictions.

On a cap on audit liability, the Companies Act 1985, which has already been referred to, specifically provided that no cap on auditor liability should be introduced. That was not an oversight, because Parliament considered the matter in 1985 and decided that it did not want to go down that route. Why did the 1985 Act provide that no cap on auditor liability should be introduced? It was because Parliament sought to strike a balance between financial and moral hazard—by increasing financial hazard, moral hazard is reduced, which provides the need for regulation.

If Opposition Members who want to remove the cap on auditor liability go down that path, they will change the debate, and the issue of Parliament itself providing statutory regulation for the resulting moral hazard issues will be on table. I invite them to consider that the shift is not one way—if they shift the debate in that way, they will shift it in other ways, too.

Mr. Austin Mitchell: The same point applies to limited liability partnerships. If the liability of one particular partner is reduced, the tendency for all partners to invigilate each other in order to protect the whole firm's reputation diminishes, which weakens corporate strength in the big accountancy houses.

Mr. Cousins: When Parliament conceded limited liability partnership legislation and provided the framework, it was a great shame that it did not also address the inevitable issues concerning regulation. That was a failure, but in politics it is pointless to dwell on battles lost, because one is likely to lose current battles. I simply say that we should not compound that mistake.

I welcome this morning's statement by the Department of Trade and Industry. When I asked my right hon. Friend the Minister whether the closure of the issue of a cap on auditor liability applies to this Bill, however, I did not get a clear answer. I wonder whether the Government will return to that issue during the passage of the Bill, and I therefore need to make the point that such a return would be unacceptable to many Labour Members.

I do not regard allowing a system of contractual limitation of liability agreed between companies and their auditors, which was outlined and suggested in this morning's statement, as a comfortable or satisfactory way in which to proceed, because it opens the way for collusive relationships between auditors and those whom they audit, the prevention of which is a company audit's entire purpose.

I am extremely concerned about those issues. I will not dwell on them now, but I remind the House that if it fails to grasp them, it will not kick them into touch, but it will leave British companies wide open to legislation in other jurisdictions, such as the United States of America. On the strength of tonight's debate, the land of the brave and the home of the free is more courageous than this House on the regulation of enterprise and auditors.

7.55 pm

Mr. Andrew Mitchell: With the leave of the House, Mr. Deputy Speaker.

Given the nature of the subject, the debate has been interesting. With regard to my contributions, I hope that the Minister feels that there is no party political division on much that we have discussed. We both paid tribute to the good work that has been done in the other place on reforming the Bill and I pay tribute to the way in which the Government have listened to the Opposition and framed a number of their amendments around our concerns.

Broad strategic agreement exists on both sides of the House about where we want to go. I say to the hon. Members for Great Grimsby (Mr. Mitchell) and for Newcastle upon Tyne, Central (Mr. Cousins) that I agree with their desire to ensure that the law punishes wickedness and holds to account people who do not behave as they should.

I shall make a couple of points about this morning's statement and I hope that the Minister will comment on them in her winding-up speech. On directors' liability, we must consider her remarks carefully, but, on the face of it, the measure looks rational and hopeful, in so far as it goes. I am sure that we will return to that point in Committee when the Minister tables her amendments, which she kindly says that she will make available to the Opposition parties.

Will the Minister explain why her Department has decided that capping for auditors is wrong, but that capping of directors' liabilities to protect them from third-party claims is right? Does she intend that companies that make such arrangements with their directors should get their shareholders to approve them?

Why have the goalposts been moved on auditor liability? In the consultation document, the Government refer to their determination to ensure that a "competitive market is maintained". In today's statement, they say that they want to see "significantly enhanced competition". How does the Minister think that enhanced competition and new entrants into the market can be achieved while maintaining unlimited and uncapped liability?

The Minister has kindly said that she will ensure that Opposition parties receive an analysis of the responses to the consultation process. However, the vast majority of respondents said that action was urgently needed, and most respondents, including the Association of British Insurers and Hermes, favoured some form of proportionality. How can hon. Members form a proper view without seeing an analysis of the views that were received? What possible justification can there be for further delay? More than three years ago, the company law review recommended that serious action should be taken, and the Minister's Department must take the necessary action.

The right hon. Member for Leeds, West (Mr. Battle) spoke with his usual passion and commitment—his credentials are very strong too—about the charity sector. Conservative Members agree with his point about the need to support such community enterprises. Our reservation, with which I think he will agree, is that the structure that he described is confusing.

The right hon. Gentleman rightly pointed out that the failure to introduce secondary legislation to deal with the lock-in in the industrial provident society legislation is extremely important. This Bill introduces the community interest company and the draft Charities Bill introduces the community interest organisation. I venture to suggest to the House that the CIO will be successful, but I suspect that the CIC will be much more challenged in meeting the objectives that the right hon. Gentleman set out for it and that Conservative Members fear that it may well not meet. I share his enthusiasms; I hope that he shares my reservations on the nature of the format.

The hon. Member for Weston-super-Mare (Brian Cotter) largely agrees with Conservative Members on the nature of the Bill. He wants its remit to be extended significantly, not least to deal with the vexed subject of late payment. I have no doubt that we can explore that in Committee.

The hon. Member for Great Grimsby, whose accusations against international capitalism are far too hot for me to handle, inveighed against indolent non-executives, overpaid chief executives, fat cats, friends of the big four, and—rightly—Robert Maxwell, a former member of his party. The hon. Gentleman described the audit partner's relationship with that company, which he and I can agree was an absolute scandal.

In relation to clause 8, the hon. Gentleman said that he is anxious to protect those people who were forgotten by the Government in the Lords. I look forward to tabling what might come to be known as the Mitchell amendment in Committee to deal precisely with the point that we both raised in that respect.

From the vantage point of expertise, my hon. Friend the Member for Fareham (Mr. Hoban) made a wise speech in which he stressed that in every other business sphere, a business man or woman can limit their liability either by contract with their customers or by obtaining insurance. He flagged up the real danger that a major company might not be able to secure an auditor. We want a fair liability regime, and that is what we should be working towards.

The hon. Member for Newcastle upon Tyne, Central talked about the danger of collusive relationships in the sphere of auditor activity. He is right: that is precisely why the legislation—not that passed in 1985, but much earlier in the last century—sought to deal with the issue of collusive relationships between companies and their auditors. I wish to propose in Committee a relationship that deals with the serious issues that I discussed in my opening speech—one that does not fall into the moral hazard that was suggested by the hon. Members for Great Grimsby and for Newcastle upon Tyne, Central, but that tackles it in the interests of a competitive market where many of the abuses about which the hon. Member for Great Grimsby is so concerned would be dealt with.

Conservative Members are not prescriptive, but we strongly believe that the Government must measure up to their responsibilities to the corporate sector and come up with a proposal for handling the problem. We will try to table the widest possible range of amendments to deal with that. We do not have the resources that the Minister has, with her fine body of civil servants, and if our drafting is defective we will of course defer to her, but we hope to carry her on this point. Something needs to be done, and we will come up with some ideas that we hope will find favour.

[Mr. Andrew Mitchell]

We are concerned about three aspects of the Bill. The first relates to its diminutive status. The Government have missed the opportunity to address the excellent work done by the 15 members of the company law review, which has been on the Minister's desk since the middle of 2001. We are disappointed that the DTI has not taken this opportunity to bring forward that much-needed legislation.

Secondly, we are worried by the Government's failure to understand the effect of this level of regulation in terms of stifling initiative and entrepreneurialism. It used to be high tax that killed off enterprise in this country; now, the spirit of enterprise is being strangled by red tape, regulation and bureaucracy. The Government must have a care to ensure that they do not allow that to persist.

Thirdly, on the community interest company, we are worried that the Bill as it stands will not meet the aspirations expressed by the right hon. Member for Leeds, West. We hope that we can improve the situation by probing and questioning the nature of the CIC with the Minister in Committee.

As the Minister knows, we are concerned about directors' liability, although we will look carefully at what she said today. We are concerned about auditor liability and about the difference between directors and non-executive directors, with all the risks and dangers for our system of corporate governance that result. We are worried about the levy and seek assurances from the Government on that. We are worried about the extent of the independent monitoring of major audits and fear that it may be excessive. We want to protect the rights of the individual, about which this House has always been concerned, in relation to excessive investigatory powers. We want to reassure the citizen that the powers that we give to officials and enforcement authorities are really necessary.

Conservative Members do not wish to divide the House tonight. We hope that the spirit of co-operation shown by Government Front Benchers on Report in the Lords will persist in Committee and on Report here. On that note, I rest our case.

8.5 pm

Jacqui Smith: With the leave of the House, Madam Deputy Speaker.

We have had a useful debate that was probably more interesting than some people thought that it was going to be, although it ranged a little wider than the Bill. I am pleased that the House has had the opportunity to devote some attention to the subject of company law. Companies are an essential feature of our lives and it is crucial that we do not leave this area solely as the preserve of specialist lawyers—or even accountants, notwithstanding the very good speech by the hon. Member for Fareham (Mr. Hoban).

I want to respond to some of the issues that hon. Members raised, but we will return to some of the more detailed points in Committee. Several Members asked about the progress that we are making on the company law review. As I said in my introduction, we are the Government who undertook that review, which spelled out the comprehensive nature of the reform that is necessary. Let me be clear that we are working on and will make proposals that will enhance shareholder engagement, foster a long-term investment culture, help to ensure better regulation, enshrine the principles of "think small first", make it easier to set up and run a company, and ensure that the law remains flexible for the future.

As the hon. Member for Weston-super-Mare (Brian Cotter) said, we have already started our consultation on the new powers to reform and restate company law. Taking forward that detailed work is no small task, but we will ensure that we get it right by drawing on expertise in business and elsewhere to help us. We will legislate as soon as parliamentary time allows and publish a draft Bill beforehand to allow for further full consultation.

Several hon. Members referred to the operating and financial review, which represents an important opportunity to develop the information that is available to shareholders and the market and to enhance financial statements to allow much broader discussion and analysis of the business. We consulted widely on that. The consultation closed on 6 August, and we received more than 130 responses. We will soon introduce regulations to ensure that we make progress on that important aspect.

Interestingly, almost all hon. Members commented on audit liability. The voices of the hon. Members for Sutton Coldfield (Mr. Mitchell), for Fareham and for Weston-super-Mare, on one side of the House, and of my hon. Friends the Members for Great Grimsby (Mr. Mitchell) and for Newcastle upon Tyne, Central (Mr. Cousins) on the other, identified the difficult challenges involved in taking that matter forward.

I am somewhat averse to calling the hon. Member for Sutton Coldfield a Johnny-come-lately to this issue, but not so averse that I will not. It was this Government who undertook the review that led to the changes that brought in limited liability partnerships, and this Government who undertook the consultation to which we have received several detailed responses. Although some respondents will have asked for confidentiality, I will ensure that those responses that we can make available are placed in the Library. Subsequently and rightly, we asked the Office of Fair Trading to consider the competitive impact of proposals for a cap on auditor liability. Let me reiterate our objectives for progress on that: to ensure access to high quality audit provision for our businesses; to ensure that we continue to drive up the quality of the audit; and to ensure competition in the audit market. I believe that I am—dare I say it—the voice of reason in the discussion. We shall keep the objectives at the centre of our consideration.

As my right hon. Friend the Secretary of State made clear in the statement, we will not ignore the advice of the independent OFT, which has made clear its view that the proposals for a cap on auditor liability as proposed in the consultation may be competitively neutral. However, we shall consider seriously ideas for limiting liability proportionately by contract. As I said earlier, the challenge is for us all, including auditors, investors and business, to come together to ascertain whether that would work, whether it would be desirable and whether it would deliver the objectives that I outlined.

The hon. Member for Sutton Coldfield mentioned directors' liability. Our objective is to maintain the necessary pool of expertise to direct our businesses. He asked some specific questions. He asked why we were changing that law but not the law on auditor liability. As I said earlier, changes should be considered on their merits. There is stronger and clearer consensus that the need for reform is more urgent in respect of director liability and greater agreement exists on the proposed reforms, which are not a cap on directors' liability but provide the ability for businesses to indemnify some of the costs that might confront directors when facing action.

On shareholder approval, the proposals will provide shareholders with information. They will not require prior shareholder approval specifically because we do not propose a cap on liability in the way in which the hon. Gentleman expected.

The hon. Gentleman criticised us both for not taking action quickly enough and for bringing forward action on community interest companies in advance of the Charities Bill and the proposals for a charitable incorporated organisation. As my right hon. Friend the Member for Leeds, West (Mr. Battle) ably pointed out, the introduction of the community interest company is an important part of the Government's programme for support for social enterprise and will complement the other available options. Work is well advanced on it and many community and social enterprises will benefit from its introduction. It is therefore right to take that forward.

Charitable incorporated organisations come from a different direction, although both they and community interest companies were recommended by the strategy unit and both were supported in consultation. As my right hon. Friend said, although charitable incorporated organisations provide some of the restrictions, they come from the charity sector and are therefore subject to some of the restrictions of charity law, whereas community interest companies come from the enterprise end, take the form of a company and therefore do not have some of the restrictions but bring with them other responsibilities. There is a distinction between the two and it is therefore logical to bring forward community interest companies in a way that will help to promote social enterprise and create many of the benefits that my right hon. Friend rightly identified.

The benefits include communities' ability to develop not only socially but economically, therefore facilitating the establishment of the asset lock and ensuring that entrepreneurs do not need to reinvent the wheel when determining an asset lock. The hon. Member for Sutton Coldfield appeared to suggest that they should have to do that on each occasion. We believe that the measure will help us to help entrepreneurs and to develop the social enterprise sector.

I agree with my right hon. Friend the Member for Leeds, West that we need clarity about non-profit distribution and to encourage and support growth. I hope that we can discuss in Committee, and when we consider the Department's action to promote social enterprise, how we can ensure that we not only put in place the legal framework but that CICs deliver the benefits for our communities and our economy that he ably spelt out.

The hon. Member for Weston-super-Mare mentioned, among other things, late payment. It is a serious issue, albeit outside the Bill's remit. Of course, the Government are aware of the problems that late payment causes small firms in particular. That is why, as he pointed out, we legislated on that basis. We shall study his remarks carefully and are always open to suggestions to help smaller businesses and encourage enterprise.

My hon. Friend the Member for Great Grimsby continued his crusade, possibly against auditors and accountants, although he claimed to recognise the important role that auditors play. I look forward slightly to the time when the comments of one A. Mitchell are confused with the comments of the other A. Mitchell.

My hon. Friend made several important points. I agreed with some and disagreed with others. He mentioned competition among the big four auditors. I have already mentioned competition in the context of auditor liability. The OFT reviewed the competitive position of the big four in 2002. It concluded that the market for audit and accountancy is highly concentrated and announced its intention to keep that under review. In addition, the European Commission has announced that it intends to progress such work. We do not disagree about the importance of competition in the market for audit, but we possibly disagree about how we get there.

I disagree with my hon. Friend's comments about the nature of the regulatory structure. The Bill makes the regulatory structure more independent and coherent. The new financial reporting council will be a more effective regulator with the four clear responsibilities that I set out.

My hon. Friend the Member for Newcastle upon Tyne, Central was worried about whether we had abrogated our responsibility to the Auditing Practices Board on how to frame standards. The co-ordinating group on accounting and audit, which was not dominated by professional interests but made up of Government regulatory bodies and independent experts, gave much attention to precisely the sort of standards that my hon. Friend mentioned. The Auditing Practices Board has made constant reference to that report. There has also been the report by Sir Robert Smith on audit committees and the European Commission recommendations have been borne in mind. There has been considerable input, including considerable independent and lay input, into the progress that needs to be made in developing audit standards.

My hon. Friend the Member for Great Grimsby mentioned the enforcement of financial reporting requirements and suggested that we had not strengthened them sufficiently. The Bill strengthens the role of the financial reporting and review panel in three important ways. Clause 14 allows it to consider interim as well as annual accounts. Clause 12 grants the panel the power to require information so that it no longer relies on voluntary co-operation and opens an information gateway to enable the Inland Revenue to notify the panel in the course of its normal business when it becomes aware of instances of mis-accounting.

[Jacqui Smith]

On top of that—this does not need the Bill; it is already happening—the panel is taking a more proactive approach to the scrutiny of accounts. That is important in turning the spotlight on to accounts to ensure that they maintain the high standards that we expect.

A general theme outlined by some of my hon. Friends is that this package of measures does not go far enough to improve audit independence and quality. I repeat my contention that the UK system of core principles and safeguards has already proved itself to be more effective than an American-style set of rules and prohibitions. We are putting in place a whole range of measures to address auditor independence. As a result of that, the co-ordinating group report deals with the problems from various angles—those of the auditor, the company and the oversight body. That is why there will be tougher ethical standards on independence and objectivity and they will be binding on the profession. That is why the standards setter, the Auditing Practices Board, will be independent of the professional accountancy bodies. That is why the new standards will require audit partners to be rotated more frequently and will introduce a two-year cooling-off period before an auditor can be employed by a client.

Firms themselves will ensure that there is a much stronger role for the company's audit committee. Clause 7 builds on that by increasing the transparency of the non-audit services provided to permit the market itself to decide when the company audit relationship may be inappropriate. When the legislative and non-legislative measures are taken together with the independent body that is being set up through the FRC, they will provide a UK approach as well as a strong and independent approach to ensuring the quality of audit that we all want.

Whether as Governments, businesses, investors or individuals, we all have a role and a responsibility in taking forward the strengthening of the environment within which businesses operate in the UK. I strongly believe that the UK continues to offer an attractive environment for companies to operate in. It is an environment in which our regulation does not overly burden businesses and in which change is driven forward by consultation and mutually agreed solutions. This enables investors and markets to prosper, enterprise to thrive, communities to develop and jobs to be created in the knowledge that a secure supporting structure is in place that is flexible enough to respond to the concerns as they arise.

That approach is taken forward in this carefully targeted Bill. It responds to important issues that have been raised in the context of company law. It contains the legal changes identified as priorities in the light of Enron and similar scandals, and it contains measures to promote the creation and development of social enterprises that can bring significant benefits to local communities and more widely.

On Third Reading in another place, one of the Opposition spokesmen said that

"we now have a Bill that is workable and will be of great benefit".—[*Official Report, House of Lords*, 14 July 2004; Vol. 663, c. 1297.]

I cannot put it better myself. I commend the Bill to the House.

Question put and agreed to.

Bill accordingly read a Second time, and committed to a Standing Committee, pursuant to Standing Order No. 63 (Committal of Bills).

COMPANIES (AUDIT INVESTIGATIONS AND COMMUNITY ENTERPRISE) BILL *[LORDS] [MONEY]*

Queen's recommendation having been signified—

Motion made, and Question put forthwith, pursuant to Standing Order No. 52(1)(a) (Money resolutions and ways and means resolutions in connection with Bills),

That, for the purposes of any Act resulting from the Companies (Audit, Investigations and Community Enterprise) Bill [*Lords*], it is expedient to authorise the payment out of money provided by Parliament of any expenses of the Secretary of State under that Act.—*[Joan Ryan.]*

Question agreed to.

COMPANIES (AUDIT INVESTIGATIONS AND COMMUNITY ENTERPRISE) BILL *[LORDS] [WAYS AND MEANS]*

Motion made, and Question put forthwith, pursuant to Standing Order No. 52(1)(a) (Money resolutions and ways and means resolutions in connection with Bills,

That, for the purposes of any Act resulting from the Companies (Audit, Investigations and Community Enterprise) Bill [*Lords*], it is expedient to authorise—

(a) provisions enabling a levy to be imposed on bodies or persons specified, or of a description specified, in regulations for the purpose of meeting expenses incurred (or treated as incurred) by a grant-aided body within the meaning of those provisions, and

(b) the payment of sums into the Consolidated Fund.—*[Joan Ryan.]*

Question agreed to.

COMPANIES (AUDIT, INVESTIGATIONS AND COMMUNITY ENTERPRISE) BILL *[LORDS]*

Ordered,

That, during proceedings on the Companies (Audit, Investigations and Community Enterprise) Bill [*Lords*], the Standing Committee on the Bill shall have leave to sit twice on the first day on which it shall meet.—*[Joan Ryan.]*

HEALTH

Ordered,

That Mr Paul Burstow be discharged from the Health Committee and Mrs Patsy Calton be added.—*[Mr. Bob Ainsworth.]*

PETITIONS

Antennae

8.24 pm

Bob Spink (Castle Point) (Con): As you know, Madam Deputy Speaker, from debates, petitions and late nights, I have been campaigning for more controls on mobile phone and other masts for some years. The

rights of communication companies to put masts where they want with total impunity with respect to the views of residents must end. We must listen to local people's views and need a policy that empowers local people to control and protect their own environment. We must take the precautionary approach to the possible health impact of antennae.

To add yet another six antennae to a mast in a residential area that already has 30 or so would be lunacy until we are sure that the cumulative effect of all that radiation from those masts going into people's homes will not harm them and their children. I encourage Castle Point borough council to throw out the application in the way that the petition requests.

The petition states:

To the honourable the Commons of the United Kingdom of Great Britain and Northern Ireland in Parliament assembled.

The humble petition of Mr. and Mrs. Pownall, Jeff Stanley and concerned residents of Castle Point sheweth

That there is strong opposition to the proposed installation of the six antennae, six equipment cabins and a fender gantry to the existing mast at the NTL transmitting station, EDF Energy Substation at Rayleigh Road Thundersley as this will adversely affect the character of the area and street scene and, most importantly, will increase the serious potential health risks to residents and especially to children, particularly since there is no firm evidence that such equipment does not pose an increased health risk and that therefore the long term health risks are unknown.

Wherefore your petitioners pray that your honourable House will urge the Castle Point Borough Council to reject the planning application CPT/572/04/FUL.

And your Petitioners, as in duty bound, will ever pray, etc.

To lie upon the Table.

Scottish Regiments

8.26 pm

Mr. Peter Duncan (Galloway and Upper Nithsdale) (Con): The future of my constituency's local regiment is close to the hearts of the people of Dumfries and Galloway. For its future to be in doubt is simply unbelievable. The King's Own Scottish Borderers have served with valour across the globe for generations while providing a local source of opportunity for our region's young people. For the Government to suggest massive cuts in our armed forces now is sheer folly. These are the same troops who are ready to serve in the dispute and conflict zones across the world and who provided a vital resource during the foot and mouth outbreak.

The petition reads:

To the House of Commons

The Petition of residents of Dumfries and Galloway and others,

Declares that the distinct and historic Scottish regiments, including the King's Own Scottish Borderers, have served with distinction over generations; and that any change to the structure of the regiments would severely weaken their valuable links with the local community.

The Petitioners therefore request that the House of Commons urge the Government to reverse its plans to abolish the Scottish regiments.

And the Petitioners remain, etc.

To lie upon the Table.

Wartime Civilian Prisoners (Far East)

Motion made, and Question proposed, That this House do now adjourn.—*[Joan Ryan.]*

8.27 pm

Mr. Andrew Dismore (Hendon) (Lab): This debate's full title is "Compensation for former civilian prisoners of the Japanese in the Second World War". Perhaps a better title would have referred to lack of compensation for former civilian prisoners, because that is really the theme of the debate.

I became involved in this issue at the instigation of some constituents—two families in particular—to whom I shall refer later. Little did I know when I began to put their cases forward that I would end up as chair of the far east prisoners of war all-party group, and to some degree spearheading a campaign that I know has support from all quarters of the House.

The historical background is pretty well known. After the attack on Pearl Harbour on 7 December 1941, the Japanese invaded east and south-east Asia and many British nationals were captured: 50,000 members of the British armed forces were taken prisoner and an unknown number of civilians interned. The conditions in which they were held were appalling; their treatment was utterly cruel. One in four prisoners of war died in captivity at the hands of the Japanese. Of course, many films and television dramas have been produced and many books written, but none can accurately or fairly reflect the absolute horror experienced by our fellow citizens over 60 years ago.

In 1951, a peace treaty with the Japanese was concluded at San Francisco, which made arrangements, among other things, to pay compensation. A pittance was made available—£76 10s. in old money, for military prisoners of war and £48 10s for civilian internees. To qualify for that scheme, one had to be a British national over the age of 21 on 8 December 1941, normally resident in the United Kingdom before internment, and to have returned to the UK before an application for compensation was made. Approximately 8,500 civilians received compensation under those arrangements.

Of course, many more were left out, and subsequently efforts were made to persuade the Japanese to provide additional compensation—so far, and I think for the foreseeable future, fruitlessly. The Japanese simply would not reopen the issue; they claimed that the matter had been settled under the 1951 treaty. The attitude of the Japanese can be compared very unfavourably with that of Germany, which has for example reopened the issue of compensation to holocaust survivors. A significant effort has been made to provide proper restitution in respect of assets seized from families who died in the holocaust and to provide compensation as a result.

Over the years, successive Governments here have been lobbied on the issue by the Royal British Legion and, more recently, on behalf of the Association of British Civilian Internees, Far East Region—commonly known as ABCIFER. I pay tribute to the efforts of its chairman, Ron Bridge AFC, and his predecessor, Keith Martin, for their persistency and consistency in putting forward their case.

[Mr. Andrew Dismore]

After so many years, this Labour Government acted. On 6 November 2000, a scheme was announced. A statement was made to the House on 7 November by my hon. Friend the Member for Kirkcaldy (Dr. Moonie), then Minister for Veterans, who said that the Prime Minister

"initiated a reconsideration of the long-standing policy . . . towards . . . far eastern prisoners . . . as a result of the review, the Government have decided to make a single ex gratia payment of £10,000 to each of the surviving members of the British groups who were held prisoner by the Japanese during the second world war, in recognition of the unique circumstances of their captivity. In cases in which a person who would have been entitled to the payment has died, the surviving spouse will be entitled to receive it instead."

My hon. Friend continued:

"We estimate that up to 16,700 people may be eligible for the ex gratia payments, which will accordingly cost up to £167 million to make."

He concluded by saying that

"the country owes a debt of honour to them. I hope that I am speaking for everyone . . ."

—I am sure he was—

"when I say that today something concrete has been done to recognise that debt."—[*Official Report*, 7 November 2000; Vol. 356, c. 159-60.]

I thought, on behalf of my constituents, that we had finally cracked it and got a result. I was very pleased by the announcement and I even issued a press release for my local newspaper:

"This is something on which I have campaigned since I was elected to Parliament. I am delighted that Labour has put right this longstanding injustice . . . It is a timely reminder in the run-up to Remembrance Sunday of the suffering endured by those held in captivity in Japan under the most brutal of conditions. I hope this payment will go some way to making life a little easier for the survivors."

Hindsight shows that I spoke a little too soon, although that is not to say that the scheme has not been successful. It has been very successful. There have been 8,430 payments to former prisoners of war, 1,882 payments to former internees and 12,973 payments to spouses of deceased prisoners or internees, which is a total of 23,285 awards. However, that is 6,500 more than originally expected.

The original estimate was based on figures from the Royal British Legion of 6,500 POWs and 6,500 widows of POWs, and from ABCIFER, on behalf of the civilian internees, of 2,500, which provided for a range of 2,100 to 3,000 survivors. It did not make an estimate of the number of widows.

ABCIFER's figure was actuarially calculated, based on the original Japanese statistics relating to the numbers they held, and it has proved remarkably accurate in that there were 2,922 claims on behalf of the civilians, taking into account those that were rejected for reasons other than that for which we are here tonight. Unfortunately, that for service personnel was significantly underestimated. That is why I say that the scheme has not been an unqualified success. Initially, the Gurkhas were excluded, but in November 2003, they were accepted after they brought a case to the courts, over race discrimination, on the basis that they should have been paid out. I am pleased to say that the Government accepted the findings of the court and agreed to include them.

My main concern relates to the excluded civilian internees, whose suspicion is that the rules were changed when, owing to the number of cases, the cost turned out to be higher than expected. That is the real issue at the heart of this debate: the introduction, it appears ex post facto, of the qualification known as the blood link.

The original claim form, published in November 2000, came out soon after the announcement. I have a copy of it with me, along with the explanatory notes. It states:

"This leaflet describes the new scheme that will be administered by the War Pensions Agency . . . and explains how to make a claim. Who can claim the ex-gratia payment? . . . (d)—

I will not list those categories that are not relevant—

"surviving British civilians who were interned by the Japanese in the Far East during the Second World War; and (e) the surviving widow or widower of a person who would otherwise have been entitled . . . providing they were still married at the time of death."

There is no reference in the explanatory notes, or on the claim form, to the place of birth of the claimant, the claimant's parents, or the claimant's grandparents. On the face of it, there is no reason why there should be, because the assumption, based on the original statement in the House, was that if one was British enough to be interned by the Japanese in those appalling conditions, one was British enough to receive compensation.

The nationality rules at the time of the second world war were that a person inhabiting a colony or dominion of the Crown was British, independent of whether they or their parents or grandparents had been born in the United Kingdom. They became a British subject when the colony was annexed, or having moved there and become naturalised, or having been born there. That is under the British Nationality and Status of Aliens Act 1914. There was a single and equal status of British subject throughout the United Kingdom and dominions. Such persons were entitled to a passport issued by the Crown describing them as British subjects. They owed an allegiance to the Crown. They had the right of abode in the United Kingdom and throughout the Crown colonies.

Claims were being processed pretty rapidly after that initial announcement in November 2000. By 1 February 2001, some 14,000 payments had been made. By March 2001, however, ABCIFER started to realise that some claims were being unexpectedly rejected, and it took that up with the Government. On 21 March 2001, the interdepartmental working group, which had been involved in producing the scheme, decided to restrict the scheme to claimants born in the United Kingdom or to those who had a parent or grandparent who was born in the United Kingdom. The Government say that there has been no change in the rules, and that that was what was always intended. I have no reason to suggest to the Minister that that is not necessarily true. Whether or not it is true, however, bearing in mind that that expectation was raised, the effect has been to create both a feeling of unfairness and a series of anomalies when the new rules are combined with the way in which the system is administered. I will refer to some of those anomalies shortly.

ABCIFER has been tenacious in challenging this ruling. It has referred the matter to the ombudsman, whose report we are still awaiting, and the matter is in

the hands of the Commission for Racial Equality, because the rule discriminates unfairly against certain ethnic groups. ABCIFER also took a legal action in the courts for judicial review. Unfortunately, however, that case failed, not on the substantive issue but on relatively narrow points of law. It is worth while quoting not the ratio of the Court of Appeal's conclusions, which were on those narrow points of law—judicial review is difficult to achieve in relation to an ex gratia scheme, as the court said—but the overall conclusion:

"Naturally, we feel very great sympathy for all those who suffered appalling ill-treatment at the hands of the Japanese during their captivity. We also well understand that many civilians had their hopes of receiving compensation raised by Dr. Moonie's announcement of 7 November 2000, and that they have been extremely disappointed, and indeed angered, by what they see as a subsequent and unfair change of heart on the part of the Government. But anyone who seeks to challenge as unlawful the content of a non-statutory ex-gratia compensation scheme faces an uphill struggle. We do not think that the introduction of this scheme was well handled by the Government."

That is the real issue.

Clive Efford (Eltham) (Lab): The great-grandparent of one of my constituents went to the far east to represent the Government. There was no question about his nationality, that of his grandparents or that of his own parents; but having been born abroad and then spent a period of internment as a result of the occupation, he is refused any form of compensation—despite having spent a great deal of his formative years in internment. That clearly is not fair on him; and I think he is entitled to some kind of recompense.

Mr. Dismore: I entirely agree, and I shall be giving a number of similar examples.

Let us examine some of the anomalies. First, there are those who have been paid. Under the grandparent rule, foreign nationals who were never British themselves have been paid. Stateless people and United States citizens have received money. People who have renounced British nationality have been paid. People who have never set foot in the United Kingdom have been paid. So far there have been 847 payments to overseas residents. Irish citizens who can show a grandparent link before 1922 have been paid. Some can do so, although all the records were destroyed in 1916, by reference to birth announcements in local newspapers. Birth records relating to the period between 1860 and 1886, when the grandparents would have been around, were destroyed.

I have heard of the case of a man whose father was born in Shanghai. Although there is no grandparent link, he has been paid because under the 1860 treaty with China, at the time of his birth British law applied extra-territorially. In 1860, Shanghai was classified as British. That seems a bizarre anomaly. People who have not been detained or interned have also been paid. Anyone covered by the 1950s scheme, whose rules I mentioned earlier, has been paid. A good example is that of diplomats put under house arrest by the Japanese. They were never put in internment camps, and in the summer of 1942 were freed in return for the repatriation of Japanese diplomats. Although they had not been interned, they were paid.

Then there are children under five with mixed parentage. I know of an example of someone with a Chinese mother. It was Japanese policy not to intern those under five who were born of mixed parents. Such people have been paid. People who were resident in Red Cross camps, not interned but usually dependants of people who were—generally wives and children of mixed marriages—were not detained, but free to move around freely in the camps. I am thinking of, for example, the Dominican monastery at Rosary Hill in Hong Kong and the camp at Bahau in Singapore. Although never interned by the Japanese, they have been paid.

Perhaps there is a fear of a "floodgate" rule—a fear that if we allow people who may not have a European background to qualify, there will be a huge rush of claims. There will not. In Shanghai, police constables were mainly Indians and Nepalese, and in Hong Kong and Singapore mainly Indians and Chinese. They were never interned by the Japanese; in fact, they were used to maintain the police service under Japanese—and in the case of Shanghai, French—officers. Given those anomalies, there is no risk of large numbers of claims.

Mr. Roger Gale (North Thanet) (Con): I congratulate the hon. Gentleman on securing the debate. Like us, he knows that this is not a party political issue; we are all here to represent relatively few constituents. I am sure he would not wish to suggest, however, that those whom he has just listed should not have been compensated. Does the fact that they were compensated not indicate that in November 2000 the Government intended to be generous? Is that not borne out by the letter from the Prime Minister to Keith Martin, Ron Bridge's predecessor, in November 2000? In that letter the Prime Minister wrote:

"I am so glad that we have been able, at last, to give proper recognition to the terrible experience of the civilians interned in the Far East".

I am sure that is what the Prime Minister meant at the time, and it seems a matter of great sadness that the scheme has been sullied by this relatively parsimonious restriction.

Mr. Dismore: I am grateful to the hon. Gentleman for that intervention. He is right: the intention was to be generous and an enormous amount of money has been spent, yet we are spoiling the ship for a relatively small amount of tar. I do not want to deny any of those people whom I have quoted the right to compensation; I simply want to contrast their cases with my next series of anomalies concerning people who were rejected.

I referred earlier to Shanghai. The birth certificate of a father who was born in Bombay was virtually identical to that relating to the Shanghai case, yet the claim was rejected. I should have thought that, in the days of the British empire, Bombay was regarded as rather more British than Shanghai. That is a complete anomaly. Let us consider some other cases that were rejected. Women who obtained their nationality by marriage, stuck by their husbands when they were interned and were interned themselves, have received no compensation. People—usually of European parentage—who were naturalised before the last war and served in the British Army in the first world war, or in the colonial administration, have not received payment. We should also remember those born in colonies such as British India; indeed, I have already referred to one such person.

[Mr. Dismore]

Irish people who cannot produce a copy of their local newspaper to show that their grandparents were born in Ireland have been rejected because the records were burned in 1916. The British far east Jewish community is almost entirely excluded; indeed, the two cases in my constituency to which I referred fall into that category. Some 314 UK residents—people who have lived in the United Kingdom and contributed to its economy for most of their lives since the war—have been rejected under this bizarre ruling.

This issue arose during Defence questions in November 2001, and a few such examples were given. My hon. Friend the Member for Luton, North (Mr. Hopkins) referred to the case of Dr. Mark Erooga, who was naturalised in 1940, swore allegiance to the King, served in the Hong Kong defence reserve and was interned in 1941 while working at Kowloon hospital. After the war and until his retirement, he worked in the national health service from its inception, yet he was not compensated. The hon. Member for East Worthing and Shoreham (Tim Loughton) referred to a Mrs. Leeson, who was interned as a child in Singapore, where her father died. She lost her documents while fleeing from the Japanese. There was also the case of Mrs. Pyett, who was separated from her parents and interned in Singapore at the age of seven. Her stepmother received compensation, even though she did not marry Mrs. Pyett's father until 1947. Mrs. Pyett received no compensation.

Let me turn to cases in my constituency. Mr. Isaac Shalom Abraham was born in Shanghai on 12 October 1934; by then, Shanghai's status had changed. His paternal grandfather was born in Baghdad under the Ottomans, but he had a UK passport; his paternal grandmother's birthplace was unknown. His maternal grandfather was born in Russia, and his maternal grandmother was born in Russia, or in Poland under Russian rule. His father was born in British Bombay in 1891 and his mother was born in Russia. His parents took him as a child to Shanghai in 1910, where he married. He was arrested in Shanghai and interned on 5 April 1943 until August 1945.

Mr. Abraham and three of his siblings now live in London. He remained in the camp in Shanghai until March 1948, as a British citizen under British administration. He came to Britain in November 1949, having been evacuated by the RAF from Shanghai to Hong Kong on 16 May 1949. After qualifying here, he worked as a schoolteacher for nearly 30 years, and he worked for a further 10 years within the Jewish community. He has lived in Britain all his adult life. He was interned because he was a British subject, and he finds it impossible to understand—as do I—why he has been excluded from the compensation scheme.

The second case from my constituency concerns Mrs. Sophie Sopher, née Hardoon, who was interned by the Japanese in Stanley camp. Nothing is known of Mrs. Sopher's grandparents. Her mother was born in Baghdad under the Ottoman empire. Her father was born in Bombay in British India, and Mrs. Sopher herself was born in British India. Mr. Hardoon, her father, had been working in Hong Kong, where he was detained by the Japanese. The family were interned until 1945, and they were then repatriated to Bombay, in British India. Mrs. Sopher's father, Mr. Isaac Hardoon, died soon afterwards in Australia. Mrs. Sopher came to the UK in June 1964, and upon her marriage she became a UK citizen in 1969. Her sister, Mrs. Elias, provided a graphic account of her wartime experience, in which she said:

"The Japanese had already been to the British consulate to get a list of British passport-holders. They came to our house and told us to get into a van. They hit my father because he was not quick enough. We were all taken to the camp. When we came out four years later, ill and malnourished, our house had been pulled down. We all suffered from beri-beri, typhoid and diphtheria. My brothers had been beaten. My father was so ill that he could not be treated and he died a few months later."

What makes the case even more bizarre is that although Mrs. Sopher and her sisters have not been compensated, their two elder brothers have been, even though they had exactly the same parents. That seems to me to be an utterly bizarre anomaly in the administration of the scheme—and these people cannot understand why. It is not surprising that they have a sense of grievance. The Hardoon family believed that they would be paid out, but they have not been.

The problem is compounded by evidence that has recently come to light about the failures of successive Governments to reopen the 1951 treaty with the Japanese—despite our right to do so in the 1950s and subsequently. I have with me a Foreign Office paper, FO 371/115281, of 25 May 1955. It is headed, "Claims against Japan" and it states:

"Article 26 of the Treaty of Peace with Japan states that, should Japan make a peace settlement or a war claim settlement with any State granting that state greater advantages than those provided by the San Francisco Treaty, those same advantages shall be extended to the parties to the San Francisco Treaty . . . Japan has recently signed a Peace Treaty with Burma . . . which gives Burma greater advantages in respect of reparations than those enjoyed by the parties to the San Francisco treaty . . . Japan has also recently signed a War Claims Agreement with Switzerland which . . . constitutes a greater advantage".

Under the heading "Discussion", it states:

"Those states which are parties to the San Francisco Treaty are thus entitled to claim from Japan benefits similar to those stipulated"

in the new treaties. It continues:

"The Japanese realised the risk of that happening when they were negotiating the agreement with Switzerland . . . In agreeing to the San Francisco Treaty Her Majesty's Government waived a very large proportion of their just claims against Japan".

Under the heading "Recommendation", it states:

"It is recommended that we should not invoke Article 26"—

meaning the right to reopen the treaty—

"Nor should we do so in regard to any similar Article of any Peace Treaty or reparations agreement which Japan may conclude with another country in the future unless there is a material change in circumstances. We should not of course give any publicity to this decision."

It is signed by Mr. Crowe on 25 May 1955.

Since then, at least 12 countries have signed peace treaties with Japan that give far better terms than under the San Francisco treaty. On 19 December 1955, however, it was decided that we should not reopen the treaty. That was confirmed in a document signed by Mr. Coplestone of the Treasury, which stated that

"the Financial Secretary has accepted the conclusion . . . on general grounds of foreign relations, despite the possibility or domestic political embarrassment in connection with Allied

prisoners of war . . . 'no publicity should be given to the decision . . . we retain our freedom to use this legal entitlement to claim on Japan . . . as a bargaining counter in negotiation or other claims against Japan."

That cynical approach betrayed former prisoners and internees of Japan.

If the Government are not prepared to examine the scheme further, pressure to reopen the San Francisco treaty of 1951 will continue. In 1998, the Government reviewed it and said that it was time-barred, as it was so long ago. That argument has been refuted by a series of four legal opinions obtained by former POWs and internees, most recently from Professor Ian Brownlie, QC—an extremely eminent international lawyer, of whom I suspect most hon. Members will have heard. He argued a similar point successfully in an international law case in Australia. I have a post-graduate degree in international law myself, albeit a long time ago. Having read these opinions, I believe that there is a strong argument for reopening the treaty.

What is the way forward? We should either reopen the treaty with Japan and seek reparations similar to those negotiated with Germany—we should at least use further legal opinion to check whether that is an option—or the Government should compromise on the strict rulings made in the schemes.

There are two possible compromises. First, the Government could pay those who claimed before 25 June 2001, when the blood link rule was first announced to claimants who were then rejected. That compromise assumes that the people involved claimed correctly as internees and British nationals. Of the 851 cases that were rejected, some were rejected on grounds other than the blood link, so the correct figure would therefore probably be below 600. The maximum cost of that approach would be about £6 million.

A cheaper compromise for the Government would be to pay out on the basis of residency in the UK. Claimants who had resided in the UK after the war for 20 or 25 years, and were still resident here, would be eligible for payment. That would cover the relevant people in my constituency, and those referred to by my hon. Friend the Member for Eltham (Clive Efford). The maximum number of people involved would be 314, and in fact the number would probably be rather lower, as some would be rejected for other reasons under the scheme. The total payment would amount to nearer £2 million than £3 million. That is a small amount compared with the overall cost of the scheme.

The Government were extremely generous when they set up the scheme, as was noted earlier. However, that generosity has been tarnished by the exclusion of such a small number of deserving cases. The problem has been compounded by the anomalies raised by the people who have been covered by the scheme in rather questionable circumstances. We are talking about a few hundred people at most, to whom this country's debt of honour remains unpaid.

The far east campaign used to be known as the forgotten campaign. The former internees are mostly very old now, but they will not allow themselves, or their suffering, to be forgotten. They will not go away. Next year is the 60th anniversary of VJ-day. It is time for these people to have closure in this matter, and for justice to be done. It is time for us to pay these poor internees their due.

8.56 pm.

Mr. Austin Mitchell (Great Grimsby) (Lab): I congratulate my hon. Friend the Member for Hendon (Mr. Dismore) on securing this debate, and on his powerful advocacy of his case. I am grateful to have the opportunity to make a short contribution, of which I have made both the Minister and my hon. Friend aware. There is no need for a longer speech, as the case is both simple and straightforward, as my hon. Friend said.

This matter began with a great and magnanimous gesture by my right hon. Friend the Prime Minister. In the 1955 peace treaty, the Foreign Office did not pursue the matter of British prisoners, so as not to complicate the negotiations. My right hon. Friend was made aware in 2000 of the fact that the Foreign Office had kept quiet about the problem. He was told that preparations were in hand to bring a case before the European Court of Human Rights, which would be heard in May 2001. He realised the difficulty of the situation and understood the failure of the Foreign Office in the matter, and he agreed that such a case should be prepared.

On 7 November 2000, my right hon. Friend the Prime Minister made a statement in the Army museum that prisoners of the Japanese would be paid compensation. He also said that civilians who were interned because they were British citizens would benefit from that compensation. That was a magnanimous and wise gesture. My right hon. Friend said that the matter involved a debt of honour—as, indeed, it does.

A meeting of the relevant departmental officials took place in the Cabinet Office on 27 November 2000 to rough out how the compensation was to be paid. The minutes of that meeting state that

"there was nothing to suggest from this initial response to the announcement that the original estimates of the numbers of"

Japanese prisoners of war

"were wide of the mark."

The minutes also stated:

"'UK nationals' should be defined as those civilian internees who were British at the time of their incarceration; those who became British citizens only subsequently would not be eligible for payment."

That was the position. My right hon. Friend the Prime Minister made a clear announcement and a magnanimous gesture, which was followed by a clear statement—by him and by officials—that the compensation would be paid to people who were interned because they were British at the time. However, matters went downhill from there.

The War Pensions Agency had led the earlier meeting to which I have referred, and it supported the wider definition—that compensation should be paid to all those who were British at the time. However, the agency was subsequently transferred to the Ministry of Defence, which took a different view of the matter. It was the MOD that introduced the notion of a blood link with the UK. It is important to note that that was not the case at the time. These people had British passports, were British citizens and were interned by the Japanese because they were British citizens. At the time, it was totally accepted that they were British.

[Mr. Austin Mitchell]

The Ministry of Defence introduced the later concept of a blood link to the United Kingdom. That was an irrelevant thing to do. Migration and movement patterns are complicated, but those people were children of empire, and it was an empire that sprawled across the continents. There were Jews who went from South Africa to India and then further east to work as British citizens, holding British passports. There were civil servants, and the children of civil servants who had gone perhaps a generation or two before to work in the Indian civil service or on the concessions in China. Those children were born in the place where their fathers and mothers acted as officials. Children of empire are a race in themselves in a sense, scattered as they are over the globe. At the time, though, they were entitled to British passports and were recognised as British citizens. They were interned by the Japanese for that reason.

The later decision was irrelevant, and it was hurtful. People—most of them very old—who have been proud of being British have suddenly been told in the evening of their lives that they are not British. "No," they have been told, "we want nothing to do with you, and there is no compensation for you because you are not British." They have been told that, even though the fact that they were British was why they were interned.

It is a cheapjack decision. I am not sure how many people have been excluded—400 or 500, I just do not know. Perhaps the Minister can tell us. We will save perhaps 500 times £10,000 by taking this hurtful decision, which is peanuts.

The decision is also racist: many of the people concerned are of mixed racial origins, particularly women who married British citizens. My hon. Friend gave several examples of people of different races born in the British concessions in China. The decision is arbitrary. It is unreasonable. The Court of Appeal, of course, found it perfectly legal: it would, because the scheme is an ex gratia, and Government Departments can do anything they want with ex-gratia payments. They can decide they should go to Fred and not to Joe, and it is up to them to define whom the payments go to. The court did say, however, that the whole business had not been well handled, and that is putting it fairly mildly. The fact that the scheme is legal does not make it right. It is wrong. It is immoral.

Adjournment debates are not the occasion for Damascene conversions, and my hon. Friend, the Minister has had to put up with long letters from me and other Members—

The Parliamentary Under-Secretary of State for Defence (Mr. Ivor Caplin) *indicated assent.*

Mr. Mitchell: I see the Minister nodding vigorously, but I do not expect him to get up and say, "My God, you are right. Why did we not think of all that at the time? Policy will be changed immediately." Adjournment debates are not famous for that, and I do not think that I have ever produced that effect myself. I hope, however, that my hon. Friend will think seriously about the points that we have made. I hope that he will realise that a wrong has been done to a small number of people who have suffered because they were British and who should not now be deprived of the compensation that is their due. I hope that he will accept, too, that we shall not give up. This argument will go on and on; we shall raise it along every available path, and several are still open and in play. We shall continue to fight until the Government give way on this point of honour.

9.4 pm

The Parliamentary Under-Secretary of State for Defence (Mr. Ivor Caplin): I congratulate my hon. Friend the Member for Hendon (Mr. Dismore) on securing a debate on such an important subject. A number of right hon. and hon. Members on both sides of the House have shown a significant interest in it, and that is demonstrated by the number of them in the Chamber tonight. My experience of Adjournment debates is that they are usually attended by you, Madam Deputy Speaker, me and the hon. Member whose debate it is.

I also welcome my hon. Friend's chairmanship of the all-party group on parliamentary far east prisoners of war and civilian internees and all those hon. Members who are members of it. I have said before in the House that I would be happy to meet the group if it had a point to raise that had not previously been considered. However, let me establish the history of the subject as this is the first time that the House has had the opportunity to debate it formally since the initial announcement.

The Government established the far east prisoner of war and civilian internee ex gratia payment scheme in November 2000. My hon. Friend the Member for Kirkcaldy (Dr. Moonie) announced that in the House on 7 November that year. The scheme was intended as a tangible recognition of the unique circumstances of the captivity of those held prisoner by the Japanese during the second world war, something that is recognised by the whole House. Under the scheme, those former prisoners of war and civilian internees who qualify, and the surviving spouses of those who had died before the scheme was announced, receive an ex gratia payment of £10,000 each. Nearly 24,000 payments have been made, totalling nearly £240 million to date, and claims continue to be received. It is important that I make it clear that there are no financial constraints. We will continue to pay out on all valid claims and we have, as I have said, already exceeded the initial budget that was allocated, which was mentioned by my hon. Friend the Member for Hendon.

The scheme has been the subject of legal challenge concerning the eligibility of both former Gurkha prisoners of war and civilian internees. I intend to concentrate initially on the issues raised for civilian internees, which was the thrust of my hon. Friend's remarks. The scheme is and has always been intended to be for those who had close links with the United Kingdom at the time of their captivity. For former prisoners of war, that link is demonstrated by their service as part of our armed forces. For former civilian internees, the connection is demonstrated by their having been a British subject who was born in the United Kingdom or who had a parent or grandparent born here. I must emphasise that there has been no change in our view of those who should be eligible for the scheme. It was, however, necessary early on to clarify

the meaning of the term "British" in the context of civilian claimants, and the criterion agreed was the birth link to the United Kingdom.

I thought that it would be helpful to place on record the legal process that has occurred. The birth link requirement for former civilian internees has been challenged in the courts by the Association of British Civilian Internees, Far East Region. The association was granted permission for a judicial review in 2002 and in October that year the courts found in favour of the Ministry of Defence. The association then appealed against the judgment. The case was heard in March 2003. The Court of Appeal, however, again found in favour of the Ministry of Defence and the appeal was dismissed. The association was refused leave to appeal to the House of Lords and this lengthy process finally ended last summer in a rejection of their petition seeking leave to appeal to the House of Lords.

The birth link criterion and the way in which it was introduced were most carefully considered by the courts. The Court of Appeal examined both the limitation of eligibility for the scheme

"to those British subjects who had close links with the UK at the time of their internment"

and the use of the birth link to establish those close links.

Their lordships also concluded that it was impossible to say that the close link criterion was irrational, or that it was irrational to introduce the birth link criterion to demonstrate a close link to the UK. Their lordships concluded that different criteria could have been devised to demonstrate the close connection: for example, one way would have been to follow the example of the Australian Government, whose equivalent scheme requires claimants to have been domiciled in Australia immediately prior to internment. In this country in the 1950s, only those British civilians who were "normally resident in the UK" before captivity and who had taken up residence in the UK after their release were eligible to receive compensation payments made in connection with the San Francisco peace treaty.

For the present scheme, the Government chose to apply a more generous criterion than those used for the administration of the 1950s scheme by adopting the birth link criterion. Their lordships dismissed the argument that the chosen criterion was irrational because it ignored the close links that some former internees had developed with the UK since the war. Government policy was to pay only those who had close links with the UK at the time of that internment, and that policy was held to be rational.

The birth link requirement was designed to give scope to the original intention of the scheme. As my right hon. Friend the Prime Minister confirmed in May 2002, in a letter to my hon. Friend the Member for Great Grimsby (Mr. Mitchell),

"It was never the Government's intention to extend the Scheme to civilian internees without a close link to the UK at their time of internment."

Mr. Gale: The Minister is hiding behind legality. Will he tell the House why the people in question were interned by the Japanese?

Mr. Caplin: If the hon. Gentleman will forgive me, let me point out that tonight's debate is about the Government scheme for civilians who were interned. I am taking this first opportunity to lay out the whole process that has occurred in the past four years. I hope that by the end of my speech, which is very technical and legal in nature, he will accept that our reasons are obvious.

I have mentioned the legal challenge concerning former Gurkha prisoners of war. The House will be aware that following a successful legal challenge, the ex gratia payment scheme has been extended to include those former Gurkha soldiers held prisoners of war by the Japanese who were Nepalese citizens at the time of the negotiation of the peace treaty with Japan in the early 1950s.

My hon. Friend the Member for Hendon referred to article 26 of the 1951 peace treaty concluded between the allied powers, including the United Kingdom, and Japan. It has been suggested that the Government seek to reopen the peace treaty under article 26 on the issue of compensation, as a means of obtaining payments for those former civilian internees who do not qualify for the ex gratia payment scheme. Many hon. Members have written to me about that matter. It is claimed that the Government's decision not to seek to reopen the treaty in the 1950s deprived former civilian internees of compensation from the Japanese.

As my hon. Friend said, the matter has been considered. In 1998, the Government's position was made clear: we did not believe that there were viable legal grounds on which to seek to reopen the 1951 peace treaty. Officials from the Ministry of Defence and the Foreign and Commonwealth Office have looked again at the matter, but we still hold to that view. When negotiating the peace treaty, the Government of the day, as one of the allied powers party to the process, were negotiating as a sovereign state about its claims against Japan under international law. Exceptionally, the peace treaty made specific provision under article 16 to indemnify those members of the armed forces who had been prisoners of war, but no such provision was made for other individual citizens of the belligerent powers. However, payments were made to former civilian internees in the 1950s by the British Government using the Japanese assets that they received under article 14 of the treaty, which, it should be remembered, were for them to use as they decided.

The question of who might have benefited, and how, if the British Government had tried to re-open the peace treaty is purely speculative. Article 26 speaks of greater advantage being received by any state under a subsequent agreement, but does not provide for a comparison to be made between sums paid to individuals. The agreement that Japan subsequently reached with Burma was negotiated along the lines of article 14, but it went further by agreeing that Japan would provide products as well as services to Burma. The agreement made with the Swiss Government covered a different category of damage that was not explicitly covered by the peace treaty, and of course, Switzerland, a neutral country, was not one of the allied powers.

The comparison sometimes made between the amount of money paid to individual Swiss citizens and the amount received by civilians paid by the British Government is, I have to say, not valid. Britain's decision to make payments to former civilian internees

[Mr. Caplin]

did not arise from an express provision in the peace treaty. It was the British Government's decision, and the amounts available to be paid to individuals were in direct relationship to the value of the Japanese assets held that were available to be liquidated and the number of those eligible for payment under the scheme that was established. Former prisoners of war received a payment under article 16 of the treaty, which was overseen by the International Committee of the Red Cross, and a further payment from the sale of the Burma-Siam railway. When the British Government decided to use the money that it received under article 14 to make payments to individuals, it divided it to make additional payments to former prisoners of war and also to former civilian internees. The eligibility criteria for the civilian internees covered British adults—initially only the head of the family, but subsequently both parents, if both were interned—who were normally resident in this country before internment and who returned here after their release. Children who had been interned were not eligible to receive such payments.

That is why we made the right and proper decision to establish the ex gratia payment scheme. It recognised the unique circumstances of those detained by the Japanese and that the schemes set up in connection with the peace treaty in the 1950s provided a good and effective model for our scheme. In the case of civilian internees, the eligibility criteria of the current scheme were set wider than those of the 1950s scheme so that, unlike then, those interned as children were included and normal residence in this country before internment, and return to this country afterwards, was not required, as it was in the 1950s.

There are many people who are not eligible for payments under the scheme for a number of quite different reasons. My predecessor and I have said many times that their strong feelings and disappointment are appreciated and understood. Any scheme of this nature, however, must have boundaries, and, wherever those boundaries are set, those just outside them will feel that they have not been recognised. The Government have, however, set what we feel to be reasonable and fair boundaries for the scheme and, as I said earlier, nearly 24,000 people have already benefited from it.

I know that the House is always interested in detailed statistics about the number of payments made to specific categories of civilian claimants and the numbers of claims that have been rejected. My hon. Friend has shown specific concern about issues connected with residence in this country since the war and the date by which claims were made, and my hon. Friend the Member for Great Grimsby also referred to that. I also know that there is concern that we have not always been able to supply the figures that hon. Members have sought. I confirm that where the figures are available, we have provided them, and I refer the House to replies to several parliamentary questions that were answered on 8 April 2003, 26 January 2004 and 1 July 2004. However, in some instances, the information sought is not available without checking many thousands of claim forms.

Many claims come from the surviving widow or widower or the person held by the Japanese. In the statistics held, claims from surviving spouses are listed together for all groups and not broken down according to the category of the person imprisoned. Requests for statistics on former civilian internees cannot always be broken down. In other instances, the information now asked for was not required as part of the process of validating the claim and was not sought from claimants, so it is not held by the Department.

I appreciate the concern of my hon. Friend the Member for Hendon and the arguments that he advanced about why and how some people should and could be included in the scheme. I understand his view that the number of people he seeks to include in the scheme could be relatively small. I am afraid, however, that the introduction of new criteria such as those that he suggested this evening would leave us open to complaints of unfairness from former civilian internees who still fell outside the scheme because they met neither the existing nor the new criteria. It would also leave us open to complaints from other groups who would like new eligibility criteria to be introduced for the scheme so that they, too, could be included. Ultimately, the result would be to call into question the integrity of the whole scheme, and I do not believe that that is the House's intention.

I said earlier that I would of course examine new issues that any Member of the House wishes to raise. I noted the points made by my hon. Friend the Member for Eltham (Clive Efford) and I will certainly study the detailed points made by my hon. Friends the Members for Hendon and for Great Grimsby to see whether a further response would be appropriate.

Richard Younger-Ross (Teignbridge) (LD) *rose—*

Mr. Caplin: I am afraid that I will not give way.

In conclusion, I am afraid that I cannot consider any suggestions that effectively seek to reopen issues that have been settled by the judicial processes of the United Kingdom.

Question put and agreed to.

Adjourned accordingly at twenty-two minutes past Nine o'clock.

House of Commons

Wednesday 8 September 2004

The House met at half-past Eleven o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

NORTHERN IRELAND

The Secretary of State was asked—

Northern Ireland Assembly

1. **Mr. Andrew Robathan** (Blaby) (Con): If he will reinstate the Northern Ireland Assembly without Sinn Fein in the light of the Independent Monitoring Commission report. [187641]

2. **Bob Spink** (Castle Point) (Con): What recent representations he has received on re-establishing the Northern Ireland Assembly. [187642]

4. **Helen Jackson** (Sheffield, Hillsborough) (Lab): What progress he has made towards restoring devolved government in Northern Ireland. [187646]

The Secretary of State for Northern Ireland (Mr. Paul Murphy): The Independent Monitoring Commission's report emphasised the importance of participation by all sides of the community in the context of peaceful and democratic means. We are currently engaged in intensive political activity with the aim of restoring stable and inclusive partnership government in Northern Ireland. It is important to draw on the high degree of commitment among the Northern Ireland parties to bring about resumed devolution at an early stage. Recent meetings with all parties have given me confidence that the restoration to Northern Ireland of stable devolved government is within our grasp.

Mr. Robathan: The Secretary of State talked about commitment, but he will know that is over six years since the Belfast agreement was made, and that Sinn Fein, as the Independent Monitoring Commission found out, remains responsible for paramilitary violence. When will the Government say that the peace process will go ahead but without those people, who are inextricably linked to terrorism, go about their murderous business making life hell for many people in Northern Ireland and have failed to give up their weapons as promised six years ago?

Mr. Murphy: The hon. Gentleman will know that one of the two issues that we will discuss next week at Leeds castle in Kent is the decommissioning of weapons, which was part of the Good Friday agreement. He is right that in the past six years we have not had sufficient decommissioning from any of the paramilitary organisations in Northern Ireland. Secondly, the business of paramilitary activity, whether republican or loyalist, must be addressed. In particular, republican paramilitary activity, as my right hon. Friend the Prime Minister said only yesterday, must be addressed before we can restore devolution in Northern Ireland. However, I can tell the hon. Gentleman that next week we will make a very serious effort to try to resolve those difficulties, and I believe that it will be a moment of decision for the peace process in Northern Ireland.

Bob Spink: But does the Secretary of State at least accept that all forms of violence and threats of violence, including punishment beatings and the retention of weapons, are quite incompatible with power sharing? Will he therefore state quite firmly that that will therefore result in the exclusion of Sinn Fein?

Mr. Murphy: There is no point the hon. Gentleman saying "at least", as I have always agreed with that premise—and indeed the Government have always accepted—that there is no place in modern democratic society in Northern Ireland for paramilitary activity of any sort. He will be aware that paramilitary activity has been an issue in Northern Ireland for more than 30 years, and the Good Friday agreement made it clear that it had to stop. For various reasons, it has not stopped in the past six years, but it has certainly diminished. The ceasefire is now 10 years old and Northern Ireland is undoubtedly a better place, but the hon. Gentleman is right to bring to the attention of the House the importance of that central issue.

Helen Jackson: Question 4, Mr. Speaker.

Mr. Speaker: The hon. Lady's question has been grouped, and she need only ask a supplementary question.

Helen Jackson: I am grateful, Mr. Speaker.

I commend the Government and the Secretary of State on the patient way in which they have pursued the restoration of devolved government over the past few years and in the past month. Does my right hon. Friend not agree that it is that patience in making sure that all parties and sectors of the community in Northern Ireland are brought into politics that will ensure the successful reinstatement of devolution?

Mr. Murphy: I am grateful to my hon. Friend. She knows, because she herself was deeply involved at the time of the creation of the Belfast agreement, that we cannot have a lasting accommodation or settlement in Northern Ireland unless it allows for proper power sharing between nationalism and unionism. That means that there must be proper North-South arrangements and a principle of consent, which was enshrined in the agreement. I am certain that every political party in

Northern Ireland that will be present in Leeds castle in Kent next week is serious about trying to make that breakthrough and ensure that that deal is made.

Mr. Eddie McGrady (South Down) (SDLP): The Secretary of State will be aware of the statement from the Chief Constable of the Police Service of Northern Ireland last Thursday, in which he indicated that of the 25 major drug gangs in Northern Ireland, two thirds are run or organised by paramilitaries. Does he accept that much more damage is now being done to our community by drug trafficking, intimidation and other forms of protection rackets than by security-related matters? Will he take that on board at the inter-party talks—and indeed outside the talks—and address paramilitary activities which are not security-related but which are having a much greater impact on our community than those other matters?

Mr. Murphy: My hon. Friend is right to bring to the House's attention the fact that many in paramilitary organisations are engaged in criminal activities, and that those activities have no place in Northern Ireland. They are a corrupting influence on society in Northern Ireland and they must stop—of course they must. I commend the work of the PSNI in dealing with those issues. My hon. Friend, who is a member of the Policing Board, is aware of those matters. He will also agree that next week the central issue of paramilitary activity in all its forms must be addressed if we are to move forward in the peace process.

Mr. Peter Robinson (Belfast, East) (DUP): I know that the Secretary of State will not want to talk up the possibility that the talks next week may not succeed, but yesterday his right hon. Friend the Prime Minister touched on the fact that the Government must obviously consider what they would do in those circumstances. If the talks next week do not succeed because paramilitaries refuse to completely decommission their illegal weaponry and bring to a complete end their paramilitary and criminal activity, the Secretary of State would have only two options, other than collapsing the Assembly as a whole: to have an Assembly without an Executive, or to have an Executive without Sinn Fein. Is he considering those two options?

Mr. Murphy: The Government will have to reflect at the end of next week if we do not achieve what we want to achieve, but, in the hon. Gentleman's words, we have the ingredients of a deal in front of us in Leeds castle next week. The Government are working not on the basis that we will fail next week, but on the basis that we will succeed. We will have to see what happens at the end of the talks. I repeat, though, that the talks next week are a crucial part of the process, a crucial phase and a point of decision, not a staging post in any further discussions.

Mr. Michael Mates (East Hampshire) (Con): But what is the point of going to Leeds castle to discuss decommissioning and the ending of paramilitary violence, since everybody knows that that is the precondition for any political progress? If the Secretary of State goes there without that precondition, is he not simply raising hopes, and in the end will he not disappoint more people than he serves?

Mr. Murphy: The right hon. Gentleman is right to point to the importance of those issues before a deal can be achieved, but there are other issues, too, which we have been discussing in the past two weeks in Northern Ireland—for example, how the Assembly operates, the mechanisms of the Executive, its accountability to the Assembly, and issues such as human rights, equality and so on. Although the right hon. Gentleman is right to point to the principle that is so important in trying to ensure that we get a breakthrough—that is, the end of paramilitary activity, decommissioning, the stability of the institutions and the restoration of confidence—the details of those matters still have to be addressed. That is what we will be doing next week in Kent.

Mr. Seamus Mallon (Newry and Armagh) (SDLP): As the political entourage from Northern Ireland wends its way towards Leeds castle, will the Secretary of State make it clear that while we all welcome the worthy efforts of the Democratic Unionist party poachers to become the head gamekeepers, that Pauline conversion cannot be at the expense of the agreement or any of its institutions? Will the British Government and the Irish Government be the custodians of the Good Friday agreement and protect its integrity, and not on this occasion succumb to the shabby-deal syndrome that has bedevilled so many of these meetings?

Mr. Murphy: I hope there will be no shabby deals. I am sure there will not be, but I can say to my hon. Friend that the fundamentals of that agreement to which we all signed up in 1998 are essential to any accommodation that we can ever achieve in Northern Ireland. I repeat them: there is the question of sharing power, the principle of consent, proper North-South arrangements and other matters. They must form the bedrock of any agreement, but every party that is going to the talks next week, including the DUP, is going on the basis that we want to try and make an arrangement and get a deal that will restore devolution in Northern Ireland.

Mr. David Trimble (Upper Bann) (UUP): This autumn marks one year, which has been frittered away, since the Assembly election, and two years since the Prime Minister said in a speech at Belfast Harbour Office that we have reached a fork in the road. Does the Secretary of State agree that the Government will be left with no credibility if they are still hanging around that fork in the road after the talks at Leeds castle?

Mr. Murphy: The year or two since we had to suspend devolution in Northern Ireland have, of course, been frustrating. No one wanted to suspend devolution, no one wants direct rule and every party in Northern Ireland wants the restoration of devolution. I think the right hon. Gentleman agrees that we have reached a stage at which we must make proper decisions, because we cannot allow the process to drift. We must address those central issues and reach the conclusion that we all want.

Mr. David Lidington (Aylesbury) (Con): May I first wish the Secretary of State well in next week's discussions? Whichever political party we come from, it is in all our interests that an enduring and just peace should be reached in Northern Ireland. The key to

political progress in Northern Ireland is surely that the republican movement, which has an electoral mandate that entitles it to participate in government, should not only use words to say that it wants violence to end but demonstrate through its actions that it renounces and breaks completely with paramilitary violence in all its forms and that it is prepared to offer evidence that that commitment is permanent rather than temporary.

Mr. Murphy: I am grateful to the hon. Gentleman for his kind remarks, and we all wish all the Northern Ireland parties well in their deliberations next week. He is right that words are important, but that they are not enough. He knows that since we last held such talks, the Independent Monitoring Commission has been established to examine such issues. It has an important role to play as, indeed, has the Decommissioning Commission, which is headed by General John de Chastelain.

Mr. Lidington: Is not the logic of the Secretary of State's answer that the British Government should say—as the Republic of Ireland's Government already do—that a party that has failed to make clear its permanent separation from paramilitary violence cannot take part as of right in the government of any part of the island of Ireland?

Mr. Murphy: That was part of the Good Friday agreement, by which Ministers had to sign up to codes of conduct and arrangements that meant that they would renounce violence in all its forms. Paramilitary activity, which must stop, has continued during the past year or so. The best deal for Northern Ireland will tackle paramilitary activity and allow all parties in Northern Ireland to take their rightful seats in the Assembly and the Executive.

Lembit Öpik (Montgomeryshire) (LD): Will the Minister confirm that all outstanding issues relating to the review of the agreement, such as designations and the lack of shared responsibility in the Executive, will be on the agenda during the Leeds castle talks next week to ensure the long-term sustainability of the Assembly, and that we will not face either unilateral agreements with one party or another or quick-fix solutions that do not take us forward?

Mr. Murphy: The hon. Gentleman is right about quick-fix solutions, which no one wants. We have been busy over the past few weeks dealing with the issues that he rightly identifies. We cannot deal with every issue during the three days in Leeds castle, but we will certainly deal with the important issues.

Peace Process

3. **Mr. Alistair Carmichael** (Orkney and Shetland) (LD): If he will make a statement on the peace process. [187645]

The Minister of State, Northern Ireland Office (Mr. John Spellar): As my right hon. Friend the Secretary of State said in response to my hon. Friend the Member for Sheffield, Hillsborough (Helen Jackson) and the hon. Members for Blaby (Mr. Robathan) and for Castle Point (Bob Spink), we are engaged in intensive negotiations with a view to bringing about a complete and definitive end to paramilitary activity and the restoration of the devolved institutions on a stable and inclusive basis.

Mr. Carmichael: Looking forward to the talks at Leeds castle next week, can the Minister assure the House that there are certain lines below which the Government will not go: in particular, that there will be no question of amnesties for those who are on the run until circumstances have been created whereby all those who feel unable to remain in Northern Ireland because of paramilitary threats are able to return to their homes; and further, that there will be no question of people being released or pardoned for crimes before a proper appearance in court?

Mr. Spellar: The hon. Gentleman is right that the issues that he identifies are dependent upon acts of completion. As the Secretary of State said here today and the Prime Minister said yesterday, it must be absolutely clear that any party that wants to sit in Government is not connected in any shape or form with paramilitary activity and that all paramilitary activity ceases completely. That is what we are aiming to achieve next week, and those are the preconditions for the restoration of devolved Government and all the other objectives that we all desire.

Mr. John Hume (Foyle) (SDLP): Given that for the first time in history the people of Ireland as a whole, North and South, have overwhelmingly voted for the Good Friday agreement, the Minister will agree that paramilitary organisations can no longer claim, as they have always done, to be acting in the name of the people. Will the Minister tell all the political parties involved in the talks that it is now the duty of all true democrats to implement the will of the people, which means implementing all aspects of the Good Friday agreement and not trying to renegotiate it?

Mr. Spellar: May I pay tribute to the part that the hon. Gentleman played in bringing about that agreement and, indeed, the much-improved situation in Northern Ireland? Although we still have further steps to go, we should remember that at the peak of the troubles 497 people were killed by paramilitary activity; last year it was nine, and this year, to date, it has been only three. That is three too many, but it is a major difference. The hon. Gentleman is right that the fundamentals of the Good Friday agreement are the basis on which the talks will take place next week. They provide the way forward that we hope to bring about at Leeds castle next week.

Mr. Desmond Swayne (New Forest, West) (Con): Does the Minister agree with the conclusion of the second report of the Independent Monitoring Commission that

"Law enforcement . . . is far from normal"?

In respect of the decision that will be taken tomorrow by the Chief Constable on the full-time reserve, will the Minister explain to the House how many officers will be available for operational duties in each district command unit?

Mr. Spellar: In a sense, the hon. Gentleman answered his own question in the way that he framed it. As he said, the Chief Constable will announce his determination tomorrow. I am afraid that we, and he, will have to wait on that announcement.

Genito-urinary Medicine Services

5. **Mrs. Iris Robinson** (Strangford) (DUP): If he will make a statement on genito-urinary medicine services in the Province. [187647]

The Parliamentary Under-Secretary of State for Northern Ireland (Angela Smith): At present, genito-urinary medicine services are delivered at four hospitals in Northern Ireland. The service has come under increased pressure, and work loads have doubled since 1995. I fully appreciate that waiting times for communicable diseases must be kept to a minimum and that patients should have access to a fast, effective sexual health service. To that end, a number of steps are being taken to address the current pressures.

Mrs. Robinson: I thank the Minister for that reply. However, she will be aware that only four consultants in Northern Ireland specialise in genito-urinary medicine, yet the Royal College of Physicians recommends that there should be one consultant to every 120,000 people. It is a matter of grave concern that we have increasing waiting lists and that we are understaffed in this specialist field of medicine. Can the Minister indicate what is being done to attract doctors, particularly junior doctors, to it? Will she consider extending the outpost clinics to rural areas of Northern Ireland rather than concentrating the services at the Royal Victoria hospital?

Angela Smith: The hon. Lady is right: we do have vacancies for consultants. May I tell her, though, that four specialist trainees are undergoing training and that that is sufficient for projected needs in Northern Ireland. The first of those trainees should be able to take up a specialist consultant's post in about a year's time.

The hon. Lady is also right to consider the way in which we deliver services. We are addressing that issue in terms of prevention and treatment. We are aiming to provide a more holistic approach so that people can access services not only at hospitals but in community settings such as GP surgeries.

Rev. Martin Smyth (Belfast, South) (UUP): The Under-Secretary referred to prevention. Although we welcome the work that has been done on treatment, does she agree that more needs to be done in sex education? Will she have a discussion with her colleague who deals with education to ascertain whether more funding can be provided to educate young people on tackling some of those problems in a world where there is so much pressure on them to experiment before they have an understanding of the issues?

Angela Smith: The hon. Gentleman is correct that prevention is an important part of controlling sexually transmitted infections. I assure him that education plays an important part in the 35 recommendations that the Department is currently considering. We are concentrating on that not only for the young but for the not-so-young.

Royal Irish Regiment

6. **Mr. Gregory Campbell** (East Londonderry) (DUP): What discussions he has had with the Secretary of State for Defence on the future of the home battalion of the Royal Irish Regiment. [187648]

The Parliamentary Under-Secretary of State for Northern Ireland (Mr. Ian Pearson): My right hon. Friend the Secretary of State discusses all relevant issues with my right hon. Friend the Secretary of State for Defence in relation to the profile of the Army in Northern Ireland. The situation in respect of the Royal Irish home battalions has not changed since the statement that the Defence Secretary made on 10 June 2003.

Mr. Campbell: Does the Under-Secretary accept that, when attacks such as the one that happened in the past three hours in a police station in Londonderry occur, it is essential that the Royal Irish Regiment is not only retained but used and deployed to protect police stations and Army installations in Northern Ireland?

Mr. Pearson: I have received a report on the attack on the Strand Road police station. Obviously, the matter is being investigated and I utterly condemn the senseless violence involved. It will not stop us engaging in the talks; we need to move forward.

I pay tribute to the Royal Irish Regiment, which has a distinguished history at home and abroad. As the hon. Gentleman rightly said, it continues to play a vital role. I stress that no decision has been made about the members of the armed forces who would be included in a permanent end-state garrison in Northern Ireland. We are currently recruiting new members to the home service battalions. *[Interruption.]*

Mr. Speaker: Order. I ask the House to come to order—it is very noisy.

Lady Hermon (North Down) (UUP): The Under-Secretary rightly paid a warm tribute to the RIR and its predecessor, the Ulster Defence Regiment. In the continuing discussions about the RIR's future, what genuine, active consideration has been given to creating a fund for UDR widows and their families, akin to the police fund for RUC widows and their families?

Mr. Pearson: The hon. Lady makes an important point. However, that is a matter for the Ministry of Defence, which is aware of the issue. I shall make arrangements for the Ministry to contact the hon. Lady.

Parades Commission

7. **Mr Jeffrey M. Donaldson** (Lagan Valley) (DUP): What plans he has to review the (a) membership and (b) remit of the Parades Commisson; and if he will make a statement. [187649]

The Parliamentary Under-Secretary of State for Northern Ireland (Mr. Ian Pearson): The current members of the Parades Commission have been appointed to serve until the end of next year. I have been considering policy on future parades legislation and structures and I hope to be in a position to bring forward proposals later this year.

Mr. Donaldson: Although we had a relatively quiet summer this year, the Under-Secretary knows that some of the Parades Commission's decisions have caused widespread concern in Northern Ireland. The commission made decisions that were sometimes unnecessary and resulted in appalling situations where there had been no potential for unrest. Far from increasing the remit of the Parades Commission, is it not time for the Government to review its role? Far from resolving the parades issue, the commission is part of the problem, not the solution.

Mr. Pearson: I agree that we have had an overwhelmingly peaceful marching season. Out of nearly 2,200 parades, disturbances, which were mostly minor, happened at only 16. Upholding the rights of marchers and protesters is a difficult problem with which to grapple. The Parades Commission performs its duties in the most difficult circumstances and it needs everyone's full support.

Clearly, we will reflect on the most recent marching season, but let us not get this out of proportion. The two recent marching seasons have been the most successful in most people's living memory. Great progress is being made in Northern Ireland. If we can make sensible reforms to parading legislation, we will clearly wish to do so, but let us not forget the progress that has been made.

EU Enlargement (Agriculture)

8. **Mr. Bill O'Brien** (Normanton) (Lab): If he will make a statement on the impact of the enlargement of the European Union on smaller family farms in Northern Ireland. [187650]

The Parliamentary Under-Secretary of State for Northern Ireland (Mr. Ian Pearson): There is expected to be little impact of enlargement on smaller family farms in Northern Ireland in the short to medium term. Competitive pressures from the new member states are forecast to increase only gradually, and, of course, enlargement brings the potential of new export opportunities for farms of all sizes.

Mr. O'Brien: I appeal to my hon. Friend for greater consideration and assistance to be given to small family farms in Northern Ireland, particularly in relation to pensions and other benefits, which many people will enjoy, but which some of those small farmers will be denied. Will he give serious consideration to the impact on small farms of the enlargement of the European Community?

Mr. Pearson: I appreciate my hon. Friend's comments. Farming is going through a major process of transformation, with the mid-term review of the common agricultural policy and issues such as enlargement. The Department is doing a lot to support farming families. We will continue to review that, and we will take on board my hon. Friend's comments.

PRIME MINISTER

The Prime Minister was asked

Engagements

Q1. [187679] **Mr. John Greenway** (Ryedale) (Con): If he will list his official engagements for Wednesday 8 September.

The Prime Minister (Mr. Tony Blair): Before listing my engagements, I know that the whole House will join me in sending our profound sympathy and condolences to the people of Beslan and Russia. I have spoken to President Putin, and expressed that on behalf of the British people. We share in Russia's grief in this dark hour for that country, and we mourn with the people of Beslan as they continue to bury their dead. The video released last night simply underlines the inhumanity of terrorists who can target and murder children. It is evil that was, until it happened, beyond the contemplation of anyone.

The whole House will also join me in sending our condolences to the families of the three British soldiers who have lost their lives in Iraq since the House rose on 22 July. They were doing an extraordinary and heroic job, and we can be proud of them.

This morning, I had meetings with ministerial colleagues and others. In addition to my duties in the House, I will have further such meetings later today.

Mr. Greenway: First, may I associate my Ryedale constituents with the sympathies that the Prime Minister expressed to the people of Beslan and to the families of British soldiers killed in Iraq during the recess?

What possible justification can there be at this time for cutting infantry numbers by 6,500 and abolishing some of our finest regiments, such as the Prince of Wales's Own Regiment, the Duke of Wellington's Regiment and the Green Howards in Yorkshire? Does the Prime Minister not recognise that that regimental system, sustained and supported by local communities, sets the British Army apart from all others, particularly in the vital role of peacekeeping? Would not it be an act of extreme folly to lose those qualities in these uncertain times?

The Prime Minister: I am sure that the hon. Gentleman appreciates that the amount of money that we are putting into defence is increasing, not decreasing. It is important that we use that money effectively in the future, and the plans put forward, which have the support of the chiefs of staff, allow us to make sure that we can carry out the duties that our armed forces do superbly around the world, and allow us to do that in a modern way. That is necessary, because some of the things that we require today were not required a few years ago. *[Interruption.]* I cannot refrain from pointing out to Opposition Members who are shouting at me that defence spending was cut substantially under the Conservative Government.

Sir Stuart Bell (Middlesbrough) (Lab): Building on the comments of my right hon. Friend the Prime Minister, is it not a fact that to combat the lethal, dangerous and odious relationship between nationalism and fundamentalism, moderate opinion, both majority and minority, in our country and elsewhere, has joined together in attack and condemnation of these horrendous events?

The Prime Minister: What is important, as I said to President Putin in our telephone call, is that we recognise that this extraordinary form of virulent and extreme terrorism is an evil that we all face and that we must confront together. I express my total solidarity with him and with the Russian people in doing so.

Mr. Michael Howard (Folkestone and Hythe) (Con): I join the Prime Minister in expressing our anguish and heartache at the terrible events in Beslan. We shall never forget the haunting images that have filled our television screens in the last few days. I also join him in expressing our deep regret at the continuing loss of life in Iraq, and in particular the loss of the three British servicemen to whom he referred.

Do not these events show yet again that we must be resolute in our determination to defeat terrorism wherever it takes place and to protect the safety of people in our own country? Will the Prime Minister look again at the possibility—about which I wrote to him on Sunday—of appointing a single Minister to be responsible for homeland security, with nothing to think about and nothing to do apart from protecting our people from the threat of terrorism?

The Prime Minister: I join the right hon. and learned Gentleman in, and concur wholeheartedly with, his remarks about the need to fight terrorism effectively abroad and here. It is not simply because it came from him that we have not accepted the proposal for a particular Minister to be in charge of homeland security; it is because we believe that the present arrangements under the Home Secretary work well. I should also say that we have someone who co-ordinates all our security measures across Government and we believe that that works well.

Of course we do this on the basis of advice. If we were advised that there were better ways of dealing with the security situation, we would adopt them, but I actually think that our security forces are currently doing a very good job on behalf of this country. We believe that, given the joint terrorism action centre and the measures taken by the security co-ordinator, these procedures are as good as they can be.

Mr. Howard: I understand the points that the Prime Minister has made, but it is of course for advisers to advise and for Ministers to decide. I ask him to continue to keep this question under review.

Let me turn to other matters. Does the Prime Minister regret the resignation of his Secretary of State for Work and Pensions?

The Prime Minister: Of course I do, because of the substantial contribution that my right hon. Friend made to reducing unemployment and providing help for the poorest pensioners. One of the best things that he did was, of course, implementing the new deal, which has helped 1 million people into work. I hope that the right hon. and learned Gentleman will now withdraw the absurd proposal to scrap it.

Mr. Howard: In that case, why would friends of the former Work and Pensions Secretary—whose departure the Prime Minister has just regretted so much—say that he was

"sick and tired after three months of poison and briefing against him"?

Who could possibly have been responsible for that?

The Prime Minister: Why do we not actually debate the policy? Why do we not debate what we are doing? Let me just tell the right hon. and learned Gentleman what we have done on welfare reform: 700,000 children have been lifted out of poverty, 1.8 million pensioners have been lifted out of poverty and pension credit is helping pensioners by providing up to £1,000 a year. The new deal is giving us 1 million extra people in work and a 30 per cent. fall in new entry to incapacity benefit. That is a record of which my right hon. Friend and we can be proud. Name me a Conservative Government who ever achieved it.

Mr. Howard: Why will the Prime Minister not break the habit of a lifetime and just answer the question for once? He apparently thinks that the membership of his Cabinet and the way in which he runs his Government are of no consequence. He thinks that they do not matter. Well, they matter to his party chairman, who complained last night about the

"ill-discipline and briefing within the Westminster village",

and they matter to his former Chief Whip, who knows a bit about the way in which this Government are run and who has attacked what he called

"the style of government that allows ministers of the crown to be briefed against".

Who is responsible for that style of government?

The Prime Minister: The fact that the right hon. and learned Gentleman is prepared to start debating briefings in the press with me only indicates the utter absence of any policy proposals on his part. He has just published today his proposals on student finance. One would think that he might ask me about them; perhaps he is about to do that. Or perhaps it is because they actually treble the interest rate on student loans that he will not.

I will tell the right hon. and learned Gentleman what the test of a Government is. It is not what appears in the newspapers every day, but this: 2 million extra jobs, the halving of unemployment, the introduction of the minimum wage, the lowest interest rates and inflation for 30 years and 2 million pensioners lifted out of poverty. I said this a moment or two ago, and I repeat it now. What Conservative Government of whom the right hon. and learned Gentleman was a member ever achieved an economic and social record like that?

Mr. Howard: I will certainly respond to the Prime Minister's challenge on our proposals for student finance. I will tell him the difference between his

proposals and ours: Labour has broken its promise and scrapped free higher education; we will keep our promise and restore free higher education. This Government are giving more money to poorer students, but taking it straight back through student fees; we will have lower student debt and grants for poorer students. That is the difference between our policies and his.

Is it not extraordinary that the Prime Minister simply refuses to answer for the way in which his Government are run? In the last few days, his former Secretary of State for Work and Pensions, his former Chief Whip and his current party chairman have all criticised his style of government. Will he now, at the Dispatch Box, accept responsibility for the style of government that they have so clearly condemned?

The Prime Minister: I am glad that I lured the right hon. and learned Gentleman on to student finance, because I would like to talk a little about that. First, his policies have a gaping hole of £500 million in them, which will be withdrawn from universities. Secondly, he says that he would keep student grants for poorer students. Actually, we set that at £2,700. Perhaps he could just confirm that his grant is £1,500, which is a halving of our grant. Thirdly, he would not restore free higher education, because instead of students getting interest rates at the rate of inflation, a commercial rate of interest would be charged, so instead of interest being 3.5 per cent., it would be 8 per cent. That means that the amount that many people on average and lower incomes pay under student finance would treble—a typical Tory policy.

As for the style of government, that is surely a matter of the record of the Government, and the record of this Government is one of which we can be and are proud.

Mr. Howard: Is not the shambles of the way in which the Government are run one reason why they have so completely failed to deliver on their promises? As the Prime Minister's Pension Secretaries come and go, let me quote the words of his first Minister for Welfare Reform. The right hon. Member for Birkenhead (Mr. Field) yesterday said:

"The big issue that ought to be worrying the whole of the Government because it's worrying voters, is that when Labour came to office we had one of the strongest pension provisions in Europe and now probably we have some of the weakest".

Is that not the fact of the matter and the record of the Prime Minister's Government? Is the pensions crisis not down to the failure of his Government and is it not time that he stopped changing his Ministers and started changing his policies?

The Prime Minister: No, I do not agree that we should change the policy, because it has delivered for pensioners, in real terms, £10 billion extra a year. It means that 2.5 million pensioner households benefit from the pension credit and the minimum income guarantee. It means free TV licences for the over-75s, a winter fuel payment of £200 a year, reduced VAT on fuel, restored free eye tests and now the pension protection fund, which will help people whose pensions are unfunded by their employers. All those things will help pensioners now and in future.

But the right hon. and learned Gentleman's proposal on pensions is this: he wants to get rid of the state second pension. Let me spell out to the House what that means. Twenty million people would lose out, including 15 million low-income households and 2.5 million carers. It is a disastrous policy. *[Interruption.]* Oh yes, we will remind people of this from now until election day. His other policy is that the pension credit, which helps 2.5 million people, will be phased out. If that is not the case, perhaps he will stand up at the Dispatch Box and tell us.

Mr. Adrian Bailey (West Bromwich, West) (Lab/Co-op): I associate myself and my constituents with my right hon. Friend's remarks about the tragic events in Beslan and the death of our servicemen in Iraq.

Does my right hon. Friend agree that, ultimately, defeating Muslim terrorism in Iraq depends on the majority of peace-loving Iraqis having a stake in their own community? What assessment has he made of progress in restoring vital public services such as education and health, and other measures designed to improve the quality of life for the great majority of peace-loving Iraqis?

The Prime Minister: What is happening in Iraq and in Afghanistan is vital to the fight against international terrorism. Essentially, in Afghanistan, 10 million people have registered to vote, despite people often being assassinated on the way to registering, and in Iraq we have a UN-blessed process that should lead to elections in January 2005. The terrorists in both those countries are trying to stop the electoral process and the reconstruction, because they know that if we manage to put Afghanistan and Iraq on their feet as stable democratic countries, that is the biggest blow that there can be to international terrorism. I assure my hon. Friend that we will stick with this and see it through, because it is in the interests not only of security in those countries but of global security.

Mr. Charles Kennedy (Ross, Skye and Inverness, West) (LD): May I entirely associate my right hon. and hon. Friends with the very proper expressions of sincere condolence to the citizens of Beslan and their families for the appalling atrocities that have been visited on them, and to the families and loved ones of the three British soldiers who have lost their lives in Iraq since we last convened here?

Returning to domestic pensions policy, does the Prime Minister recognise the fact that the typical woman retiring today will draw a basic state pension of just £51, which is little more than half the full state pension level? When does he intend to introduce steps to overcome that continuing blatant discrimination against women in the operation of the pension system?

The Prime Minister: The interaction of the state second pension, which I was talking about a moment ago, and the pension credit is designed precisely to ensure that we help people on the lowest incomes in particular. As the right hon. Gentleman has asked about pensions, I must say that I cannot agree with his proposal of yesterday, that single pensioners over 75 will get an extra £25 a week by abolishing the Department of Trade and Industry. He says that abolishing the DTI would bring in £8 billion immediately, but that is not the DTI's administration costs, it is the entire budget that it administers. Abolishing it would mean the whole of British science being cut by two thirds and all regional

selective assistance would cease. When we have this debate on pensions, we should at least have it on the basis of serious costed proposals.

Mr. Kennedy: Over coming months we shall certainly have that debate and the ultimate test on the outcome will be decided by the electorate at the general election—but let us get back to the policy that we are living with, which is the Government's policy, which I asked about. The Prime Minister refers to pension credit, yet according to the Government's own figures published today, 2 million pensioners—two out of five of those eligible—are not receiving the means-tested benefits to which they are entitled. He should not be surprised by that, because we know that the Government, again according to their own figures, budget on the very assumption that there will not be that take-up. Surely, in a comparatively wealthy country such as ours, we could now afford, politically and economically, to offer our older citizens the genuine dignity and positive security that they deserve.

The Prime Minister: Of course, everyone in the House would agree in principle with that, but the question is how we are to pay for it. We established the Pensions Commission last year under Adair Turner, which will publish its interim findings in October, precisely so that there can be a proper public debate about not only today's pensioners but future pensioners. There are real issues there and if we want to commit ourselves to funding even greater state provision for people who will become pensioners in future years, we must say how that will be paid for, and we must do so in a realistic way, from the taxpayer base that we have.

I am sure that that will be a major issue over the coming months. When the interim report by Adair Turner's commission is published, we can at least see what the facts are and then what the real choices facing our country are.

Mr. James Plaskitt (Warwick and Leamington) (Lab): In Warwickshire, 35 antisocial behaviour orders have been issued to date—six in my constituency—and 30 more are under consideration. Does my right hon. Friend agree with Chief Superintendent Whitehouse in Leamington who tells me that ASBOs are now much easier to obtain and highly effective in dealing with some of our worst offenders?

The Prime Minister: I think that ASBOs are far easier to obtain now, which is why somewhere in the region of 2,500 of them have been granted. As my hon. Friend would recognise, they are part of a wider range of measures on antisocial behaviour. On the basis of a visit I made to Harlow recently and other visits around the country, I think that antisocial behaviour legislation is now being used by local authorities and the police to make a real difference to antisocial behaviour. There is nothing that makes people in this country angrier than not using the new powers that have been given to the police and local authorities. I urge them to use those powers.

Q2. [187680] **Mrs. Annette L. Brooke** (Mid-Dorset and North Poole) (LD): How much hope does the Prime Minister hold out for making progress on the agreed road map for peace in the middle east?

The Prime Minister: Progress depends critically on two things: first, on an end to terrorism, or at least the best possible methods of achieving that end; secondly, on both sides being willing to negotiate the solution set out in the road map. I hope very much that we can return to the road map. We need to do that—it is vital. I mentioned Iraq and Afghanistan earlier as part of the front line in the war against terrorism, and it is also true to say that progress in the middle east would make an enormous difference to the ability to recruit people to international terrorism.

Bob Russell (Colchester) (LD): What about the wall?

The Prime Minister: Liberal Democrat Members shout about the wall and about Israel. We have made our criticisms of that clear. However, it is also fair and right to point out that innocent Israeli citizens are being killed and maimed by terrorist acts. If we want a lasting solution, we have to stop the terrorism as well as urge Israel to negotiate.

Q3. [187681] **Anne Picking** (East Lothian) (Lab): I am sure that the whole House will welcome the Commission for Africa and congratulate the Prime Minister on setting it up. Does he agree that there is no better cause here at home than that of supporting fair trade? In my own community, sterling work is being done to support the cause and our local authority is planning to become a local authority fair trade council. Will he use his good offices to encourage other local authorities to do the same?

The Prime Minister: I entirely agree with what my hon. Friend says and we support fair trade—about £500,000 goes to various promotions. Sales of fair trade products have risen by almost 50 per cent. in the last couple of years. I entirely agree that it is one important way in which people can show their commitment to those countries that desperately need fair trade to be extended.

Q4. [187682] **Andrew Selous** (South-West Bedfordshire) (Con): Does the Prime Minister believe that it is acceptable that some pensioners have to spend a third of their income in council tax?

The Prime Minister: We would all like to see council tax come down, but it can do so only if councils decide to levy less council tax and if the central Government grant to local government is maintained. I have to point out to the hon. Gentleman that his party's policy is to freeze the grant given to local authorities, which would make a £4.5 billion shortfall in the money given to local authorities. That cannot help reduce council tax for pensioners or anyone else.

Q5. [187683] **David Winnick** (Walsall, North) (Lab): Is my right hon. Friend aware that, if the reports that action will be taken within this fortnight to bring into law a hunting with dogs Bill are correct, it will be warmly

welcomed on this side of the House? Is it not totally unacceptable that the House of Lords should have some permanent veto on a measure that has been carried with such a large majority in the House of Commons? Hunting with dogs is a barbaric practice that should have been abolished years ago.

The Prime Minister: I have said that we will find a way of resolving that issue and we will.

Ministerial Visits

Q6. [187685] **Mr. Anthony Steen** (Totnes) (Con): If he will pay an official visit to Berry Pomeroy castle, Marldon, Devon.

The Prime Minister: I have no current plans to do so.

Mr. Steen: The Prime Minister knows that castles were built in the south of England to repel invaders, mostly from the continent. Increasing numbers of people in the west country feel that the freedoms for which they fought have been eroded by the European Union and that their homes are no longer their castles. Does he agree that we need an early referendum on the European constitution so that Britain can lead the way in that process, and not be the last country to enter it, after all the others have reached a decision?

The Prime Minister: I am afraid that I do not agree with the hon. Gentleman over Europe, but that will not surprise him. However, I point out that the creation of the EU and our membership of it mean that the wars that used to divide our continent no longer do so. It is important that we weigh that in the balance when arguing about whether to be in favour of Europe. However, I will tell the House about Berry Pomeroy castle. I gather from its website that it is haunted—primarily by a blue lady called Margaret.

Engagements

Q7. [187687] **Dr. Andrew Murrison** (Westbury) (Con): Does the Prime Minister agree that mobile phone masts should be subject to normal planning control? If so, when will he amend planning guidance so that local people have a proper say about where they are sited?

The Prime Minister: As I have said on many occasions, our approach to this matter should be based on the science involved and the real safety issues. Of course people should be consulted about where masts are sited, but it is also important that we make the phone system work adequately.

Jane Griffiths (Reading, East) (Lab): Since the House rose on 22 July, we have all had reason to be proud of the achievements of Team GB in Athens. Will my right hon. Friend add his congratulations to my constituent Sarah Webb, who won a gold medal with her team mates in the women's Yngling sailing? Will he also congratulate everyone in Team GB, whether or not they were medal winners?

The Prime Minister: I am happy to send my congratulations to Sarah Webb, to all those who won medals at the Olympic games and to all those who took part. They did superbly for Team GB, and I am sure that the whole House would want to send our best wishes and thanks.

Q8. [187688] **Bob Spink** (Castle Point) (Con): Is the Prime Minister aware that children's hospice week begins on 18 September? Will he acknowledge the wonderful work done by the people in that service? Children's hospices in England get about 5 per cent. of their income from public funds, but the Little Haven hospice in my constituency receives less than 2 per cent. Does he accept that that is wrong? Will he accept responsibility for looking into the matter and not pass it on to the primary care trust?

The Prime Minister: I pay tribute to the considerable work that the hon. Gentleman does in respect of the hospice movement. All of us would like greater funding to go to the hospices. An additional £48 million in funding has been made available over the next three years by the New Opportunities Fund and £15 million of that will go directly to children's hospices. We are always aware of the need to do more, and we will try to do more, but it is important to recognise that we have increased the funding significantly. We will increase it even more, as we can, although that has to be weighed in the balance with other health service priorities.

Mr. Bob Blizzard (Waveney) (Lab): Is my right hon. Friend aware that, since a dispersal order was put in place in part of south Lowestoft in my constituency, the number of violent offences there has already fallen by 49 per cent? Will he join me in congratulating Chief Inspector Sydney and his team? Does not that show that, when local authorities use the measures contained in the Anti-social Behaviour Act 2003, which was introduced by this Government, they are effective in cracking down on crime and antisocial behaviour?

The Prime Minister: I am happy to pass on my congratulations to the police in my hon. Friend's constituency, and to the others engaged in trying to deal with antisocial behaviour. There is increasing evidence from around the country that the powers can work if they are implemented. It is important for Members of Parliament, local authorities and the police to be aware that there are substantial additional powers that can be used, for example, to close down houses used for drug dealing. More than 20,000 fixed-penalty notices have been given up and down the country and other powers allow us to target very young children whose parents do not exercise proper parental responsibility.

There are now a whole series of measures to deal with that and it simply requires imaginative use of them at local level. I am delighted that in my hon. Friend's constituency there is yet another example of how that can be done.

Q9. [187689] **Mr. Simon Thomas** (Ceredigion) (PC): Does the Prime Minister agree with the proposal from the Parliamentary Commissioner for Standards that any Member—any Member—who lies or misleads the House should face investigation from the commissioner?

The Prime Minister: I am sure that the commissioner for standards is right in saying that and I hope that no hon. Member lies to the House. That has always been the case; it should always be the case and, as far as I am aware, it is.

Q10. [187690] **Vera Baird** (Redcar) (Lab): Will my right hon. Friend join me in congratulating the American company, Huntsman, on yesterday's announcement that it will build a £200 million polyethylene plant in my Redcar constituency? The deal was made possible by a £16.5 million grant from the Labour Government. Will my right hon. Friend continue his support for the Teesside chemical industry and does he agree that 120 long-term, skilled jobs for Redcar are a prize that would never have been achieved under the regional policies of the Conservative party?

The Prime Minister: It is obviously fantastic news for the company and the employees because it safeguards almost 800 existing jobs on Teesside and adds more than 100 extra jobs. That is great news for the whole of Teesside. My hon. and learned Friend is absolutely right in saying that it was in part done with regional selective assistance of £16.5 million, and I would simply point out to the leader of the Liberal Democrats that, under his proposals, that money, too, would not have been available; throughout the country, there are massive regional selective assistance programmes that would be cut if their policy had its way.

Access to Literature (Visually-Impaired Children)

12.32 pm

Mrs. Annette L. Brooke (Mid-Dorset and North Poole) (LD): I beg to move,

That leave be given to bring in a Bill to make provision about accessible formats for printed works for visually-impaired children.

The Bill aims to build on the important changes brought about by the Copyright (Visually Impaired Persons) Act 2002. I congratulate the hon. Member for Dunfermline, West (Rachel Squire) and the noble Lord Morris of Manchester on the passage of that private Member's Bill on to the statute book.

However, visually impaired children still face problems in accessing literature. Children who are visually impaired or have other reading disabilities such as dyslexia are not getting the accessible information that they need to ensure that they have opportunities equal to their non-disabled peers, both in education and in leisure reading. Jacqueline Wilson, the popular children's author, has given her support to the Bill and, with many other famous authors, supports the important Right to Read campaign.

Access to literature for visually impaired children, who cannot read standard print text, is made possible through accessible formats such as large print, audio tape or Braille, or synthesized speech for children with a reading disability such as dyslexia.

Visual impairment in children is fortunately a low-incidence disability, with approximately 23,000 children between birth and 16 years of age in the UK affected. I recently met a family in my constituency with a baby born blind and they feel very isolated.

In addition, about 4 per cent. of the population are severely dyslexic. A further 6 per cent. have mild to moderate problems. Synthetic speech output or audiotape is often one of the only ways in which children with dyslexia can access literature.

The Department for Education and Skills states that funding is available for the provision of accessible information through the schools access initiative, which can be used for the production of materials to enable access to the curriculum for children with reading disabilities.

However, recent parliamentary questions have revealed that it is not clear nationally how much money is being spent on access to literature for children with reading disabilities via that initiative. Reports from teachers, support workers and the voluntary sector identify significant shortages.

I am delighted that I no longer hear of cases where children who are wheelchair users are prevented from attending their local schools and that funding is available for appropriate adaptations, but I am concerned about the adequacy of funding for visually impaired children. On making inquiries of the local authorities in my area, I discovered variations in policies. In one authority, any expenditure under £3,000 had to be financed by the schools from devolved funding. The threshold was higher in the two other local authorities.

Despite the obligations laid on schools and local education authorities by the Special Educational Needs and Disability Act 2001, children are not getting the materials that they need or want in the format that they require. Textbooks can cost several thousand pounds to adapt into accessible formats, and specialist teachers spend many hours adapting textbooks for students in individual schools. I have learned of teachers in Dorset this summer spending much time producing "Romeo and Juliet" in large-print format. Currently, there is no national co-ordination of accessible information for schools, leading to duplication and resource wastage.

The Royal National Institute of the Blind's "Shaping the Future" campaign report, published in 2000, found that one in three blind and partially sighted pupils in mainstream secondary schools did not always get their school test and exam papers in their preferred format and that 25 per cent. of secondary pupils in mainstream schools said they did not usually get handouts in a format that they prefer. No major study similar to "Shaping the Future" has been undertaken since the introduction of the Special Educational Needs and Disability Act 2001. However, organisations such as the VI Forum—an e-mail group for teachers and support assistants working with blind and partially sighted children—regularly feature stories of pupils not getting the materials that they need to gain access to the curriculum.

The RNIB carried out an informal survey of teachers, asking them which key stage 3 and 4 textbooks they would like the charity to produce during the 2004–05 academic year. Seventeen subjects and 129 different texts by 22 different publishers were requested, but the RNIB has the capacity to produce only 10 publications in accessible formats. A teacher asked the RNIB to transcribe two music scores into Braille. To cover costs, an £800 charge had to be made for the work, but the teacher had a total annual budget of only £500 for four students.

The Right to Read Alliance has argued for some time that a constructive step would be to increase the schools access initiative budget and provide dedicated funding to support the national co-ordination of publishing in alternative formats and to commission centrally not only specialist books but those for which there would be a particularly high demand.

Given the relatively small number of blind and partially sighted children in the school population, too much financial responsibility has been put on schools. The problem is exacerbated by the diversity of materials that children need and the range of formats. My Bill therefore proposes that national co-ordination of accessible format materials be undertaken to avoid duplication and resource wastage.

A second problem is knowing what accessible information resources are available. Moves towards solving that problem have already taken place with the creation of Revealweb, supported and managed by the RNIB and the National Library for the Blind. That online database contains all the accessible format works available from the not-for-profit sector. It therefore allows anyone—parents and teachers—to search for

[Mrs. Annette L. Brooke]

where they could find an accessible format copy of a book that they need for a child. My Bill proposes that a similar initiative be established to include accessible format works produced commercially. That would enable the parents and teachers of children with reading disabilities to find out whether the books that they are looking for are already available in accessible formats.

There are still cases where a visually impaired child will not be able to access a newly published book at the same time as other children. One of the major barriers that not-for-profit agencies face in making accessible format copies of literature available at the same time as, or soon after, print versions are published is gaining access to the electronic files of the text. If a document has to be scanned and then formatted, months can be added to the time taken to produce accessible formats. Publishers and voluntary sector transcription agencies working together can build relationships based on trust, whereby early access to electronic versions of texts can be arranged. My Bill proposes an improvement to that situation.

The library and statistics information unit at Loughborough university conducted a survey of library authorities in 2000 and found that only 5 per cent. of library authorities had a written policy on services for blind and partially sighted people and that only 25 per cent. had a specific budget for those services.

It also conducted a survey of 600 blind and partially sighted people in 2001 that found that 50 per cent. had not used their public library in the last three years. The other 50 per cent. who had used libraries reported difficulties with using the services on offer. My Bill includes a modest proposal for library services.

In addition to the measures contained in my Bill, I want to raise the issue of the VAT that is levied on the audio books that people with reading disabilities rely on to access literature. I hope that the Government will work at European level to secure a reduction of the VAT levied on audio books, bearing in mind that print works do not attract VAT.

In conclusion, a lack of accessible-format curriculum materials and books is having a profound effect on the opportunities available to children with reading disabilities. A number of solutions are needed to improve that situation and my Bill contains some simple proposals, including dedicated funding within the schools access initiative budget to ensure efficient co-ordination and production of accessible information; the establishment of a complete database of commercially available accessible-format works, to complement the Revealweb database; the establishment of a national repository for electronic versions of texts that have been published to facilitate the transition of works into accessible formats; and libraries to have written policies on services to blind and partially sighted people and allocate a budget for those services. I hope, therefore, that the House will support my Bill.

Question put and agreed to.

Bill ordered to be brought in by Mrs. Annette L. Brooke, Mr. David Heath, Sandra Gidley, Mr. Phil Willis, Brian White, Linda Perham, Rachel Squire, Mr. David Amess and Peter Bottomley.

Access To Literature (Visually-Impaired Children)

Mrs. Annette L. Brooke accordingly presented a Bill to make provision about accessible formats for printed works for visually-impaired children: And the same was read the First time; and ordered to be read a Second time on Friday 15 October, and to be printed [Bill 149].

Opposition Day

[16TH ALLOTTED DAY]

Pensions Policy

Mr. Speaker: We now come to the main business, and I have selected the amendment in the name of the Prime Minister.

12.42 pm

Mr. David Willetts (Havant) (Con): I beg to move,

That this House regrets the Government's failure to tackle the pensions crisis; expresses concern that present and former employees of Turner & Newall and those in a similar position do not know what assistance, if any, they will get from either the Financial Assistance Scheme or the Pension Protection Fund; regrets the inadequacies of Government efforts to encourage people to build up retirement savings in funded pensions; condemns the spread of means-tested benefits; draws attention to the Government's recent failure to deliver benefits to pensioners competently; further regrets the Government's wider failure to reform the welfare system for older people; notes that the National Pensioners Convention is lobbying Parliament on 8th September; and calls for Government action to tackle the crisis in funded pensions and to ensure dignity and security in retirement for older people.

I wish to draw the attention of the House to my interests, which appear in the Register of Members' Interests.

I begin by bidding farewell to the previous Secretary of State, who is sadly not in his place. We will miss him. He was a decent and honourable man—[HON. MEMBERS: "He still is."] It is a pity that he will no longer serve on the Front Bench. Those Labour Members who shouted that he still is decent and honourable might like to reflect on why he was the victim of such a sustained campaign of spinning aimed at undermining his position as Secretary of State. He had to wake up every morning and read over his breakfast comments such as the following:

"Mr Blair is known to be looking for fresh thinking on the pensions crisis after warnings from Adair Turner, his pensions guru, on the seriousness of the situation."

That is what *The Guardian* said. *The Sun* said:

"Tony Blair is alarmed by the failure of successive ministers to grapple with the pension crisis."

Back in July, as the Secretary of State set off for his summer holidays, he had to read:

"Andrew Smith is set for the sack, according to ministerial sources, after failing to tackle the pensions crisis."

We have had a Secretary of State brought down by spin and dissatisfaction at No. 10 with the quality of his performance in tackling the pension crisis.

The right hon. Gentleman resigned two days ago, and we still do not have a Secretary of State to replace him. It is always good to see the Minister for Pensions, who is jovial and amiable—we always enjoy debating with him—but it would be convenient to have a Secretary of State here.

As pensions are in crisis, as we are debating the subject and as the National Pensioners Convention is here, it is a slight oversight that we do not have a Secretary of State for Work and Pensions in the Chamber. I do not know whether hon. Members here are candidates for the post, but I can see a very strong candidate on the Labour Benches.

In the absence of the right hon. Gentleman, perhaps the best person to speak on behalf of the Government would have been the Chancellor of the Exchequer. After all, that important constitutional text, the Granita pact, set aside economic and social policy as a responsibility of the Chancellor, and he has been fighting a successful rearguard action over the past two days to keep it that way. He is the guy who is responsible for the £5 billion a year tax on our pension schemes that has wrought such havoc. He is the guy who is obsessed with introducing more and more complicated means-testing. It is a pity we do not have him here to defend the Government's policies.

So we do not have the right hon. Gentleman and we do not have the Chancellor. Instead, what we have is a shambles, with a serious and growing crisis in our pensions.

Mr. Andrew Miller (Ellesmere Port and Neston) (Lab): I accept that the country faces some serious problems as a result of people retiring now and those who are about to retire. Does the hon. Gentleman accept that part of the problem is the failure of the Pensions Act 1995 to solve the problems facing some occupational pension funds, contrary to what the House was told at the time?

Mr. Willetts: The 1995 Act set in place a regime with the minimum funding requirement and regulation of pensions that was intended. It improved the security of our pensioners. I am afraid that the problem has arisen since 1997 when, among other things, the Government reduced the level of protection provided by the minimum funding requirement. Conservative Members, who have watched a £5 billion a year tax imposed on our pension funds and the reduction in the level of protection provided for the minimum funding requirement, are not going to hear the Labour party suddenly claim that it is all our fault.

Mr. Peter Lilley (Hitchin and Harpenden) (Con): My hon. Friend will doubtless recall that the 1995 Act was introduced to deal with the crisis created by Robert Maxwell removing hundreds of millions of pounds from pension funds. The current crisis results from this Chancellor introducing the Robert Maxwell memorial tax, which removes £5 billion a year from pension funds.

Mr. Willetts: My right hon. Friend puts the point with customary precision and honesty. That is exactly the case and it is good to have his authoritative intervention.

Kali Mountford (Colne Valley) (Lab): Will the hon. Gentleman give way?

Mr. Willetts: I want to make a bit more progress, but it might be possible to hear from the hon. Lady in a moment.

I want to remind the House of what has happened in the past 10 days. Last Monday—only nine days ago—hundreds of thousands of pensioners could not get the pensions to which they were entitled when they went to

[Mr. Willetts]

their post office because an official of JP Morgan in New York pushed the button on the computer programme to stop all payments. That was why for several hours on Monday we all had constituents who were unable to get the pensions to which they were entitled. The House ought to receive a proper explanation from the Minister, which I hope we will hear in a moment, about what went wrong and why the new system, which is being imposed on many reluctant pensioners who would much rather carry on being paid through the order books with which they are familiar, has already crashed and caused such distress.

Michael Fabricant (Lichfield) (Con): Does my hon. Friend think it despicable that just as the Secretary of State has been scapegoated by the Government, the Post Office was scapegoated by the Under-Secretary of State for Work and Pensions, the hon. Member for Gravesham (Mr. Pond), on Radio 4. When he was asked what responsibility he would take, he said none. He said that the Post Office was at fault and the Government were not to blame, but was it not the Government who instituted that system in the first place?

Mr. Willetts: As always, it is everyone else's fault, but never the Government's. The test of their performance on pensions is which is closing more rapidly—the post offices or the pension schemes. I never quite know which it is because they are both closing under this Government.

Earlier this week, the main steel union, the Iron and Steel Trades Confederation Community union, confirmed that it will take Ministers to court for failing to protect its members' pension funds.

I hope that we shall hear from the Minister about what was referred to in the press as the "unsatisfactory negotiations" with the Department that led the union to decide to take legal action.

The latest figures show the scale of pension deficits in our leading companies. The top 100 companies alone have a deficit of £42 billion in their pension schemes with possibly another £20 billion on top of that to cover factors for which they have not allowed.

Kali Mountford: Which of the Conservative party's policies should give us some sense of security about its ability to handle pensions? Would it be the pensions holiday, the cutting of the state earnings-related pension scheme without telling anyone or the mis-selling of pensions? Which of those policies should give us confidence?

Mr. Willetts: I shall turn to our policies for tackling the pensions crisis. I am proud of those policies, and what is happening at the moment—the collapse of funded pensions and the spread of mass means-testing—shows that our policies are needed to get funded pensions going again in our country.

We have had post offices failing to pay benefits, new figures on the state of the pension deficit, and we have seen the Pensions Bill staggering through the House of Lords. There have been new amendments, and clauses tabled and withdrawn. At the latest count, 360 Government amendments have been tabled in the Lords. We read that the Government are so desperate to get their Hunting Bill through that they are willing to contemplate abandoning the Pensions Bill in order to do so. I see the Minister shaking his head. If he can give a categorical assurance that the Government will not abandon the Pensions Bill in favour of their obsession with banning hunting, I would be very interested to hear it. *[Interruption.]* Does he wish to come to the Dispatch Box and give that assurance?

The Minister for Pensions (Malcolm Wicks): The Government and our supporters in the House are absolutely determined to ensure that the Pensions Bill receives Royal Assent. I hope that hon. Members on both sides of the House will ensure that that is done so that, among other things, the protection fund will be up and running in April next year.

Mr. Willetts: I guess that that was the Minister saying that he would not allow the Government's obsession with the Hunting Bill to get in his way. He is the Minister responsible for the Pensions Bill, and I should warn him that some of the briefing has affected him as well. On the BBC "News at Ten O'Clock" the night before last, the political editor said:

> "A senior source told me tonight that the Pensions Bill is still in a shambolic and chaotic state."

That is what No. 10 is saying about the Minister's Bill. He had better watch out because at that rate, I do not think he will be the new Secretary of State.

Mr. Peter Pike (Burnley) (Lab): I know that the hon. Gentleman is an expert on the subject of pensions but does he accept that many of the problems of shortfalls in funding would not have been created if companies had not had pensions holidays when the stock exchange and the market were in a different position a few years ago?

Mr. Willetts: When the hon. Gentleman says "different position", he means everything was a lot better. That is what "different position" means. In that different position, under my party, when pensions had surpluses—those were the good old days—it is right that there were contributions holidays. Of course, there were also increases in benefits for members of pension schemes that went beyond what was necessary according to the terms of the pension or the law of this House. Everyone participated in the benefits of those pension surpluses.

Mr. David Tredinnick (Bosworth) (Con): Will my hon. Friend explain why, if everything is so marvellous and the Government have done such a wonderful job, hundreds of pensioners have come to Westminster today—including some from Hinckley and Bosworth—to complain about the atrocious situation the Government have created?

Mr. Willetts: Exactly. One of the reasons we have called the debate is to show that we care about the plight of millions of our pensioners. The Government cannot even field a Secretary of State to handle the subject. Our pension funds are in crisis, pensions are not being paid through post offices, and we had the latest figures on

pension credit this week as well. They showed that out of the 4.8 million pensioners eligible for the pension credit—as we know from a parliamentary answer from the Minister to me—3.1 million pensioners are claiming it. That means that 1.75 million pensioners eligible for the new means-tested benefit are still not receiving it. After next month, it will be impossible for them to claim the full backdated benefit from the introduction of the new pension credit. As we have always warned, the Minister has a massive problem of low take-up of his complicated means-tested benefits. No wonder the National Pensioners Convention, and just about every outside group, is pressing for the reversal of the pernicious spread of means-tested benefits.

Sir Nicholas Winterton (Macclesfield) (Con): My hon. Friend mentioned in passing the role of the right hon. Member for Birkenhead (Mr. Field). Am I right in saying that the right hon. Gentleman was struggling hard to produce the right results and was about to recommend the unthinkable? If his proposals had been taken into account by the Government and implemented, many of the problems we are facing today would not be with us.

Mr. Willetts: My hon. Friend makes a very good point. Perhaps I could briefly remind the House of the cycle that we have been through. We have been told again this week in the briefing from No. 10 that the Government are about to get serious about reforming welfare and tackling the pensions crisis. We have been through this before. In fact, we have been through it several times. Before the 1997 election, it was stated:

"Social security requires very bold thinking."

The right hon. Member for Birkenhead (Mr. Field) was appointed as the Minister for Welfare Reform because

"Mr. Blair saw welfare reform as crucial to his administration."

Sadly, the right hon. Gentleman left the Government because they were not willing to embark on serious welfare reform.

Mr. Frank Field (Birkenhead) (Lab): The hon. Gentleman has been speaking for almost 15 minutes. Is it not fair comment that both the major parties, looking back on their records, may well regret some of the things that they have done, but they never set out with the intent to arrive at the current position? The crucial matter in the debate is what both the major parties plan from now on. If I catch your eye, Mr. Speaker, I want to talk about the ideas that I advanced, which are ideas for the future. Before the hon. Gentleman sits down, will he give us a clear idea of where the Opposition stand on the matter? Although lots of pensioners are rightly here today, it is pensioners in the country who want to know where all three parties stand before they cast their votes at the next election. During the next election, for the first time ever, the majority of those turning up at the ballot boxes will be pensioners.

Mr. Willetts: The right hon. Gentleman is absolutely right. As he knows, my party has been putting forward constructive proposals concerning the pensions crisis, how to reform the mess of state benefits for pensioners, and how to encourage more funded pensions saving over many years. We shall continue to do so, and I hope to touch on that in my remarks.

However, we are talking about a Government who do not even have a Secretary of State for Work and Pensions to explain their policies on a major crisis affecting our country. The Opposition are entitled to hold the Government to account for that. We have been told again this week not to worry, as the matter is about to be tackled, No. 10 is about to make it a priority and the Prime Minister will focus on it during the third term. To remind everyone, we were told that he was going to tackle it as part of his first term. When the right hon. Gentleman was a Minister, he was appointed to do precisely that.

We were then told that the matter was to be the Government's priority in their second term. They have endlessly produced documents announcing that they are about to start tackling the pensions crisis because they are committed to doing so. We endlessly go through the same cycle, where Secretaries of State come and go, but the situation gets worse and worse. The right hon. Member for Edinburgh, Central (Mr. Darling) was Secretary of State for four years. During that time, an average of 50,000 members were affected by pension schemes being wound up every year. He produced Green Papers, and announced that

"the time for talking and discussing is coming to an end. We now actually need to implement our programmes."

He said that in July 1998.

The Secretary of State who has just left office was there for two and half years. During his time, 60,000 people a year were affected by the winding up of pension schemes. He began the job announcing that he was insisting that reform of welfare was vital to Labour's second term. What has happened? The problem has got even worse. This week's briefing sets out the matter as a priority for the third term. That is not good enough. The Government have been in office for long enough to seriously tackle the crisis instead of making it worse. Millions of pensioners are trapped on means-tested benefits and many pensioners are not claiming the benefits to which they are entitled.

Household saving was 10 per cent. of household income when we lost office, but it is now down to 6 per cent. Funded pensions are in crisis and many of our constituents are worried about the severe financial problems they face as a result of their pension schemes winding up. Tackling the pensions crisis would therefore be one of our priorities in government.

Mr. Jonathan Djanogly (Huntingdon) (Con): Is it not the case that many young people are dissuaded from taking up pensions because of the lack of incentives? Are we not putting ourselves in a position that will lead to our having a disaster on our hands in 20 years time?

Mr. Willetts: Indeed, which is why I should like to turn to our policies for tackling the crisis. We have two central propositions. First, we must reverse the spread of means-tested benefits. We are heading for a situation in which more than half of pensioners will be dependent on means-tested benefits. There is widespread consensus among people who have thought seriously about the subject that we need to reverse the spread of means-testing. I could cite to the Minister for Pensions

[Mr. Willetts]

comments by the charities, the National Association of Pension Funds and the savings industry, but I shall not do so. I shall simply refer him to what he once said:

"No one of sound mind could advocate wholesale means-testing"

Is not the pension credit, which is supposed to go to almost half of pensioners, an example of mass means-testing? Or is the Minister saying that the Chancellor is not of sound mind? Does he still stand by that view? If so, he can join the mainstream consensus, which favours reforming the mess of means-tested benefits for pensioners.

We are committed to increasing the value of the basic state pension by linking it to earnings, not prices, thus reversing the spread of means-testing. We will not, contrary to what the Prime Minister said again in Prime Minister's questions today, abolish the pension credit. However, as the value of the basic state pension rises, fewer pensioners will need to claim the pension credit. That is the right way to implement reform, and that is what we will do.

Mr. Steve Webb (Northavon) (LD): As the hon. Gentleman knows, to some extent I support his analysis of the problem, but could he clarify something? His policy would link the pension credit to prices, not earnings. When challenged, he argued that the Government have not promised anything beyond this Parliament. However, if they promised to earnings-link the pension credit, would he do so as well, or would he price-link it?

Mr. Willetts: If the Government said that they would increase the pension credit in the next Parliament by linking it to earnings, not prices—we are still waiting for a statement of their policy—once we had seen the figures and their modelling we would consider what we would do to the pension credit. We are certainly not obliged, however, to commit ourselves on the pension credit when we have not heard from Ministers. However, it would be interesting to hear the intentions of the Minister for Pensions on the pension credit in the next Parliament.

The first thing that we must do is reverse the spread of means-tested benefits and reform benefits for pensioners. My hon. Friend the Member for Huntingdon (Mr. Djanogly), however, is right that that is only half the story. We must also restore incentives to save and offer people new incentives, so that if they put money into a reliable savings product there will be a clear reward. We therefore propose the introduction of a new lifetime savings account—there will be a contribution from the Government alongside the money that the individuals put in—with the aim of achieving a clear and vivid reward for saving.

I do not know whether the Minister—who knows, he may become the Secretary of State—can signal in his speech that the Government will join the consensus, but I hope that he can. If he agrees that there is too much means-testing and that the Government are going to do something about it, that would be welcomed by hon. Members from many parties.

Ms Sally Keeble (Northampton, North) (Lab) *rose—*

Mr. Willetts: I hope that the Minister can say something about encouraging people to save more for their retirement, as that would also be welcome, but even if he cannot take those big strategic steps—after all, he does not even have a Secretary of State to consult—I hope that he can answer two specific questions about problems facing pension funds. First, however, I shall give way to the hon. Member for Northampton, North (Ms Keeble)

Ms Keeble: What are the hon. Gentleman' proposals for the 86 per cent. of women who work but who do not make sufficient national insurance contributions to receive the state pension? As their earnings are low they are unlikely to be able to save enough to receive a funded pension of the type that he described.

Mr. Willetts: Those women would benefit from the greater uprating in the basic state pension. At present, they do not benefit from the pension credit, as it is assumed that they have a full contribution record and receive the full state pension, even though many of them, as the hon. Lady rightly said, do not do so.

Ms Keeble *rose—*

Mr. Willetts: I will give way to the hon. Lady again—let us continue the pensions policy seminar.

Ms Keeble: I want to press the hon. Gentleman on a point that I would make to the Minister for Pensions, but unfortunately I have to attend Committee. Eighty-six per cent. of women who work do not make sufficient contributions to qualify for a pension, so they do not benefit from the earnings link. Women's earnings are lower, so they do not make enough money to save. What will happen to those women pensioners?

Mr. Willetts: I accept the hon. Lady's concern about women whose earnings are so low that do not receive any contributory state pension at all, but the proportion of such women is less than 80 per cent. Most women who work are earning enough to make contributions, so even though we would increase the basic state pension by linking it to earnings, we would not raise the lower earnings limit as we do not want to take away from women the opportunity to contribute to the basic state pension. I continue to study with great interest research by the TUC and the Fawcett Society on the problem, as I accept that there is a genuine grievance among women pensioners, many of whom were let down when they were not properly informed by the Inland Revenue in the past few years about the opportunity to contribute to the state pension through higher national insurance contributions.

I wish to press the Minister for Pensions on two specific points. First, I am sure that many Members have constituents affected by the winding-up of pension schemes. Sadly, over the summer, we have followed the

problems at Turner and Newall, which could lead to a pension winding-up that would dwarf any previous winding-up.

Mr. Adrian Flook (Taunton) (Con): Dozens of Turner and Newall employees living in Taunton are affected by the collapse of the fund and appear to be trapped in a less well-off retirement. They have heard about a pot of money—I accept that it is only about £6,000 a pensioner—which is meant to help people like them, but I have been told that it will not. Is my hon. Friend as disappointed as my constituents and me by the Government's failure to act?

Mr. Willetts: My hon. Friend is right to raise that issue, which I hope the Minister will address. I have a flimsy document, published a couple of weeks ago by the official Occupational Pensions Regulatory Authority, entitled "The Financial Assistance Scheme and completing scheme wind-ups". It is OPRA's first attempt to make sense of the Government's hurried announcement following pressure from us and their own Back Benchers for a financial assistance scheme. That flimsy document has an even thinner appendix entitled "Current information about the Financial Assistance Scheme", which includes a paragraph that states:

"The Minister of State for Pensions, Malcolm Wicks"—

he is still in post—

"has explained that the Financial Assistance Scheme . . . is for those who have lost out because they worked for companies that have become insolvent and wound up their pension scheme underfunded before the Pension Protection Fund . . . is set up."

The pension protection fund is due to be set up in May 2005, so the financial assistance scheme would cover everyone up to that date. However, at the bottom of the page another paragraph says:

"The current expectation is that the FAS will provide help for members of schemes which started to wind up between April 1997 and May 2004".

If that statement, which contradicts the earlier paragraph, is true and the FAS only runs until May 2004, it is not OPRA's fault as it does not have the faintest idea of what Ministers are up to or what the Government are doing. Many people, perhaps including Turner and Newall employees, could suffer as there is a gap between the deadline for the FAS and the establishment of the pension protection fund.

We cannot allow our constituents to live with such uncertainty any longer. The Minister ought to take the opportunity of this debate to give clear assurances that the financial assistance scheme will cover everybody affected by wind-ups until the pension protection fund comes into force.

Tom Levitt (High Peak) (Lab) *rose*—

Mr. Patrick McLoughlin (West Derbyshire) (Con): I am grateful that my hon. Friend has used part of his speech to highlight the problems that a great number of our constituents will face. Would it not be a disgrace if the employees at Turner and Newall, who paid into a pension scheme in good faith, fall between the two schemes, as my hon. Friend described? Even though there is no Secretary of State, should we not expect the Minister to make it clear that the Government will not allow that to happen?

Mr. Willetts: My hon. Friend is right. I know that near his constituency, in High Peak—I see the hon. Member for High Peak (Tom Levitt) trying to intervene—in Chapel-en-le-Frith, many workers are affected. Workers in Lydney in the Forest of Dean are also affected. Those people are extremely concerned, so I hope we will hear from the Minister. As I have referred to his constituency, I shall happily take an intervention from the hon. Member for High Peak, although I hope that he is not present just because of the rather desperate e-mail sent round by the Minister's office to Labour Members, saying that it was very concerned about the pensions debate and that

"it would be greatly appreciated if you were able to attend at least part of the debate, especially the beginning".

I do not know whether that includes the Minister's speech. If the hon. Member for High Peak can assure us that he is not present in response to the e-mail, we might be interested in his intervention.

Tom Levitt: I am happy to assure the hon. Gentleman and the House that I have not even seen the e-mail. I am here to represent my constituents, who have been mentioned by the hon. Gentleman and others. He and his hon. Friends should not go around giving the impression that the Turner and Newall scheme has collapsed. It has not. Talks are continuing between the trustees, the company's administrators, the trade unions and others to reach a resolution that will enable the company to fulfil the moral obligation that it undertook when it took on its employees who joined the scheme. That must be the primary aim of what is taking place now. Does the hon. Gentleman agree that the more we speak about safety nets and about bailing out, the more likely it is that company schemes will fold in the knowledge that they will be bailed out in future? That is not the way to proceed.

Mr. Willetts: That is a point that the hon. Gentleman might like to put to those on the Government Front Bench. It raises a rather fundamental question about his Government's strategy and the Minister might wish to comment on it. I very much hope that the scheme does not wind up. We are discussing elementary security and insurance for the workers at Turner and Newall if it does wind up in the course of this year. I repeat: I very much hope the Minister will respond to that in his speech. Even in the absence of a Secretary of State, that is the first issue on which we hope the Minister will respond.

The second issue concerns the pension protection fund—the new insurance scheme coming into force next year. Here, I am afraid, the Minister is in danger of misleading many people who are led by him to expect, after the fund is in place, a degree of security in their pensions much greater than it can offer. Let me quote to the Minister his own words in the past few months about the scheme. He said, for example, on Channel 4 news on 21 July that

"our pension protection fund when it comes in in April . . . will bring real guarantees to Britain's pensioners in final salary schemes"—

real guarantees.

[Mr. Willetts]

He said in the same programme that

"existing pensioners in that company will get 100 per cent. of their pension, workers will get 90 per cent."

I often meet the Minister in TV studios nowadays. We ought to meet more in the Chamber as well. He said on "Newsnight" the other week:

"From April, we'll have a Pension Protection Fund. So if their schemes go bust, they won't be left with 30 per cent., they'll get 100 per cent. or 90 per cent., depending on whether they've retired or not."

Everybody has been led by such remarks to believe that there is a guarantee of 100 per cent. or 90 per cent. of their pension, but may I put to the Minister the words of the person whom he has just appointed to chair the pension protection fund, Mr. Lawrence Churchill, who was asked about the belief that the fund will guarantee the pension? Mr. Churchill was asked whether the fund offers a guarantee. The Government-appointed chairman of the pension protection fund said:

"No. 'Guarantee' is a very misleading and misunderstood word—a very dangerous word to use in financial services."

When challenged about how the fund was supposed to pay all the benefits that were promised when it might not have the money to do so, he said:

"We have been given specific powers to vary the levy to make sure our funding position is adequate and have been given powers to vary the liabilities so I do not see how that situation will arise."

"Vary the liabilities" is technical language for changing the pension promise, so the chairman of the pension protection fund has specifically, in public, warned about the use of the word "guarantee", although the Minister has been using it. The chairman specifically said in public that one of his options is to cut the liabilities—to cut the value of the pension promise. If that is what he is saying in public, the Minister should make it clear now at the Dispatch Box that the pension protection fund is not a guarantee and that there is no way that he can promise that people will get 100 per cent. or 90 per cent. of the pension that has been promised.

There are specific powers in the Bill for the chairman and managers of the scheme to cut the level of benefits way below 100 per cent. and 90 per cent., and the incoming chairman has made it clear that he will use those powers if necessary. In the light of that, I hope that the Minister will choose his words much more carefully in future than he has so far on this extremely important subject.

I very much hope that we will have support for our motion from all parts of the House today, because it tackles a widespread concern. I believe that the majority of pensioners and the majority of people in this country want to see the reverse of means-tested benefits.

Sir Nicholas Winterton: My hon. Friend has given a great deal of detail about where the Conservative party stands. Will he go further? Does he agree that the standard old age pension should be exempted from taxation for everyone? Will he go even further and say that the first £10,000 of occupational pension for people who have saved consistently throughout their working lives should be taxed at a lower rate than the marginal rate of tax—at a rate of 20 per cent., rather than 40 per cent. as at present?

Mr. Willetts: My hon. Friend tempts me. One of the many differences between the Opposition and the Government is that the debate on the Government Benches is about which taxes to put up and by how much, whereas the debate on the Conservative Benches is about which taxes we should cut and by how much. I am sure that my hon. Friend's proposal is one of the many imaginative proposals that the shadow Chancellor, our right hon. Friend the Member for West Dorset (Mr. Letwin), will be considering.

1.18 pm

The Minister for Pensions (Malcolm Wicks): I beg to move, To leave out from "House" to the end of the Question, and to add instead thereof:

"supports the Government's strategy to enable people to save securely for their retirement and to promote retirement flexibility and informed choice; welcomes the Government's Pensions Bill and Pension Protection Fund, which will bring real security for over 10 million defined benefit pension scheme members if their employer becomes insolvent and their pension scheme winds up; further welcomes the £400 million Financial Assistance Scheme which will help people who have already lost out; believes that the Pensions Bill will enable many more people to save with confidence with a new proactive pensions regulator, measures to simplify pensions legislation and improved incentives to work past the state pension age; supports the pensions tax simplification proposals being taken forward in the Finance Act 2004, which will replace eight tax regimes with one simplified system; commends proposals in the Pensions Bill to allow individuals to defer their state pension and draw it as a lump sum; welcomes measures to enable people to make an informed choice in pension provision, including new pilots to provide information and advice in the workplace; condemns the inheritance of 1997, with the legacy of pension mis-selling and millions in poverty, whereby many were expected by the previous Government to live on under £69 a week; believes that the Opposition parties' policies will be unfair to the poorest pensioners, unaffordable and unsustainable; commends the Government's historic commitment to tackling pensioner poverty; and welcomes the extra £10 billion that the Government is spending on pensioners in 2004–05 compared with the 1997 system."

First, I take this opportunity to pay tribute to the important work of our former Secretary of State, my right hon. Friend the Member for Oxford, East (Mr. Smith). He served the Government well as a champion of disability rights and as a creator of the new deal, and most recently by driving through the groundbreaking pension protection fund. I and my colleagues shall miss him as a friend in Government, and I hope that hon. Members will join me in thanking him for all his hard work and in wishing him well for the future and for the contributions that he will make in the future.

I start by asking hon. Members to sit back for a moment and imagine a Britain where there are 2.7 million pensioners living in poverty; where the value of the basic state pension has been increased just once in 18 years; where many pensioners are expected to live on just £68.80 a week—and, as a result, some face a stark choice between eating and keeping warm in winter; where pound-for-pound withdrawal undermines the whole benefit system by showing that it sometimes pays not to have saved; where pensioners' benefit forms are 40 pages long; where confidence has been rocked by

pensions mis-selling; and where carers and people with long-term disabilities lose out on building up rights to the state pension.

We have all lived in a Britain like that and we have all got constituents who have suffered in a Britain like that. What new Government could possibly fail to act? That was the Britain that the Labour Government inherited in 1997, and we could not sit back and preside over such an unjust mess.

We are proud that we have cut absolute pensioner poverty by two thirds, lifting 1.8 million pensioners out of poverty; we are proud that about 20 million people gained from the introduction of state second pensions in April 2002, including 5 million carers and long-term disabled people; and we are proud that pension credit rewards those who have saved something for their retirement, but have missed out in the past because the system knocked such savings straight off their benefits.

Annabelle Ewing (Perth) (SNP): The Minister did not mention that after seven years of a Labour Government, one in four pensioners in Scotland still lives in poverty. Surely the Minister accepts that that is a disgrace. The way forward is to replace means-testing with a decent basic state pension.

Malcolm Wicks: Although I might dispute the figures, I am proud of our achievements and am determined to achieve more in the future. I am not complacent about older people who face hardship and do not re-emphasise the legacy that we inherited simply to make comparisons with the previous Government. Although it is important to remember the context in which this Government have acted, 1997 is history and, thankfully, Britain has moved on.

Mr. Mark Prisk (Hertford and Stortford) (Con): The Minister mentions the economic aspect of the pension credit, but what about its human aspect? Is he ashamed that the Government humiliate 70-year-olds by asking them to give personal details, such as the person with whom they live, to perfect strangers in order to pursue the misguided idea of more and more means-testing? Does he understand how humiliating that is for my constituents and others who, at that time in their life, should not have to do such a thing?

Malcolm Wicks: I do not recognise that portrait. The income-testing of pension credit is a million miles away from old-fashioned means-testing. When I speak to elderly people—I may do that more often than the hon. Gentleman—and hear their experiences of claiming pension credit, which happens over the telephone or, where necessary, by a home visit, I hear nothing but praise for the system, which is a reaction also shown by our surveys. The hon. Gentleman should get out more and talk to older people instead of conspiring with others to present a portrait of pension credit that runs the risk of putting off people who need help.

Conservative Members do not always appear to have moved on, which is why I felt the need to begin my remarks by referring to the 1997 legacy. As the Government have acted, Conservative Members have fought to oppose us. I agree with the hon. Member for Havant (Mr. Willetts) that it would have been nice to achieve consensus—I do not agree with Sir Keith Joseph's remark that post-war consensus was a slippery slope to socialism and state control—and he is now a man of consensus who has, in that sense, moved on.

On 8 June 2000, in the House of Commons, the hon. Member for Havant called the winter fuel payment "a gimmick" that the Conservative party would abolish. Well, the winter fuel payment is some gimmick: in the past financial year, winter fuel payments have helped 11.5 million pensioners in about 8 million households by providing £200 at the right time of year, just before Christmas. From last year, households containing someone over 80 years old have received £300. Does the hon. Gentleman still think that the winter fuel payment is a gimmick? I think that it provides important support for all pensioners at the right time of year by taking the fear and the sting out of the arrival of electricity and gas bills.

Mr. Miller: Before my hon. Friend moves on from the 1997 legacy, does he agree that part of that legacy was the way in which the Pensions Act 1995 failed to meet commitments given to this House? Does he agree with me, my right hon. Friends the Members for Birkenhead (Mr. Field) and for Makerfield (Mr. McCartney) and others that people such as the H. H. Robertson workers must be considered sympathetically? Will he closely examine the file on his desk to make sure that those people who were let down by the 1995 Act are protected?

Malcolm Wicks: My hon. Friend has done a great deal to campaign for that group of workers, and I pay tribute to him. Sadly, too many such examples exist and we must examine them carefully. I acknowledge my hon. Friend's remarks about the 1995 Act. I have never made too much of the matter myself because of the complexities of pensions legislation, but we are changing the legacy of the 1995 Act in the Pensions Bill, although I do not want to make a political point about that process.

Mr. Willetts: I want to return to the winter fuel payment because the Minister has mentioned it before and I want to make the position clear. Four years ago, we proposed incorporating the winter fuel payment into a higher state pension, a process by which no pensioner would have lost. That led Labour candidates in the general election to tell pensioners that they would lose their winter fuel payment, without telling them that it would automatically go into their weekly pension payment. That is a typical example of Labour campaigning and we have learned our lesson. We do not propose to change the winter fuel payment in any way, and it will not even be incorporated into the basic state pension.

Malcolm Wicks: To quote the late, great Roy Orbison, "Running scared"— *[Interruption.]* Hon. Members will see why I am not in the Department for Culture, Media and Sport. As a former Minister for Lifelong Learning, I am encouraged that the hon. Member for Havant has learned his lesson and that the so-called gimmick is now part of Tory strategy—some of us were finding it difficult to get to grips with Tory strategy, but it was only because he was speaking at the time.

Mr. Tony McWalter (Hemel Hempstead) (Lab/Co-op): Before my hon. Friend took that amusing intervention, he said that he would not make political capital out of the 1995 Act. However, that Act opened a huge gap between those people in pension funds who were already pensioners and were entitled to the assets of the fund, and those who were not yet pensioners and were forced to take whatever leftovers from the table that their fund could provide. The Government have corrected that injustice and I hope that my hon. Friend is extremely proud of that achievement and will never go anywhere near the foul provisions of the 1995 Act.

Malcolm Wicks: We have learned a great deal from the failings of part of the 1995 Act, not least that the minimum funding requirement was nothing of the kind. Much of the new Pensions Bill is about addressing those issues, and I have been suitably chastised for not attacking the Opposition.

David Winnick (Walsall, North) (Lab): Will the Minister give way?

Malcolm Wicks: I am happy to give way to the second ever Labour MP for Croydon, Central.

David Winnick: Prior to 1997, when the Labour Government introduced the winter fuel allowance, the only scheme was the Tories' cold weather payments. In order to be eligible, people had to be on income support, and even then it had to freeze for seven consecutive days before some £8 was paid. Compare that with what we have done in office—the Tories should be thoroughly ashamed of themselves.

Malcolm Wicks: Again, I would not be complacent because there is still a road to be travelled, but with the winter fuel payment, the home energy efficiency schemes in Scotland and Wales, and the Warm Front scheme in England we are starting to make serious inroads into the horror of the "old and cold" problem, as it has been called, and the problems of fuel poverty. Of course, I am very proud of that.

Now that we have had some clarification of the Conservatives' view of the winter fuel payment, perhaps we can get some help on their view of pension credit. At first, Conservative Members said that they would scrap pension credit. Then they said that they would "reconsider it". *[Interruption.]* I do not know whether the hon. Member for Havant is denying that they would reconsider it. Then they said that they would keep it. But they continue to carp away at what they describe as an extension of means-testing and still pay no attention to the importance of helping the poorest pensioners; that is a key weakness of their strategy. Indeed, last year the then shadow Chancellor, who is now Leader of the Opposition, conceded that under the Tory plan presented by the shadow Secretary of State,

> "Those who are entitled to the pension credit and do claim ... will not be better off"

under the Tory plan. Perhaps the Opposition spokesman will want to justify that in the wind-ups. We, within an overall strategy on state pensions, want to benefit most the poorest and the hard-pressed, who are often women and the older elderly, yet the Leader of the Opposition says, honestly and accurately:

> "Those who are entitled to the pension credit and do claim ... will not be better off".

How does the hon. Member for Havant justify that?

Mr. Willetts *rose—*

Malcolm Wicks: Perhaps he is about to reconsider.

Mr. Willetts: Let me make this absolutely clear. First, there has never been any proposal to abolish the pension credit. We wanted an alternative approach—we were supported in that by the Liberal Democrats and the right hon. Member for Birkenhead (Mr. Field)—but we never said that the pension credit should be abolished. If the Minister has any evidence that we ever said that, I should be very interested to look at it, because it was never in my mind. We want to increase the value of the basic state pension so that fewer pensioners need to receive it. If one increases the basic state pension, it follows that nobody loses. This is a policy in which there are no losers and the gainers are the people who are not claiming the pension credit. The Minister talks about the problem of the poorest pensioners; the problem is that 1.7 million of them who are entitled to the pension credit are not claiming it. They will be the main beneficiaries of our policy: that is why it is better.

Malcolm Wicks: The record will show that, by implication, the shadow Secretary of State agrees with the Leader of the Opposition—I suppose that that is what is one has to do in his position. Under his strategy, those who are entitled to pension credit and claim it will not be better off. That is inevitable, because if the strategy for four years or so is to raise the basic state pension in line with earnings, meanwhile only raising pension credit in line with prices, most of the resource will go to the better-off and less of it will go to the poorer. That is why, although the Shadow Secretary of State is in denial, I pay tribute to the Leader of the Opposition for understanding the unjust statistics that would be involved in the implementation of the Tory strategy.

Mr. McLoughlin: The Minister keeps talking about helping the worst-off pensioners. Why then is the winter fuel allowance paid to everybody irrespective of their income?

Malcolm Wicks: Because our pensions strategy, like all pensions strategies, seeks to strike the right balance between overall support for all pensioners and special support for the most hard-pressed, many of whom are women and the older elderly who do not have full national insurance contributions. Different Administrations will reach different judgments on that balance; I am presenting our judgment. The fact that older people—for physiological reasons and because they often live in the least energy-efficient homes—may suffer from the cold more than younger people is an added reason for the winter fuel payment.

Mr. James Arbuthnot (North-East Hampshire) (Con): I should like to credit the Minister with a genuine wish to help the poorest pensioners, but does he not accept, like the right hon. Member for Birkenhead (Mr. Field), that over a period of years that will inevitably be achieved at the expense of building up the long-term pension provision that this country had in 1997, of which we were able to be so proud and which we sadly no longer have?

Malcolm Wicks: I hope to address those issues later. Obviously, I always take seriously the important contributions of my right hon. Friend the Member for Birkenhead (Mr. Field.). I look forward to his helpful comments: the wounds heal faster than one might think.

Next month sees the first anniversary of pension credit payments. More than 3 million people in Great Britain now receive pension credit, two-thirds—2 million—of whom are women. What is more, more than 1.9 million households receive more money than before because of its introduction.

In today's complex 21st century society, the role of Government in pensions has evolved considerably since Parliament first legislated—courtesy of the Liberals—to introduce the state pension. That was slightly less than 100 years ago. *[Interruption.]* The hon. Member for Havant says that the Liberal proposals of our friend Lloyd George were means-tested. In fact, as I have told the House before, they were subject to two tests—a test of means and a test of moral character. I may also have said that of Members currently on the Liberal Benches half would fail one test and half the other, although I am not sure who would be in which half.

To meet the demographic challenges of an ageing population, Government policy needs to be affordable, sustainable and fair. The Government's approach has rightly targeted extra state support at those who need it most and encouraged private funded provision for those who can afford to save. That has enabled us to strike a fair balance between being fair to the poorest, fair to those who have saved, and fair between generations by not levying big tax rises on future generations. By contrast, the policies of the Conservative Opposition are unaffordable, unsustainable and unfair.

Mr. Geoffrey Robinson (Coventry, North-West) (Lab): Will my hon. Friend give way?

Malcolm Wicks: I will, but then I must make some progress in order to be fair to others.

Mr. Robinson: I am sure that my hon. Friend will come to this point, and I was anxious not to interrupt his exposition, but I am grateful to him for giving way. We have been in correspondence regarding Turner and Newall and Federal Mogul, and I thank him for his constructive tone in that. While in no way wishing to make his difficult position more difficult, he must be aware that that matter affects the constituencies of many Members on both sides of the House and that there is great concern about it. If by some cruel accident of timing the pension were to find itself in limbo between the two schemes, it would be unthinkable to us, and ethically and politically impossible for the Government, were the Government not to take action to ensure that a certain level of provision in line with the pension protection fund was forthcoming.

Malcolm Wicks: I understand my hon. Friend's concern about that issue, to which I shall turn shortly. I certainly understand its importance.

Conservative policies are unaffordable, as even on the basis of the party's own figures there would be a £500 million-a-year black hole by the end of a Tory Parliament. Does anyone really know where their money would come from? Last year at the Conservative party conference, the hon. Member for Havant said that he would abolish the

"useless schemes and wasted money"

of the new deal. He has been quite honest about that. Nearly 1 million people have found work through the new deals, yet the shadow Secretary of State would scrap them. They have been a major contributor to our ability to move back towards full employment and to abolish, among other things, long-term unemployment among young people.

Conservative policies are unsustainable because the earnings link would cost £12 billion by 2020, rising to £69 billion by the middle of this century—2050. No party—certainly, no tax-cutting party—could ever deliver those funds. Moreover, their policies are unfair, because an in-built feature is that within around 20 years incomes for the poorest would drop from 21 per cent. of average earnings to 16 per cent. of average earnings. This Labour Government—indeed, only a Labour Government—have proved able to tackle pensioner poverty while ensuring that our policies are affordable, sustainable and fair.

However, tackling pensioner poverty is only part of the story. Again, I would like to ask hon. Members to sit back for a moment and imagine. This time, I ask them to imagine a Britain where people lose their pensions when their company goes bust and leaves the pension scheme underfunded; a Britain where people are not saving enough for their retirement and individuals have lost confidence in the security of their pensions.

We have seen that Britain all too recently. The challenges that face—*[Interruption.]* The challenge is not to harrumph but to take action. The challenges that face funded pension provision in this country are very real. However, the Government—and only a Labour Government—have acted to meet those challenges.

I have met many of those who lost some or all of their pensions when their employer became insolvent. I have seen what it has done to their lives as I heard their quiet and dignified stories of shattered security and shattered dreams for the future. Sometimes their health gives way through stress, sometimes family life and marriages are affected. All those lives are changed for ever.

However, I have also met people who do not face that risk. Members may remember Mr. Johnson. I first mentioned him on Second Reading of the Pensions Bill. He is 58, has worked for the same employer for 30 years and has contributed to his occupational pension throughout that time. When his employer went bust, Mr. Johnson knew that his pension was safe because he is an American and the US Pension Benefit Guaranty Corporation meant that his pension savings had been protected for decades.

[Malcolm Wicks]

What Government could sit back and watch while hardworking Britons lost their pensions? Not this Government. While Opposition Members were busy declining to give the Pensions Bill a Second Reading—we shall remind them of that in the months until next spring or the following spring—the Government took pride in the fact that, through the Pensions Bill, we were making the pension protection fund a reality. It will bring genuine security and peace of mind to more than 10 million defined benefit pension scheme members. The Government, and only this Government, are building confidence that a pension promise made will be a pension promise honoured.

I am afraid that there is more of the sorry tale of woeful resistance from Opposition Members. Some of those who had their accrued rights cut were employees who worked for solvent employers. When those employers wound up their defined benefit scheme underfunded, non-pensioner members could receive cash equivalent transfer values, which were too low to provide them with the pension that they expected at retirement.

Again, the Government acted. We introduced the full buy-outregulations so that trustees can require solvent employers who want to wind up their pension scheme to buy out members' rights in full. However, as recently as July, the Leader of the Opposition prayed against the regulations. The Labour Government, and only the Labour Government, are building confidence that a pension promise made will be a pension promise honoured.

Mr. Stephen Dorrell (Charnwood) (Con): The Minister passed over the passage in his speech that dealt with the pension protection fund. Will he tackle the question that my hon. Friend the Member for Havant asked: does the pension protection fund constitute a guarantee to members of funds whose employers find themselves in financial difficulties? Is there a guarantee or does the fund have the power to vary liabilities? If the latter, in what circumstances does the Minister believe that the fund may use the powers?

Malcolm Wicks: Our firm intention, as the shadow Secretary of State rightly said, is that if a final salary scheme cannot fulfil its duties through the pension protection fund by taking in and investing the scheme's assets, which are often considerable, and through the levy, which we believe will average £20 a year per member—perhaps less than insuring a summer holiday—we shall have the funds to enable us to pay existing pensioners 100 per cent. and workers and scheme members 90 per cent.

We have learned lessons from the Pension Benefit Guaranty Corporation in Washington. To raise the levy there, the PBGC needs to return to Congress. It is not for me to comment on American politics, but that is a more complex process. We, albeit with a cap, will enable the board of the pension protection fund—a board that is deliberately at arm's length from the Government; it is not a Department for Work and Pensions agency—to raise the levy if necessary.

We have an in-extremis provision because in an extraordinary economic or business situation, in which perhaps several FTSE 100 companies went bust, there might not be funds even after raising the levy. In that case, the board, with the Secretary of State's permission, could cut benefits. The right hon. Member for Charnwood (Mr. Dorrell) is right in that respect but such a provision would apply only in extremis. Calamities can happen in any economy, which would mean that specific things could not be done. However, we have set out the provision in the Pensions Bill and we have discussed it in Committee. We have costed the provision carefully and I am certain that, allowing for even a large company to go bust, we will fulfil our commitments. That is why I, as a lay person, use the term "guarantee."

Mr. Dorrell: The Minister gave a long answer; the issue is complex and I want to crystallise his reply: the pension of the American worker to whom he referred is guaranteed, the British equivalent would not be.

Malcolm Wicks: It is a different situation in the States. We have learned important lessons from the States but any reasonable person who examines the position and understands how to fund the provision, allowing for one big company to go bust from time to time, could use the term "guarantee". I believe that that is reasonable vocabulary. If a meteorite hits Britain, the provision obviously cannot be guaranteed. I am confident that, in 10 or 20 years, we shall look back and appreciate that the provision has been successful. I apologise to the right hon. Gentleman for giving a proper and detailed answer; I shall try to be shorter next time.

Mr. Lilley: Does the Minister agree that, if a levy of around £20 per member of private pension funds, which are not guaranteed by the state, is to be made, it should be extended to members of public sector pension funds, which are guaranteed by the state, including hon. Members? In all fairness, we should not be exempt from making a contribution towards underwriting funds if members of private sector funds have to make such a contribution or have it made for them.

Malcolm Wicks: The right hon. Gentleman is an expert in the matter, but with all due respect, I believe that that is more of a debating point than a substantive point. Clearly, the state ultimately stands behind most public sector pension schemes and we are making reforms to those schemes. For example, we believe that we should no longer have a position whereby one can draw a pension, albeit reduced, at the age of 50. We contend that, in future, that should not happen until the age of 55. That will be discussed with the professions and the unions. Several such developments are occurring. That is the way to tackle issues about funding in the public sector, not the way that the right hon. Gentleman described.

Mr. Djanogly: The Minister is speculating about what may happen in the future. Can he extend his guarantee to those people who are already in such a predicament, for example, the members of the Samuel Jones scheme in my constituency? They are currently left in an insolvent scheme and are consequently suffering.

Malcolm Wicks: Let me make some progress because I think that that would be helpful. In the previous

Opposition Day debate on the subject in February, Opposition Members attacked the Government again, on that occasion for not promising assistance to those for whom the pension protection fund was going to be too late. I puzzled about that. They declined to give the Pensions Bill a Second Reading and then wanted to make it retrospective. Nevertheless, my hon. Friend the Member for Cardiff, West (Kevin Brennan), with several other parliamentary colleagues, admirably led calls to act.

The Government found £400 million without breaking any of their other spending commitments. When I presented that to the House on Report, I outlined a clear set of steps and a timetable for action. Earlier this summer, I spoke at the consultation event and we remain very much on course with the timetable. I am proud that the Government are introducing the financial assistance scheme. As for the hon. Member for Havant, he used warm words but did not even sign the early-day motion tabled by my hon. Friend the Member for Cardiff, West.

I have been asked about the worrying situation at Federal Mogul or T and N—Turner and Newall. Obviously, we are aware of the terrible uncertainties faced by members of the T and N scheme. My colleagues in the Department have met a number of people connected with the scheme since July, including the trustees, the scheme lawyer and trade union representatives. In August, I met concerned Members of Parliament, including my hon. Friend the Member for Cardiff, West, who have an interest in the T and N scheme. I understand that discussions are still ongoing between Federal Mogul, the independent trustees and the administrators regarding the future of the UK pension scheme.

On issues of this kind, may I make a plea that many such cases relating to solvency or insolvency have an extraordinary complexity. Often, a foreign company has an involvement. In the case of T and N, an added complexity is that it faces huge cases relating to asbestos, which has affected the whole future of that company. Let us avoid the knee-jerk questioning about whether we will definitely spend taxpayer's money on this group or that group. It is far more complex than that. We are not yet absolutely sure what will happen to that company or its pension scheme. It is an ongoing issue. I assure everyone in the House that we are keeping the issue carefully under review.

We are on course with the steps that we are taking on the financial assistance scheme. We very much hope that the scheme will be in being by the spring of next year, and that payments will be made as soon as possible. The pensions challenge facing the Government, and Governments across the developed world, are very real. I make no attempt to hide that.

Mr. Willetts: Setting aside the case of Turner and Newall, does the Minister accept that the financial assistance scheme needs to cover all people who lose out from wind-ups until the point at which the pension protection fund comes into force?

Malcolm Wicks: We are acting for the future with the PPF, hence our determination that the Pensions Bill will be on the statute book. I hope that everyone in both Houses will help us with that, and I think that they will. We are faced with more immediate situations, which require the establishment of the financial assistance scheme, with £400 million of the public's money—not because the public were at fault but because it was an important contribution. We have also said that we feel that the pension industry should make a contribution. I am still hopeful about that, and we are still in discussions about it.

We are monitoring carefully any schemes that are now in difficulty. I am concerned about those affected. Given our track record of establishing the PPF and the assistance scheme, we have good intentions about trying to help people. I cannot, however, say more about particular schemes that are in different stages of wind-up.

Through the Pensions Bill, we have taken great strides in bolstering security and confidence in funded pensions. Alongside the pension protection fund, the new flexible and proactive pensions regulator will further bolster security by tackling the risks to members' benefits, while enabling well-administered and secure schemes to continue without unnecessary regulatory burden. While the Pensions Bill is a cornerstone of the Government's reforms, it is only one step on the road to our goal of enabling people to save adequately and confidently for their retirement. Our programme of informed choice measures will empower individuals to take greater control of their retirement planning. Our age discrimination legislation—as well as the improved options for state pension deferral in the Pensions Bill—will open doors to greater opportunity for working longer, breaking the cliff-edge between work and retirement.

I have spoken about the past—in particular, the legacy that this Government inherited on coming into office in 1997. I have spoken about the present and the action that this Government have taken, despite opposition along the way, to tackle the injustice of pensioner poverty and to bolster security and confidence in funded pensions. But what of the future?

First, this Government have had the courage and vision to see the value of independent expertise. We look forward to the first report of the independent Pensions Commission sometime next month and a report from the employer taskforce by the end of the year. The findings of those reports will be of immense value in informing the way that our policies develop to meet the challenges that lie ahead.

Finally, I would like hon. Members to imagine once more: a Britain where pensioner poverty is nothing more than an unpleasant chapter of history; where women no longer face disadvantage in the workplace or in saving for retirement; where the pension protection fund has been set up and is enabling people to look forward to the future with confidence; where individuals are empowered to take control of their retirement planning, and able to take informed decisions about how and when to save and work; and where everyone—employers, trade unions, Government and individuals—are working together to make the British pensions partnership the envy of the world.

That is the consensus that I want. That is our vision. This Government are acting and will continue to act to make that vision a concrete reality.

1.55 pm

Mr. Steve Webb (Northavon) (LD): May I begin by joining in the tributes that have been paid to the outgoing Secretary of State? All of us who worked with him, whether in government or in the House, never doubted for a moment his sincerity and commitment, and we wish him well in his future role, whatever that might be, in the House and beyond.

The Liberal Democrats welcome this debate. No doubt when the former Secretary of State heard that we were announcing our pension proposals yesterday, he looked at them and thought, "There's the answer. No point in my carrying on." Very decently, the Conservatives have given us an opportunity to bring those proposals to the House at the earliest opportunity. We are therefore grateful to both the Government and the Opposition for setting us up in that way.

I have no problem with the Conservative motion. It has been deliberately designed to focus on the analysis that we have in common, and I will ask my hon. Friends to support it in the Division later this afternoon. The opportunity to hear some of the Conservative proposals and to scrutinise them in a slightly more detailed manner has been fruitful. As I mentioned to the hon. Member for Havant (Mr. Willetts) in an intervention, he has a problem. Were the Government to make the pledge that I anticipate—to link the pension credit to earnings—his policy falls down one of two unacceptable routes. If he says, "If the Government are going to link the pension credit to earnings, we will do it as well"—

Mr. Willetts: Could do.

Mr. Webb: As the hon. Gentleman says from a sedentary position, he could do. He would then link the pension credit to earnings, and the pension to earnings, but the gap between the two, as he knows, is huge—£25 a week at the moment. If both go up proportionately, that gap will never close. The chasm of savings disincentives, which he rightly describes, will therefore always be there.

Mr. Willetts: It will get no worse.

Mr. Webb: As he says, it will get no worse, but there will still be a substantial gap between the pension and the means test. All his rhetoric about incentives to save, his buy-one-get-one-free incentives, his lifetime savings account, and so on, will fall foul of the fact that people who do save will be penalised for doing so, because the chasm will remain.

The hon. Gentleman's alternative strategy, which I anticipate him operating were he ever to have the chance to do so in government, would be to break the link between earnings and the pension credit. That is the only way to close the gap, and that is what he wants to do if the Government do so. Compared with what the Government would promise—an earnings link for the poor—he would offer a price link for the poor. While we agree that many poor people fail to claim, more than 2 million poor people still do claim. For a Conservative party to stand for election on the grounds that it will give less money to poor pensioners than the Government would have done is the wrong priority and unacceptable. Either he does less for the poor, or he fails to tackle the savings incentive problem, if that is what the Government pledge. I therefore hope that the Government will pledge that, and I will be interested to know how the Conservatives will square that circle.

Naturally, the principal concern must be the direction in which the Government are taking us. I was dismayed by the Minister's response today. We all enjoy his bloke-ish style, but when we are dealing with matters of precision and entitlement, and with people making choices about their financial future, we need more than just being a good bloke. To say, "I am a layman, and when I say 'guarantee', we all know what I mean," is just not on. People have made mistakes about their future pension provision on the strength of Government leaflets that tell them that their pensions are guaranteed. We have discovered that the guaranteed minimum pension is not guaranteed after all. For the Minister, not having learned the lessons of the last few years, to tell people, "Don't worry, your company pension is now guaranteed," when it turns out that it is not, is unacceptable.

I hope that the Minister will take a message from this debate: however much he might like to be informal, people expect the Minister for Pensions to be the one person who is precise in his choice of language, so that they know where they stand.

Mr. Willetts: The hon. Gentleman will be aware that there are two theories about why the Minister goes around saying this. One is that he does not understand what he is saying. That is ungenerous. The other is that he is being very clever, and that every time he says the pension is guaranteed it becomes more difficult for the Treasury ever to do anything other than pay 100 per cent., or 90 per cent. At some point in the future someone will go to the Treasury and say, "You must cough up to rescue the pension protection fund after everything I have been saying." I do not know which theory the hon. Gentleman endorses.

Mr. Webb: Given a choice between whether the Minister is very stupid or very clever—*[Laughter.]* If it is a subtle negotiating ploy—and if it is, it is beyond me—it is a high-risk strategy. People are going to make decisions based on it, and if it does not turn out to be successful, other people will be vulnerable. That would worry me.

I am also concerned about the Minister's response to the perfectly proper question asked by the hon. Member for Havant about the position of workers between the time when the priority order on wind-up changed and the time when the pension protection fund comes in. I gather that in the other place Baroness Hollis has started referring to that period as the "sandwich year". I accept that we cannot talk in great detail about individual schemes. It may well be that the Turner and Newall workers' pension fund will not be wound up, and obviously we all hope that that is the case. But workers of that sort, and many others, want to know where they stand.

When the financial assistance scheme was presented to the House during the Report stage of the Pensions Bill, the Minister never said, "This will not apply to people from now on." If I am wrong I am happy to be corrected, but I am convinced that at no time during the

hours we talked about the issue were we told that the protection would not apply in future. I do not suppose that, when we voted just a few months ago, a single Labour Member thought that if a firm in his constituency went to the wall after the vote, there was a danger that it would not be covered by the hardship fund. I do not suppose that one of the Minister's colleagues was aware of that.

And the Government have not even decided yet! The Bill will finish its progress through the House in a few weeks. When will the Government make up their mind? People need to know where they stand now. I find it extraordinary that the Minister says, "Well, we are still thinking about it." I think that that is totally unacceptable.

When the financial assistance scheme was proposed, we were promised something else on which the Government are now backtracking. We were promised a three-yearly review, which was another sop to the Back Benches. "Yes, perhaps £400 million is not enough," we were told, "but do not worry—we will look at it again in three years." The workers who have been suffering as a result of wind-ups, who have had meetings with the DWP, have been told by officials that the three-yearly review was not about the amount of money in the scheme, but about how it was carved up. If in three years' time it is proved that there was not remotely enough money, the Government have made no undertaking to increase the amount.

The basis on which the Minister's hon. Friends accepted his compromise is being undermined by the day. Four hundred million pounds was never enough. The promise was of a three-yearly review; but if the review does not examine the amount and the adequacy of that amount, what is the point of it?

Mr. Dorrell: Varying the liability.

Mr. Webb: Indeed.

We have grave concerns about what is being done for the security of occupational scheme members, and also about where things are going with pension credit. As the hon. Member for Havant said, we are given new figures each month about how they are going. The most recent figures, which have just come out, show that pension credit is running out of steam. The most recent month was the worst month ever for new cases: just 33,000 people went on to pension credit, while 1.7 million are missing out on the money to which they are entitled. The Government are not even beginning to scratch the surface.

Can the Minister confirm that every one of those 1.7 million who are missing out is, by definition, living below the poverty line—that every one is living below the minimum level that society considers adequate? If all those people are living below the poverty line, when the Minister talks about doing more for the poorest pensioners he should be concentrating on them. His policies are doing nothing to assist Britain's poorest pensioners. *[Interruption.]* They do not get the money. If they do not get the money, it is very hard to see how they benefit.

The Minister talked of the past and the future. There are three possible futures. The Minister's strategy of mass means-testing does not just apply to the 50 per cent. of all pensioners who are currently entitled to means-tested benefits; it is a projection that perhaps three quarters of all pensioners will be entitled to means-testing. This is the paucity of the Government's vision. Over seven years, the Government had a chance to establish a long-term vision of the sort of society in which they wanted older people to live. The vision that they have set before us is one of mass means-testing, in which three quarters of pensioners retire too poor to live on what they have accumulated, and have to go to the Government for a top-up. How can that be the vision that we want for the future?

When the Prime Minister was quizzed by a journalist at his press conference yesterday—"What is your answer to the pensions crisis, Prime Minister?"—he began by talking about welfare to work and incapacity benefit. Then he suddenly realised that that was not the answer to the pensions crisis, and said, "Well, we have asked Adair Turner." Seven years in, the Prime Minister's best answer on the pensions crisis is, "Adair Turner will report next month with some analysis"—to which we all look forward—"and after the election he will tell us what his recommendations are. Then we might look at the pensions crisis." That was the Prime Minister's answer. If the Prime Minister does not know how things are going, what hope is there for pensioners?

The Government do not seem to have a strategy for tackling the imminent crisis, but their long-term vision—their target—is the means-testing of three quarters of all pensioners. That is not a future that I want to see.

Tom Levitt: Surely the hon. Gentleman accepts that when resources are finite, it is necessary to focus them on where they will produce most benefit in order to meet a target. That means focusing most help on the pensioners who are most in need. How can the hon. Gentleman justify the alternative philosophy—relieve poverty and make the poorest pensioners better off by giving more money even to the richest?

Mr. Webb: I am slightly puzzled by what the hon. Gentleman has had to say. Perhaps he has not been listening. The poorest pensioners in the land today—this is a statement of fact—are those who are entitled to, and not claiming, pension credit: 1. 7 million of them. If the hon. Gentleman can tell me how putting extra money into pension credit helps any one of the poorest pensioners in the land, I should love to hear it. But clearly it does not: it does nothing at all for those people. The central plank of the Government's strategy does nothing for them. What does do something for a good many of them is using the basic state pension which they do all claim. We propose to focus on the older pensioners—those over 75—the majority of whom do not claim. We are focusing on the poorest pensioners by using age as an indicator.

Tom Levitt: I acknowledge that some pensioners have a difficulty with claiming anything to which they are entitled. They need help. Surely the hon. Gentleman accepts that take-up levels for pension credit are far higher than they ever were for income support in the days when pension credit did not exist. I hope he will take this opportunity to pay tribute to those in my

[Tom Levitt]

constituency, in the Gamesley ward, who have ensured that 97 per cent. of all pensioners are claiming the benefits to which they are entitled.

Mr. Webb: I suspect that the proportion of those entitled to pension credit who claim it is lower than it was under income support. I do not know why the hon. Gentleman mentioned that ward—perhaps there is a by-election—but what about the people whom he claims to represent who are not covered by this complicated system? He seems to think that just a few more advisers or another helpline will crack it, but it is endemic. It is systemic. It is part of the structure of these benefits that they have high non-take-up rates. Another advertising campaign or another leaflet will not solve the problem.

The one thing that these people all claim is their pension. That is the only genuine—now I am going to use the word guarantee, and I mean guarantee. Putting the money in the pension guarantees that it will reach the people who are entitled to it.

One blueprint, then, is mass means-testing. The second option, the Conservative alternative, has some threads in common with our proposal, and I have some sympathy with elements of it. Using the basis state pension as a mechanism is clearly better than using mass means-testing. My difference with the hon. Member for Havant is this. We know that, because of a decision made by the Conservatives 25 years ago, the basic state pension has declined dramatically relative to the earnings that it attempts to replace. Retirement pensions are about replacing what people used to earn; if a pension is becoming a smaller and smaller percentage of average earnings, it is doing less and less of a job. The hon. Gentleman's decision to re-link pensions to earnings at a pathetic level, making them useless, by definition freezes the pension at that percentage of average earnings. It does nothing to raise it to a better level.

Therefore, for a long time to come under his proposals, large numbers of pensioners would still need to claim means-tested top-ups. I think that he proposed a figure of £7 by the end of the Parliament. That is a small step in the right direction, but the pensioners who lost the most from the Conservatives breaking the earnings link— they were perhaps 60 when Mrs. Thatcher, as she then was, broke the link—are now in their 80s and cannot wait for the hon. Gentleman to get round to bringing the pension up to a decent level. They will no longer be around then, and a figure of £7 by the end of the Parliament is no good for someone in their 80s who is getting a pathetic pension. That is why we want to concentrate on the "old" elderly as a first priority. That is my difference with the hon. Gentleman on how one improves the basic pension, which is a legitimate area of debate.

Let me explain my second concern about the Conservative approach. The hon. Gentleman wants to encourage private savings, which is obviously a good thing. He talks about the lifetime savings account, which is still not terribly well defined. We do not know much about it, but we do know that it is an instant access savings account. People can take their money out any time they want, so if they get a big credit card bill or they want to go on a nice holiday—Conservative Members might want to pay their children's school fees, for example—they just dip into the fund. An instant access savings account is apparently the solution to the pensions crisis and to the fact that not enough money will be ours, guaranteed, in 30 years' time.

I do not follow the logic. The hon. Gentleman thinks that if people know that they can have their money, they will put it into the account. Well, they might, but they might also take it out, so I do not see how such an account would solve the problem.

We are having a constructive debate, and I have a further query that the hon. Member for Eastbourne (Mr. Waterson) might be able to answer when he winds up. The hon. Member for Havant has this "buy one, get one free" notion, which is quite a good slogan. "Bogof" is the phrase he uses—at least, I think that is what he said. The idea is that the state matches savings pound for pound. However, given that he proposes no overall increase in taxation, that money must come from somewhere. Either he intends to take some of the pension tax relief to pay for his incentives—I do not think that he plans to change pension tax relief, unless there is something he has not told us—or to take some of the national insurance rebates. That sounds quite redistributive, but he has not been very up-front about who would lose. If one matches the savings of small savers and pays for that from somewhere else, one has to take money off someone, somewhere. The hon. Gentleman has been a bit coy about where that money would come from. I presume that it would come from higher earners, because they get the big rebates, but funnily enough we have not heard anything about that. There is a sense that we are getting a little more of a fleshed-out Conservative policy, but it is still extraordinarily vague. I hope that we will get more detail from him this side of the election.

Kali Mountford: Before the hon. Gentleman moves off the funding of Tory policies, perhaps he would like to advise the House about the funding of his own. Given what he has just said about the rather light presentation made by the hon. Member for Havant, perhaps he would like to flesh out his own presentation.

Mr. Webb: I am grateful to the hon. Lady for that invitation, because that is precisely what I was planning to do. We have taken the view that the fundamental problem for both today's pensioners and tomorrow's is sorting out the basic state pension. Sorting that out would deal with today's extremely poor, who do not claim the means test, but it would also deal with the incentive to save. If we get the pension clear of the means test, anyone who saves a pound would keep it, and it would be worth saving. Tackling the basic state pension is therefore a good answer for today's pensioners and for today's workers, who are tomorrow's pensioners.

Mr. McWalter: Will the hon. Gentleman give way?

Mr. Webb: I should make progress as the debate is only short, but I will certainly deal with the point that has been raised.

How do we tackle the basic state pension? We have argued that we need to start with the oldest pensioners. The pension has fallen so far for so long that we cannot

deal with the whole thing at a stroke, so we would start with the oldest pensioners, who the Minister said tend, on average, to be the poorer pensioners. I am glad that he agrees with us on that. For the over-75s, we propose to raise the basic state pension to the original level of the minimum income guarantee—£105—to link that to earnings and, critically, to pay it on the basis of citizenship, not according to the record of national insurance contributions.

As my right hon. Friend the Member for Ross, Skye and Inverness, West (Mr. Kennedy) said when he challenged the Prime Minister today—the House will have noticed that he got no answer—women continue to be the poor relation on pensions. It is unacceptable that at the start of the 21st century, the typical woman—not an extreme, hypothetical case—retires on a basic state pension of just over £50 a week, even though the full pension is £80. How can that be acceptable? We do not think that it is. Society should stop saying that the work that women have done in the past—caring for children and elderly relatives, and doing fairly menial, meagrely paid part-time work—should not be rewarded. Rather, it should be properly recognised in the pension system. It is no good saying that it will all be sorted out in 50 years' time, which is the Government's schedule. They talk about the state second pension, but it will not be fully in place for 50 years. Those women need justice now, which is why we propose a citizenship basis for the pension.

Once we have got the basic state pension structure in place—we want to extend it, but we would have to start with the over-75s—the question arises as to where the £2.7 billion, which would be the net cost in the first full year, rising to just over £3 billion by the end of a Parliament, would come from. My colleagues and I have been considering the entirety of what the Government do. As a whole, they spend some £500 billion on the entire range of activities. If neither of the principal Opposition parties can say that it would have a different priority in respect of 1 per cent. of what the Government do, we might as well all give up and go home. If we cannot say that 1 per cent. of what the Government do would be a lower priority for us, and that spending money on other things would be our higher priority, there is no difference between us. We have looked at what the Government do, and the Liberal Democrat shadow Chancellor, my hon. Friend the Member for Twickenham (Dr. Cable), will present a full and detailed breakdown of the £5 billion figure that we have identified.

Let me give a concrete example. The Prime Minister was mistaken in what he said earlier. He suggested that the £8 billion that we referred to in respect of the Department of Trade and Industry was more than is spent on administration and that it applies to the whole DTI, but he did not understand that that figure is for the entire Parliament, not a single year. Our policy requires that a Parliament run for four years, so the sums add up perfectly well.

Through the DTI, we spend hundreds of millions of pounds subsidising arms exports to dodgy regimes. The Government may think that a good thing; we think that there are bigger priorities. We would not cut the number of paperclips or bureaucrats, but we would cut one of the things that the Government do in order to free up money for something that they should do more of. We have a list of such things, and that is the basis on which we could fund the first round of pension improvements in the short term.

The citizens pension is the central and first element, and I will touch briefly on the company and private sectors. There is too little confidence in company pensions. Too many people have lost out, and they should be properly protected, as we discussed at the start. We want people to have to opt out of, rather than into, their company pensions. The hon. Member for Stalybridge and Hyde (James Purnell) suggested that, and we think it a good idea.

On personal pensions, there is the idea that National Savings should run a personal pension scheme. It is a brand that people trust and it will not go bankrupt or fleece people with charges. There needs to be a way for people to save with confidence.

Let me draw the threads together. A decent basic state pension would tackle pensioner poverty today and give people confidence to save. If they were clear of means-testing—the chasm whereby saving is not worth doing was created by the Government—the incentive to save would be restored. The state would be doing its bit, and the individual would be free to choose by how much to top up in old age, or how much they want to spend now. That seems the right combination. The future that the Government are offering is not one that most people would want to retire into. Our proposals would provide a much more positive future for the pensioners of today and tomorrow.

Several hon. Members *rose*—

Madam Deputy Speaker (Sylvia Heal): Order. I remind right hon. and hon. Members that Mr. Speaker has imposed a 15-minute limit on all Back-Bench speeches.

2.18 pm

Mr. Frank Field (Birkenhead) (Lab): Like other contributors to the debate, I begin by paying tribute to my right hon. Friend the Member for Oxford, East (Mr. Smith), who was until very recently the Secretary of State for Work and Pensions. When I first entered the House and worked with Neil Kinnock, who became the Leader of the Opposition, he used to refer to a member of the Government as being 100 per cent. pure grease. I think that all of us in the House know that the former Secretary of State was 100 per cent. real decency. He was distinguished in his extraordinary ability to undersell his qualities, unlike most politicians who reach that rank. The Minister hinted that he hopes that we will see my right hon. Friend in many different roles in future, and I certainly underscore those comments.

I hope that not only the Whip on the Treasury Bench but the Prime Minister, as he considers his reshuffle, will note the Minister's contribution in defending the Government's policies. Indeed, I hope that he will be more ambitious in his reshuffle than even the press are hinting at. There is now a galaxy of Ministers of State who would be real additions to the Cabinet as we face the next general election. My hon. Friend always says that he worries when I speak that I might be wounding him. Our friendship goes back a long way and I know

[Mr. Frank Field]

how deep his St. Sebastian complex is. I hope that nothing I say today or any other day will have the effect that he fears.

We face a real crisis in our long-term pension provision, because in the past we could disguise the fact that our state retirement pension was inadequate because our occupational schemes were such a success. That crucial prop now looks less certain than at any time in the past 50 years. When the Prime Minister says that he is serious about long-term pension reform, I hope that he will read this debate and consider contributions from all parties in the House for the remoulding of what the consensus should be. Conservatives, Liberal Democrats and Labour Members have all spoken about the long-term reform that is needed in this new and uncomfortable situation. Sadly, it is no longer the case that most of our constituents will have adequate occupational pensions to make up for the inadequacies of the state provision. We need now to review our schemes root and branch.

Part of the problem arises because the Chancellor has been so successful in helping the poorest pensioners now. No one in the House disagrees that the most urgent demand that the Government faced on coming to power in 1997 was to tackle the deepest poverty in our country, which was found generally speaking among pensioners, and as the Liberal Democrats rightly say, among the oldest pensioners in particular. However, the Government's policy is inadequate in that if we rely solely on a means-tested pension credit approach, we may help the poorest pensioners now but we begin to affect on an increasing scale the behaviour of the rest of our constituents. If about half the working population cannot save and know that they will make themselves better off if they blow all their savings on having a good time and rely on taxpayers when they retire, that not only spells a serious fiscal problem for the state but raises some fundamental questions about how we think free societies survive. I do not believe that a free society can survive in the long run if there is an increasing number of people in work whose standard of living is determined by one of the tax credits for those below working age, so that regardless of how long or hard they work or of whether they get a new job or qualifications, they face a marginal tax rate of 70 per cent.

Mr. McWalter: Does not my right hon. Friend welcome the fact that if a pensioner has the full single pension of £80 and has saved to get an occupational pension of £20, the pension credit will top up their income to get beyond what they would have had if they had not saved in the first place?

Mr. Field: I do, but it would have been much simpler to have disregarded the income in the first place; then we would not have had to have this hugely complicated scheme that we now suffer.

Before that valuable intervention, I was trying to say that while we need to debate the details of policy, we should also have clear in our mind's eye how we think free societies survive and how our policies can contribute to that. I applaud the Government for wanting to help the poor in work and the poor in retirement, but that was never by itself an adequate strategy, and it is certainly not adequate when it affects people's behaviour by making them better off claiming benefits than trying to improve their own lot.

Some suggestions have been made today that are valuable in trying to build a long-term consensus on the next stage of pensions policy. I welcome unreservedly the Conservative Opposition's proposal to freeze the uprating of pension credit eligibility and divert the money. We will never free ourselves from an expanded means test net unless we are prepared to take such decisions. Similarly, I welcome the Liberal Democrat proposal of significantly increasing the retirement pension for the very oldest of our constituents. It is a form of selectivity that works, in contrast with all the difficulties encountered with means-testing. It is selective in going only to those of a certain age, but we know from all the published figures that they will tend to be among the very poorest in our communities. Some, thank goodness, will have adequate pensions, but they are a very small minority, and even if they began their retirement life with an adequate pension, once they are into their eighties, with only price inflation, the situation looks very different.

The basic question concerns the state retirement pension itself. Unlike when the Government first came to office in 1997, we now have a consensus including everyone in the country—we wait only for the Government to join it—on the fact that no long-term pension reform can possibly get off the ground unless we make strides to increase significantly the first pension, which everybody claims.

There are proposals for a pay-as-you-go scheme and others, with which I am associated and which I put to the Prime Minister before I resigned, for a universal protected pension combining pay-as-you-go with a funded scheme. As the Government and the Department for Work and Pensions know, and as No. 10 knows, we have asked the assistant Government actuary to recost those proposals. One of the excitements is whether we will get those recostings before the assistant Government actuary retires. Those details will be very important to the debate that I believe will evolve after Adair Turner makes his first report from the Pensions Commission. I hope that the Government will use the opportunity of that report to say that we have done very well in tackling the immediate poverty that pensioners now face but we have not yet turned to the longer run and laid the foundations for a reform that will command support not only in the House but—more importantly, because we come and go as Members of Parliament—among the electorate. The starting point must be proposals for significantly increasing what we used to call the state pension—a benefit that I hope will be called in the near future by another name.

It is good fun to knock the Opposition for saying that they would freeze pension credit, but everyone who looks seriously at this question knows that at some stage someone must have the courage to freeze it before it gets even more out of hand.

It is easy to poke fun at the Liberal Democrats for wanting to channel some of our existing resources to the oldest pensioners, but any serious person knows that that should be part of the new consensus.

Those two reforms alone will not deal with the pension crisis that people are lobbying us on today. We also have to tackle the most fundamental of the issues—the inadequacy of the state first pension that we all require. We did not have to face that problem in 1997 because the weakness of the state pension was covered by the generosity of a growing occupational pension scheme. That option is no longer open to us, and I hope that, long before the next election, the Government will lay proposals before the country making it clear what specifically they would do about this matter when we win our third term of office.

2.30 pm

Mr. Peter Lilley (Hitchin and Harpenden) (Con): The greatest domestic failure for which the Government will be remembered is having presided over the collapse of the British pension system. I pay tribute to the right hon. Member for Birkenhead (Mr. Field), who has just made a characteristically positive and objective contribution to the debate, for having done more than anyone to highlight the scale of that failure and the seriousness of the problem. He pointed out that, as my hon. Friend the Member for Havant (Mr. Willetts) said earlier, the incoming Labour Government inherited what was probably the strongest pension regime of any country in Europe. To meet our future pension liabilities, we had set aside and saved more money than not just any other European country, but all other European countries put together. Now, in the words of the right hon. Member for Birkenhead, that has been reduced to rubble.

A series of Secretaries of State have shared responsibility for presiding over this collapse. Sadly, the right hon. Member for Birkenhead was not given the chance to implement his own constructive and imaginative ideas in an attempt to alleviate or avoid the problem. The outgoing Secretary of State is no more or less responsible than his predecessors for having presided over the deterioration and having failed to stem or remedy it. I would love to be able to congratulate him on being the only one who had accepted responsibility and resigned because of that failure, but, unfortunately, new Labour Ministers are reluctant to resign at all—and, when they do, they do not accept responsibility and attribute their resignation to something else. Nonetheless, I pay tribute to the former Secretary of State's good faith and integrity while in office, and he certainly should not have been subjected to the humiliating series of leaks of the last few weeks that attributed all the responsibility for the cumulative failure to him alone. Everyone knows that the real responsibility lies not just with him or his predecessors, but with the Chancellor of the Exchequer, who has effectively reduced the Department for Work and Pensions to a subordinate department of the Treasury. Each of the Secretaries of State can claim in defence that they were simply obeying orders.

It is the Chancellor who was responsible for the two most damaging policy decisions that contributed to the weakening of our pensions regime. The first was the decision to introduce the pensions tax—the abolition of advance corporation tax credits, which effectively siphoned £5 billion from our pensions schemes every year. The second was the decision to extend means-testing. The pensions tax effectively cuts the yield on savings in pension funds by 25 per cent., and the potential extension of means-testing to more than three quarters of all future pensioners withdraws 40 per cent. of the benefit from every extra pound of saving that they may have made.

The combination of that 25 per cent. loss on yield and 40 per cent. loss on the benefit of extra savings is very significant. As a result, it is literally inadvisable to save. It would probably be illegal for any financial adviser to advise the bulk of the population to make any additional savings for their pensions, unless they are very rich indeed. No wonder that the savings ratio is this country has halved over the lifetime of the Government.

There is another underlying problem that affects all developed countries, for which no one can blame the Government although they have aggravated it: people are living longer without working longer or saving more during their working lives. Any solution must either encourage or require people to save more or to work longer.

I would like to believe—I stand at the libertarian end of the spectrum—that it is possible to encourage savings by increasing incentives, introducing better incentives or reducing disincentives. However, frankly, it would be bizarre to introduce a fresh set of incentives while retaining all the disincentives that I have just spelled out. It would be like running up a down escalator. We cannot remove the existing disincentive of means-testing if we rely on a purely voluntary system because many people will not volunteer to save enough and will retire without an adequate pension—and we will have to make provision for them, which will be means-tested. The disincentive of means-testing remains in the system: we cannot leave people destitute, even if they are destitute as a result of their failure to respond to generous incentives that would have made it worthwhile for them to save.

I reluctantly came to the conclusion that it is essential to require everyone to contribute during their working lives towards a pension that will be sufficient to ensure that, when they reach retirement, they will not depend on means-tested benefits. We already compel people to contribute towards a state pension. Everyone in work has either to contribute to that or to make an equivalent contribution to a private pension system. We also have an element of compulsion in the tax system. We tax people—generally those who have worked hard and saved for themselves—in order to pay for the means-tested benefits for those who have not chosen to save enough, even though they could have done, to secure a decent pension for their old age. Rather than compelling the prudent to pay through taxes twice to support the imprudent, we should require everyone to make sufficient provision during their working lives for a pension in retirement so that they will not require means-tested benefits.

Mr. Webb: The right hon. Gentleman advances an interesting case, which he has put to the House before, for compulsion. Will he clarify what he would do for the low earners who currently benefit from a highly redistributive basic pension and a very redistributive second state pension? How will those people who are able to contribute only a small amount of absolute cash secure a decent pension that is enough to live on?

Mr. Lilley: My system is internally redistributive and is designed precisely to achieve that and to mirror some

[Mr. Lilley]

of the redistribution that is inherent in the state pension. I propose that everyone will be required to be members of a pension fund. They will receive a flat-rate rebate paid into that fund from the national insurance fund sufficient to ensure that, over a working life, they will be part of a fund that is adequate to pay for a pension. Together with the basic state pension, it would ensure that they would not need to rely on means-tested benefits. The state would guarantee that minimum state pension so that if the fund fell short for whatever reason, the state would top up the pension to the guaranteed level, which is above the means-tested level.

Of course, there would have to be provision to ensure prudent personal investment rules so that people did not take advantage of that guarantee.

Mr. Douglas Hogg (Sleaford and North Hykeham) (Con): I have a great deal of sympathy with what my right hon. Friend is saying. However, if he is going to make proposals that will lock people into compulsory saving schemes, does he not have to address the question of the consequence of inheritance tax on those savings? People will be locked into pension schemes and, in the absence of inheritance tax concessions, their descendants will not inherit the moneys compulsorily saved. Moreover, does he not agree that a second problem that must be addressed is the question of compulsory annuity?

Mr. Lilley: Yes, although I think that my right hon. and learned Friend raises second-order issues. As I shall explain in a moment, I believe that people would have to use the money to ensure that they have a pension that keeps them clear of dependence on means-tested benefits. However, if they died before they retired and acquired an annuity for the rest of their lives, they would be able to transmit their savings to their heirs. Whether those savings would be liable to inheritance tax would be a matter for the Chancellor of the day but, as I say, that is a second-order issue that we do not need to address at this stage. At present, most people are not in a position to pass on savings, and their heirs are not in the happy position of receiving 100 per cent., or 60 per cent., of what is left.

My proposals would have several key and valuable consequences. First, everyone in work would acquire a pension adequate to keep them above the means-testing level, and they would therefore be able to avoid means-testing when they left work. We would thus be able to allow the pensions credit system, and the means- testing associated with it, to wither away.

Secondly, everyone would have greater incentives to save. Moreover, since they would have their own pension fund, they would find saving much easier. One of the greatest inhibitions against people making additional savings is that they do not have a pension fund. Setting one up is a major process for most people, even those who are financially sophisticated.

The evidence from Australia in that respect is very encouraging. The introduction of mandatory superannuation schemes has led to the amount of voluntary saving doubling in size. People are required to save more, but their voluntary saving on top of that has doubled.

Thirdly, ownership of their own funds would give people more choice about when they retire. They would be free to retire whenever their fund could provide a sufficient basic pension that would mean that they would not depend on means-tested benefits. They would have a double incentive to work and save longer: every extra year worked would mean that people could contribute more to their funds, and that they would have a year less of retirement to finance. They would therefore be able to enjoy a better pension during retirement.

The evidence is that people with money-purchase schemes work longer, whereas people with final-salary schemes tend to end work earlier. Where people have the double incentive to work and save longer, the evidence is that they respond.

If we were to introduce such an incentive to get people to save and work longer, the only way for the Government to meet the sensible target that they have set—which is to increase the share of future pension liabilities that are met from savings from 40 per cent. to 60 per cent.—would be to require people to work longer. I challenge the Minister, or whoever winds up the debate, to tell us in what other way the Government could meet that objective.

One overall benefit from my proposal would go much wider than the benefit that would accrue to future pensioners and the pension system. Above all, my approach would lead to the greatest transfer and extension of wealth to ordinary people to have occurred since the extension of home ownership and the right to buy. As a result, more people would have independence, self-respect, and power over their lives. They would have choice about savings and the timing of their retirement, and everyone would have a common interest in the prosperity of the economy in which their savings were invested and on which they would depend for enhanced benefits in the future.

In the spirit of the two speakers who preceded me, I urge the House to look positively at my proposals, and to consider whether they should form part of a new consensus for us to work towards. That would enable us to overcome the enormous problems in respect of pensions that any future Government will inherit.

2.46 pm

Kali Mountford (Colne Valley) (Lab): In the interests of maintaining consensus across the House, I shall keep my comments brief. However, I want to say something about my right hon. Friend the Member for Oxford, East (Mr. Smith), as I do not think that the House can praise him too highly. My only quarrel with what the right hon. Member for Hitchin and Harpenden (Mr. Lilley) said is that he could have been a little more generous about my right hon. Friend, whose experience of Government is without equal. He is a man of great diligence and, as I found when I played a brief and modest role in the Department, a delight to work with. I cannot speak of him too highly.

The right hon. Member for Hitchin and Harpenden made an interesting contribution to the debate. Much fresh thinking has been brought to the table today, but there are problems with all the proposals that we have heard. The debate began with some remarks about consensus and common thinking. The hope was

expressed that we could join together in dealing with the problems posed by an increasingly ageing population. However, those problems are not new, having been identified as far back as the 1980s. None of us can stand back and say, "It wasn't me, I wasn't there, I didn't do it." That would be wrong, as none of the problems under discussion is new to any of us. The solutions to those problems are not new either, although members of different parties approach the matter from different directions.

The problem that pension schemes sometimes fold is also not new. Many people working in the textile mills in my constituency lost their jobs and pension entitlements way back in the 1980s. Thousands of textile jobs were lost when the mills closed, and thousands of people lost their pension entitlements as their pension schemes folded. What is the difference between what happened then and what is happening now?

One difference is that the people who lost their jobs in the textile industry in my area were mainly women. It was believed that they were simply earning a little pin money for their families and that they did not make a great contribution to the economy. However, I must disabuse the House of that perception. Those women contributed hugely to the economy, earning some 5 per cent. of gross domestic product, a level that continues to this day. We cannot ignore the contribution made by those women, and neither can we say that our provision for future women pensioners could be covered by the suggestions made today.

The women who did not make contributions because their pension schemes folded, or because they were ill advised about the choice of national insurance contribution, or because they had breaks in employment thanks to the natural progress of family life, could find themselves left out of any new solution that may be proposed. We need to look more imaginatively at how we can help them. Quite rightly, the second state pension has appropriate provisions, and it is good to have a Government who have looked at ways in which people who are carers in families can be deemed to have made contributions throughout their lives. In that way, they will be able to enjoy suitable pension provision in the future.

Women who make a valuable contribution have been ignored in the past, so we should look further to see how the state second pension could benefit women and what else could be done. However, while making that modest request to the Government, it is right to recognise their groundbreaking move to include women in such pension schemes.

We must also recognise the huge problem of pensioner poverty that faces us; simply to move on, with one fell swoop, as though all that happened before had never occurred, is to deny the past. As I went round my constituency in 1996 and 1997, I met people who were freezing in their homes. That does not happen any more. It is right that the debate has moved on to how to encourage saving and how to find people a better standard of living for the future. At least we have moved from the debate about how on earth we could provide for the very poorest. The hon. Member for Northavon (Mr. Webb) and I have held conversations of that type across the Chamber in the past. How do we define the very poorest? Is it the person who claims no benefit at all? Is it the person who relies only on state pension and has not applied for any other benefit? Is it the person who is at least at minimum income guarantee level, or is it the person who could, but does not, claim pension credit? All those people are worthy of our consideration.

One way not to deal with the problem is to decry all the opportunities for bringing families a better household income by simply saying that means-testing is a bad thing and that we should not target pensions. We have heard today how, at least in part, the Opposition parties would try to fund their schemes. To give the Liberal Democrats some credit, we have at least heard a fuller account of what they would like to do, but we have not heard a full enough account of how they would pay for it.

We know that all Governments have to make choices—between one group of possible beneficiaries and another, one type of payment and another, or one type of service to the community and another. It is right to put all those things into the pot and consider them, but let us not pretend that unless there is some move on taxation and a promise to change other provisions, if we put extra provision in one place other services will not have to be cut. We should be clear about which they might be.

We certainly know a lot about the problems that could arise from the Tories' proposals. They have no real pension proposals, but their overall social policy proposals cannot be funded except by cutting other services. We have heard half a story from the Liberal Democrats and I should like to hear the rest. What would happen to the Department of Trade and Industry? Which young people would, or would not, have opportunities in the future? To rob one generation to pay for another is not the right way forward. We will not encourage people to stay in employment, to earn their living and save properly by taking away the means for them to obtain employment. I should be wary of any cuts in the DTI budget without knowing precisely what they would be.

We must also be careful not to discourage people from taking up the opportunities that could be available through the Pension Service. I want to say a few words about how marvellous the administration of that new department is. Staff from the service come to my constituency regularly to meet community groups. They do not simply sit behind a desk waiting for somebody to phone or turn up; they are proactive. They go into communities in rural areas such as mine and seek people out to advise them about what their benefits could be. They make it clear that those benefits are not a charitable donation or a Government handout to unworthy people who have not saved for their retirement or who have not worked and made proper contributions. There is a clear recognition of people as citizens. The service offered is a good one and people are surprised at how much benefit they can receive.

David Taylor (North-West Leicestershire) (Lab/Co-op): I endorse the point my hon. Friend makes and pay tribute to the staff of the DWP at Loughborough, who are incredibly effective in North-West Leicestershire in targeting the sort of people to whom she refers. The proportion of take-up will increase significantly due to a sea change in attitudes.

Kali Mountford: Absolutely; my hon. Friend is correct. The consensus that is growing—at least on the Labour Benches—will build opportunities for pensioners in all communities, whether or not their MP has recognised the brilliance of that service delivery. I recommend it to everyone.

As time is short, I shall end on a happy note and repeat that the Pension Service is marvellous. I commend my hon. Friend the Minister for Pensions for his administration of that service and, in particular, my right hon. Friend the Member for Oxford, East for his vision for it in the future.

2.55 pm

Mr. Stephen Dorrell (Charnwood) (Con): I begin by declaring a personal interest. Like all MPs, I am a member of the final salary scheme of the House, but I am also a member of the final salary scheme of a private company of which I am a director and shareholder, and in that capacity I am involved in how to work through the pension funding crisis that is the main focus of the debate.

One of the most attractive aspects of the House is that although we can have passionate arguments across the political divide, when people leave office we usually find something nice to say about them. It is not difficult in the case of the right hon. Member for Oxford, East (Mr. Smith) to recognise the obvious decency and humanity of the man, but that should not in any way detract us from recognising the central failure of the Government that was accurately described by my right hon. Friend the Member for Hitchin and Harpenden (Mr. Lilley).

The Prime Minister has clearly noticed that failure, because the No. 10 briefing machine was in overdrive during August, making it clear that the pensions crisis was the responsibility of anyone in the Government but the Prime Minister. The main concern was to ensure that responsibility attached to the previous Secretary of State, seeing him, to a degree, as a surrogate for the Chancellor of the Exchequer. For the reasons to which my right hon. Friend referred, this developing crisis is indeed a key responsibility of the Chancellor.

Let us understand the key elements in the background to the present pensions issue. My right hon. Friend rightly referred to the fact that until the end of the 1990s, under Governments of both political complexions, we had built up a system of co-funding of pension liabilities between the state and a growing private sector. That was healthy in principle, because it encouraged saving self-help, and was attractive in practice, because it meant that each new generation of retirees was able to look forward to better-funded retirement—better retirement benefits—than previous generations. That is not to detract from the fact that there was a continuing problem of pensioner poverty for those who had been retired for some time, but until 1997 we were able to point out that each new generation saw that problem decrease because benefits for new generations of retirees were on a continuously improving trend.

Since 1997, we have seen that process go sharply into reverse. In July, Mercer estimated that, even after the considerable stock market recovery that has taken place, the FTSE 350 companies between them had a £64 billion deficit in their pension funds. According to the CBI earlier this year, all companies had a total deficit of £100 billion in their pension funds. That means that those companies have made commitments of £100 billion to their former and current employees that they cannot finance.

Against that background, it is no surprise that we have seen the majority of final salary schemes close to new members. Replacement schemes are less generous in the benefits they provide and there is a continuing and developing problem of how we deal with unfunded deficits when companies get into difficulties—as happens occasionally, hence the discussion earlier this afternoon about the pension protection fund and the way in which the Government's financial assistance proposals will work.

I do not blame the Government entirely. It is clearly true that a number of other factors have been involved: declining investment returns and increased longevity, unmatched by increasing working lives, as my right hon. Friend the Member for Hitchin and Harpenden said. All those things are true and have contributed, but the Government cannot escape from the fact that it was their choice that imposed a £5 billion additional burden on pension schemes. If we apply the minimum funding requirement rules, for which my right hon. Friend was responsible when he was the Secretary of State, to express the net present value of the reduced contribution that the Government are making through dividend tax relief to those pension funds, we find that roughly £40 billion of the £100 billion deficit in today's pensions funds is the result of the Government's policy choice. So although the Government are not the sole author of the developing crisis, they are a very major contributory factor.

My central point, therefore, is that against the background of a developing crisis, in which huge additional burdens have been put on employers and new generations of retirees face declining benefits into the future instead of improving benefits, the time has come—indeed, it has long since passed—when we urgently need a new approach to rebuild the public-private partnership strategy. The Government love to talk about partnership, but they inherited a partnership strategy—a co-funding strategy—in pensions that was broadly working. That is not to say that it did not need to be maintained and refined; of course, it did.

We urgently need to rebuild the co-funding of pension liabilities that was the cornerstone of the policy pursued by my right hon. Friend when he was the Secretary of State. The rebuilding of that partnership requires individual employers and employees, the private sector and the state to play a part in rebuilding a new consensus. There has been a fair amount of talk this afternoon about the need for a new consensus, and I wholeheartedly endorse that, but it must be based on a move away from the mass means-testing of pensioner benefits.

It is ironic that the Chancellor loves to talk about the need to give people incentives when they are in work—he loves to talk about welfare-to-work—but his policy has created the deep problem of disincentives for people to save. I listened with great respect to my right hon. Friend make the case that we cannot get out of the hole without compulsion. Like him, I am instinctively resistant to that case; but, like him, I suspect that, in the end, that will be an important part of the new consensus that must be built.

Finally, I urge on the House the proposition that all this is part of a much bigger issue. I strongly believe that the modern welfare state, given our constituents' expectations, is affordable only on the basis of co-payment. I have spoken in health debates, along with my right hon. Friend, and in education debates about the need to establish co-payment—individuals and the private sector contributing to the cost of those services—as the only basis on which the welfare state of the future can be built. Pensions funding is but a part of that issue, and the most serious charge against the Government on pensions is that they have allowed the co-funding, the partnership between the public and the private sector on which my right hon. Friend's policy was built, to crumble. In doing so, they have done no favours either to this or to future generations of pensioners. Furthermore, they have undermined the principle that is important way outside the pensions issue, but goes across the whole of the future planning of the welfare state.

3.4 pm

Mr. Tony McWalter (Hemel Hempstead) (Lab/Co-op): I will try not to use up my full time, to allow other hon. Members to take part.

Like many other hon. Members, I very much want to commend the record of my right hon. Friend the Member for Oxford, East (Mr. Smith), who was not only a man of deep compassion and responsiveness to the concerns of Back-Bench Members, but was highly numerate—a virtue that is not always displayed in such debates, particularly by the Liberal Democrats.

In the short time available to me, I want to concentrate on the fact that, in a pensions system, we look for justice and responsiveness to need. Reconciling those two things can be very difficult. Certainly, it is pretty easy to have a system that gives people incentives, thus rewarding those who have saved and worked hard all their lives. The best way to give an incentive is to do what the last Conservative Government did: to put people who have not managed to save and build up a strong pensions record on income support, which, I seem to recall, was about 50 quid a week. Of course, that was not the only taxpayers' contribution. People got some council tax benefit and, if appropriate, housing benefit and so on, but the reality was that they were forced to live on poverty incomes. Sure, that was a great incentive for people to fear those conditions and to save; but, as a result, large numbers of our citizens were in fear, want and in the cold.

I speak with some passion because I recall the plight of my own parents—now, sadly, some years deceased. They died at a time when my earnings were relatively humble, and I was unable to help them from the condition of living on income support under a Conservative Government. I do not want to go back to those days. The Government saw that need, and we acted and sorted it out.

I was at a lunch the other day with a woman of 82, who told me that she has never in her life been less concerned or worried about money. The result of our policies has raised her income from that derisory 50 quid to £105 a week. That is not a fortune; she has financial problems, of course. There are things that she would like to do—visit her grandchildren more often and so on—that she finds hard to do on that money, but she has a degree of confidence and assuredness about that £105. The only thing that she did not want to do—other people do not want to do it either, but she bit the bullet and did it—was to ask for it. It is true that many people still will not ask for that money, but our system says that, if people do not have a full pensions contribution record, we will still ensure that they have the money to live on in some level of comfort and decency.

The National Pensioners Convention, which is lobbying outside today, goes on and on about the basic pension. Well, the basic pension was no good for that 82-year-old woman; it was no good for my mother; and it was no good for people who worked hard all their lives because the pension system is contributory and, under the rules, they were regarded as non-contributors. The basic pension never addressed their concerns.

I can think of a fairly old Labour solution: first, it says, "Money is no object," and, secondly, its asks, "Why not raise the basic pension to exactly the same level as the minimum income guarantee?" That is what the National Pensioners Convention leaflet says. It also says, "By the way, ignore the contributions principle, because that principle will still create a differential."

That is a nice response to need and it would certainly simplify the system. I do not know whether the Liberal Democrats have quite reached that point. That policy is very old Labour in that it does not worry about the cost, but the crucial point is that it is grotesquely unjust. How would it distinguish between those who have worked hard to contribute all their lives and those who have not? For a working man to receive the full pension of £80 at 65, he has to have contributed for 44 years. I will not get the full pension myself, unless I do something about that. If someone starts work after 21—I did a post-graduate course and started full-time work after that age—they will not have a full pensions record. I may decide to make up those contributions, but under the old Labour policy that I have described, there would be no incentive for anyone to do so.

Those people who paid for 44 years—or perhaps made additional contributions to build up their record—would get the same as everybody else. That is not fair, and that is why the Government introduced the pension credit. If people have savings, the Government will not rip them off, but give them credit for those savings. If people have additional pensions, the Government will give them additional money to recognise the contribution that they have made and the extent to which they are not claiming state benefits, such as council tax benefit.

People need to ask for the means-tested benefits, but if they do so they will receive a sum that most pensioners feel is comfortable. If people have saved or made additional provision for themselves, that is taken into account. In that way, we try to combine responsiveness to need with justice. All the other solutions we have heard today are based on violating the principle of responsiveness to need. The Hitchin and Harpenden solution—I remember it well—was to lower the amount people received in income support to an appalling level to frighten them sick at the prospect of having to rely on it, and thus encourage them to save.

Mr. Lilley: The hon. Gentleman is getting a little worked up and he seems to think that I was arguing for lower pensions. On the contrary, I argued for increased pensions for everybody with a redistributive element to ensure that even those on low earnings ended up with a better pension, above the means-tested level.

Mr. McWalter: Is the right hon. Gentleman saying that he believes that the basic pension should be £105 for everybody? Or does he think that those who do not receive a full basic pension should be worse off than those who do? The Conservative party did not even understand the question about women who have worked hard all their lives but do not have a contributions record. My hon. Friend the Member for Northampton, South (Mr. Clarke) asked what the Conservatives would do for such women, but none of them seemed to understand or be able to respond to that question.

We call the Government's policy responding to people's needs, but the Opposition call it means testing. If means testing sorts out poverty and gives people a decent quality of life—as well as rewarding people who have worked hard and saved all their lives—it is fair, just and responsive to need. I have heard nothing from the Opposition, or from my right hon. Friend the Member for Birkenhead (Mr. Field), that remotely begins to address the agenda that my right hon. Friend the Member for Oxford, East adopted—he did a very good job—in order to reconcile those principles.

3.14 pm

Mr. Roger Gale (North Thanet) (Con): I wish to move away briefly from the mainstream of the debate and concentrate on those words on the Order Paper about competence of delivery. I wish to introduce the Under-Secretary of State for Work and Pensions, the hon. Member for Gravesham (Mr. Pond) who will shortly respond to the debate, to Mrs G. She is a real person who lives in Birchington in my constituency and who telephoned my office today. She is in her 70s and is very proud and independent. She has inoperable cataracts and suffers from tinnitus. She is on her last post office order book, and she represents thousands like her in this country. She has been told that she cannot have another book. She has also been told by Post Office staff that for reasons of confidentiality they cannot help her to access her money through her PIN number. She cannot read her PIN number because of her eyesight.

The Government documents that Mrs G has received have simply told her that all the help she needs will be available. Her experience is that such help is not available. When she telephoned my office today she said that she had met an elderly gentleman in floods of tears in the post office because he could not access his money under the new system.

The system that the Government are introducing is not ready and it is not working. It is being imposed on thousands of elderly people. I have no problem with its introduction from now on, but it should not be done retrospectively. It is being introduced in a manner that is unfeeling, uncaring, insensitive and causes distress.

The Parliamentary Under-Secretary of State for Work and Pensions (Mr. Chris Pond): I would like to assist both of the constituents the hon. Gentleman mentions by suggesting that he alerts them to the fact that those who cannot operate any form of account, including the Post Office card account, can be paid by cheque. We have ensured that there are no circumstances in which people who cannot operate an account will be left without their money. I hope that he will communicate that to his constituents quickly.

Mr. Gale: Some people do not have accounts into which to pay cheques, so that does not help, unless the Minister is talking about a money order. There is a modest group of people for whom the present system does not work. Those people should be able to retain their order books for the rest of their lives. That would work. What is proposed at present is not working.

3.17 pm

Tom Levitt (High Peak) (Lab): About 100 years ago, a gentleman by the name of Frood developed a successful line of brake linings. The company became Ferodo, a name synonymous with brake linings. In turn, it became part of the Turner and Newall group and remained so for many years. Some 10 years ago, Ferodo—which is still known by that name in the High Peak—became part of the Federal Mogul group, an American-led consortium. To this day, of the 20-odd sites that Federal Mogul has across the UK, the one at Chapel-en-le-Frith is one of the most successful and profitable. Indeed, just a few years ago, it could boast a thousand employees. Although it does not have so many today, it is still—by some way—the largest private sector employer on a single site in my constituency.

I do not need to remind the House that the Turner and Newall pension fund that Federal Mogul inherited is in considerable difficulty. However, it has not yet folded and talks continue on how best the company can meet its obligations to its work force, past and present and across the globe, not just in Chapel-en-le-Frith. Some 40,000 people in this country are members of the Turner and Newall pension fund. Only 10 per cent. currently work for Federal Mogul. Half of them are existing pensioners and the remainder are deferred pension holders, who have at some point made a contribution to the fund but have not yet started to draw their pensions.

All those 40,000 people were led to believe throughout, no matter when they worked for the company, that in return for their contributions and those put in by the employers, there would be a pension when they came to retire.

Until a little while ago, there was no reason to think that there was a problem, but in fact problems arose about three years ago when the American company Federal Mogul—not Ferodo or Turner and Newall—put itself into chapter 11 administration in the United States for reasons to do with protection against insurance claims on asbestos cases, as my hon. Friend the Minister said, and the company's situation in the United States. The reasons for going into administration had precious little to do with the way in which the company was operating in the United Kingdom.

Nevertheless, even when the company went into administration, it was not flagged up that that could lead to a problem with the pension fund. Indeed, as far

as we know, that pension fund was muddling along, no better and no worse than any other, and people had a full expectation of receiving their pension. Indeed, a letter went out in July to all fund members from the trustees and the company's administrators to say that some issues had to be addressed. However, it was not until about three weeks later that a second letter went out saying that there was a crisis and that it was impossible to see how the pension fund could meet its obligations. Again, that is an interesting issue because no real problems were mentioned before.

The problem is that the company has been in administration for three years and needs to come out of it. Its situation is not sustainable and it has been in administration for longer than originally anticipated. If I understand the rules correctly, the pension fund of a company in administration has to be performing at a higher level, more effectively and profitably, than the pension fund of a company that has not gone into administration if it is to make the leap out of administration. It is that required level of funding and performance that is causing all the problems.

In response to the situation in Chapel-en-le-Frith, across High Peak and elsewhere, a local Conservative councillor in Chapel-en-le-Frith has started going around doing a passable impression of Mr. Frazer of "Dad's Army", taking a "We're all doomed" approach to solving the problem. That has done nothing other than generate panic, concern and unnecessary worry. We need all groups to work together to ensure that the company meets its obligations.

Over the past few weeks, I have met fund members, corresponded with pensioners and deferred members, visited the site several times—I am going there again next week—and contacted other Members of Parliament. My hon. Friends the Members for Coventry, South (Mr. Cunningham) and for Coventry, North-West (Mr. Robinson) and I have established an all-party support group for pension fund members of Turner and Newall. As a group, we met my hon. Friend the Pensions Minister in the middle of August to ensure that he was fully acquainted with our concerns and those of our constituents. I assure the House that he was and that he takes the matter seriously, as he described earlier. Next week, our group has meetings with the trustees of the pension fund and the company's administrators to express the concerns, which I know from today's comments are shared by hon. Members on both sides of the House, about the future of that pension fund and the 40,000 people who are its members in one way or another.

Mr. Nigel Waterson (Eastbourne) (Con): I am listening carefully to the hon. Gentleman. From his discussions with Ministers, has he discovered whether the pension scheme will come under the terms of the financial assistance scheme if it goes into wind-up, which we all hope does not happen, between now and next April?

Tom Levitt: As a group and as individual Members of Parliament we have made the case strongly to Ministers that for all sorts of reasons—short term, long term, political and personal—the pension fund should not be allowed to collapse in ruins. As I said in an intervention, it is principally the responsibility of the people who led the fund members to believe that there would be a pension at the end, because they were partners in creating that pension, to ensure that those pensions are paid. To talk about finding them a convenient and easy way out, which allows them to throw their hands up in the air and say, "Well, in that case we wash our hands of the pension scheme and will rely on the Government to bail us out", would not be a responsible approach.

I do not prejudge what will happen because I want the scheme to be rescued and, if at all possible, I want it to be rescued by those who were involved in making promises about the outcome of the scheme in the first place. Incidentally, those same people have awarded Federal Mogul a contributions holiday in 18 of the past 25 years. I do not know whether that was irresponsible or a result of complacency, based on the best possible financial advice, but I do know that when the pension fund trustees advised the company only a year ago that it should continue to make contributions, that advice was not heeded.

Mr. McWalter: Is my hon. Friend aware that such situations are not usually the result of company profligacy or meanness, but the result of the 105 per cent. rule introduced by the Conservative party? It meant that companies were not allowed to have assets to cover liabilities above 105 per cent. That is the main reason why most companies had to give themselves contributions holidays.

Tom Levitt: I understand that that may be the explanation and I would be interested to hear that confirmed for this specific case. However, the fund's investments were in stocks when stocks were falling, in gilts when gilts were not doing well and in bonds when they were not doing well. A report in the national press a few weeks ago said that because of a rising stock market and rising interest rates, typical pension funds this year are 25 per cent. better off than they were last year, but that does not apply to the Turner and Newall pension fund, which has not been sufficient for what is necessary to cover even normal expectations, let alone the worst-case scenario.

Some money is on the table from the Federal Mogul company in America, but it is not sufficient. There were meetings in the middle of August and at the beginning of September, and there will be further meetings between the trustees, the administrators and the trade unions. The Transport and General Workers Union and Amicus in particular have done a thorough, responsible and effective job in keeping the issues going to set the basis for a settlement on the grounds that I mentioned.

I wish those talks well. I understand that there are considerable assets in the company, and I am adamant that the first line of defence for those 40,000 members of the pension fund has got to be to ensure that this huge international company with significant assets throughout the world meets the moral obligations it had when it took on every single employee in the first place and agreed a deal under which a pension would be paid.

3.29 pm

Hywel Williams (Caernarfon) (PC): I would like to ground the debate in the experience of my constituents, many of whom depend on Turner and Newall pensions.

[Hywel Williams]

There is a particularly acute circumstance in my constituency, in that people who used to work for Ferodo were persuaded to stay with the Turner and Newall scheme when the company was taken over by Friction Dynamics. Hon. Members on both sides of the House will be familiar with the long-running dispute at the Friction Dynamics plant at Caernarfon. It is particularly ironic and cruel that the workers at Friction Dynamics on strike—or locked out, if you will—for three years are now facing uncertainty, having won their industrial tribunal case, defeated the new employer, seen that company go into administration and been denied the compensation that they are due. I accept the point made by the hon. Member for High Peak (Tom Levitt) earlier that it is a question of uncertainty. I do not think that we are all doomed, and I do not want to contribute to such a picture.

My constituents joined the Turner and Newall scheme. They had to do so, and there were advised that it was very safe. Many of them deferred their pensions when Friction Dynamics took over, and they are now ruing their loss. I understand that the current deficiency in the Turner and Newall scheme is £875 million, which puts the offer of £400 million to the initial scheme referred to by the Prime Minister earlier in some context.

Tom Levitt: For the record, the figure the hon. Gentleman cited is the buy-out figure if the whole thing collapses. To keep the scheme running would involve significantly less than that, but it would still be a substantial figure, and more than the one currently on the table.

Hywel Williams: I thank the hon. Gentleman for that point. I accept that a substantial amount of money would still be required. I have received correspondence from several constituents, including Mr. Gerald Parry, who led the workers during the lockout. I shall not name the others owing to the pressure of time, but they are all pressing the Government to work with the trade unions and the company to resolve the matter, to ensure that the company administrator and the independent trustee take full account of their long-term needs, and to ensure that funds are provided for the pension assistance scheme if necessary.

I shall briefly quote another of my constituents, Mr. David Bartram of Y Groeslon. Perhaps this is the most significant thing I can add in my brief contribution. He says:

"The current situation has shaken everyone's faith in the pension industries' abilities to deliver the promised long term benefits."

That is a very significant statement, as it is indicative of the corrosion of people's faith in the system created by the whole affair. Significantly, he closes by saying:

"If I were now starting my working career, I would be taking a very different view of the pension industries or looking for a job in government/local authority service."

We do not want to encourage such attitudes in Caernarfon, where the public sector looms very large, and where there is a certain lack on entrepreneurship, or in the other objective 1 areas in Wales for that matter. My constituents are worried and concerned, and they are looking for help and reassurance.

3.33 pm

Mr. Ian Liddell-Grainger (Bridgwater) (Con): I want to follow on where the hon. Member for High Peak (Tom Levitt) left off. There is a company in my constituency that used to be called Wellman, which became Turner and Newall, and ultimately Federal Mogul. Currently, 80 of my constituents are in the situation described by the hon. Gentleman as the company's ongoing situation.

The hon. Gentleman was being almost kind about the level of deficit we could be facing if things go wrong. I have looked into the matter, and the shortfall world wide is just under £1 billion, of which the deficit in this country is £300 million. The initial discussions that Amicus has had have been absolutely first class—the hon. Gentleman is right about that. The company has already offered to pay £65 million, which is woefully inadequate at any level. About £29 million a year will be needed for the next eight years, which adds up to a total of £232 million, to sustain the current level of the scheme.

Yet again, I urge the Minister to look at the problem, because unless the rules for the pension protection fund are changed, at least eighty of my constituents, and perhaps up to 400 people in my constituency and that of my hon. Friend the Member for Taunton (Mr. Flook), could be affected. I do not know exactly how many people who have taken earlier retirement or opted for other forms of retirement are involved, but I receive letters almost daily from individuals affected by the problem.

Will the Minister look at the issue as a matter of urgency, because 40,000 people—an awfully high number—will be affected? The company said that it was moving from my constituency to Poland, but in fact it had already filed for bankruptcy under chapter 11, although it did not make that clear. Many employees were given leaving packages before the company moved, and were removed from the company scheme. People who took early retirement are not angry, but perturbed and concerned. There is, however, obviously concern among pensioners.

Unusually for a Conservative MP, I represent an industrial town that is home to British Cellophane, Trig Engineering and many other multi-national or international companies. Many people wonder whether the current problem is the tip of the iceberg, as world wide there are a terrifying number of company wind-ups. I do not expect the Minister to give us an assurance now, but can he tell us in the next few months, or years if necessary, how many companies will be affected? Many people do not believe that their scheme is secure but, as has been argued eloquently by Members on both sides of the House, the Government cannot be blamed because the problem goes back many years. However, people would be grateful for an assurance that the Government will look at their schemes.

In conclusion, I urge the Government to look at the protection fund, as that is extremely important to many people who worked in good faith for a company which has filed for chapter 11 in America and will ultimately fall into administration.

3.37 pm

Mr. Nigel Waterson (Eastbourne) (Con): I am delighted to take part in this debate, and to follow my hon. Friend the Member for Bridgwater (Mr. Liddell-Grainger), who spoke about the subject with passion and knowledge.

It is difficult not to have considerable sympathy with the former Secretary of State, the right hon. Member for Oxford, East (Mr. Smith), and I join the Members who have queued up to pay him abundant plaudits today. On Monday morning, he woke up and faced a triple whammy. He was supposed to appear before the Work and Pensions Committee this morning, would meet the pensioners' lobby today, and speak in our debate this afternoon. No wonder he resigned. However, we do not need the resignation of the Secretary of State to tell us that the Government's policies on pensions are in deep trouble. Means-testing is set to rise inexorably, and only a couple of days ago, the latest figures on the pension credit showed that almost 2 million pensioners are still not receiving the benefits to which they are entitled. As we know, the Department itself assumes that 1.4 million pensioners will not claim pension credit even though they are entitled to it. No wonder a recent poll by Age Concern revealed that the majority of people who receive pension credit do not like it at all.

The collapse of a savings culture was discussed eloquently by my right hon. Friend the Member for Hitchin and Harpenden (Mr. Lilley), and the problems of the computer crash and direct payments more generally were discussed by my hon. Friend the Member for North Thanet (Mr. Gale). Recent figures confirm that more than 1 million workers are working beyond the usual retirement age, which is another sign of the crisis in pensions. Importantly, my right hon. Friend the Member for Charnwood (Mr. Dorrell), discussed the need to rebuild co-funding to tackle the crisis. Demonstrators have come to Parliament today because they want a decent state pension, and support our policy of restoring the link between the state pension and earnings. I am pleased that in our debate the right hon. Member for Birkenhead (Mr. Field) supported that policy.

There are therefore many problems, but every time Ministers think that the situation cannot get worse, it does.

Just today it is revealed that the main steel union is pressing ahead with its court case against the Government over the inadequacy of their rescue package. On occupational pensions, the sad truth is that the Government's plans are fundamentally flawed and the PPF is likely to end up as a clumsy and unstable political creation that cannot deliver the guarantee of which Ministers have boasted.

Ministers claim to have drawn lessons from the Pension Benefit Guaranty Corporation in America, but they are not starting off with a fully risk-based levy so that the PPF is properly funded and good schemes do not subsidise the bad. In the first few years there will be a flat-rate levy for the PPF. We believe that will make it financially vulnerable.

As my hon. Friend the Member for Havant (Mr. Willetts) said in opening the debate, perhaps the most disturbing aspect of all this is the growing gap between the Government's spin on the lifeboat that it is creating for individuals through the PPF, and the reality. As we heard, people who have not yet retired will get only 90 per cent. of their entitlement at best. Indeed, there is to be a cap on the compensation payable in each case. Also, the Government are diluting the indexation rules so pensioners will receive even less. As if all this were not enough, the Government are taking powers, as we heard, to cut benefits payable under the scheme if the resources are not available—a point that has clearly not been lost on the new chairman of the PPF and which was, in effect, conceded by the Minister during his speech. The PPF is very far from being a total guarantee.

We, the CBI and the National Association of Pension Funds, among others, have been warning that the totality of the Government's proposals, including the ill-considered anti-avoidance provisions, may well have unintended consequences and deny decent pension security to future generations. With her typical delicacy, Christine Farnish of the NAPF said of the Department for Work and Pensions:

"I think they are very challenged by the complexities of these issues."

A recent survey by the Engineering Employers Federation shows that one in three employers might scrap their final salary schemes if the Bill goes through in its present form. That is on top of all the final salary schemes that have already closed under the Government.

The Bill has been largely overshadowed by legitimate concerns about the 65,000 workers who have already lost substantial pension rights when their companies went bust and who will not receive any compensation from the PPF. We have always recognised that we cannot use the levy of the PPF retrospectively, but we have consistently argued for compensation to be provided through the use of so-called unclaimed assets. At the very last moment, when they were facing defeat in the Commons by a cross-party coalition, the Government cobbled together their rescue package, but details of that package are still in short supply. One aspect that has emerged is that there is to be no cash for the victims of solvent wind-ups. Once the Government deemed that workers who had lost out were deserving of help, what moral basis can there be to exclude those who were involved in wind-ups of solvent companies that still left them potentially destitute?

More workers are continuing to become potential claimants on the £400 million before the PPF is up and running in April next year. It is already clear that £400 million will not be enough to go round. Assuming a pensioner lives for 20 years, it will provide less than £1 a day on average. Over the summer the Government promised to put more flesh on the bones of their financial assistance scheme, but what has begun to emerge is deeply disturbing. I have touched on the blatant unfairness with respect to solvent wind-ups, but there are other questions. Will compensation paid under the scheme be subject to tax and will it be means-tested? People need to know the answer to such questions. If further funds are not available from the pensions industry or industry more generally, do the Government intend to top up the £400 million if it proves inadequate? Will they reconsider the issue of unclaimed assets?

As the hon. Member for High Peak (Tom Levitt) and others eloquently described, in the early summer massive problems came to light at Turner and Newall.

[Mr. Nigel Waterson]

Forty thousand pensioners and future pensioners could be affected. The possible shortfall could be £875 million. I am meeting a delegation from Derbyshire tomorrow, including the Tory prospective candidate for High Peak, Mr. Andrew Bingham, who has been very energetic on the issue. I shall be interested to hear what he has to say.

On the face of it, such a massive pensions failure could swamp the PPF, if it happens on its watch. In the short term, it demonstrates the inadequacy of the financial assistance scheme. It has been suggested that schemes that collapse between May this year and April next year, when the PPF is supposed to open its doors, will not benefit from the financial assistance scheme. The Government's briefing suggests that those people will be protected by the new priority order on wind-up, but all that does is change how the cake is divided up; it does not increase the size of the cake.

Will those people risk falling between two stools? The Under-Secretary of State for Work and Pensions, the hon. Member for Gravesham (Mr. Pond), should come clean about that matter, because the Minister for Pensions carefully avoided the question. Will the workers of a company such as Turner and Newall benefit from the financial assistance scheme—yes or no?

Tom Levitt: I shall put the hon. Gentleman's question straight back to him: if he were in the Minister's shoes, would he find £875 million of taxpayers' money to bail out that scheme?

Mr. Waterson: Unlike the Labour party, we have a policy. We would re-examine the use of unclaimed assets to compensate people, and I shall tell that to the delegation tomorrow.

We currently have no Secretary of State—the Department is rudderless; everyone except Ministers agrees that the financial assistance scheme is inadequate; the Pensions Bill lurches from disaster to disaster; the PPF will not provide a full guarantee; and the pensions crisis deepens and worsens as Ministers come and go. In the past few days, we have finally learned just how much the Government really care about pensions. The Government have spun the idea that they are prepared to jettison their Pensions Bill in its entirety to allow the hunting Bill on to the statute book, which is designed to pacify their own Back Benchers. They should ask the workers at Turner and Newall whether they prefer a hunting Bill or a Pensions Bill—I can imagine the workers' answer.

Under this Government, things are rarely as they seem on the surface. Perhaps it has finally dawned on those deep in the Department for Work and Pensions that their strategy is hopelessly flawed and that Ministers have been pursuing the wrong issues, in the wrong way and at the wrong time. Perhaps it is with quiet relief that they prepare to sacrifice the Pensions Bill and return to the drawing board, hoping that they can blame somebody else.

Oscar Wilde described hunting as

"the unspeakable in full pursuit of the uneatable."

Under this Government, pensions policy has become the incompetent in pursuit of the unworkable.

3.48 pm

The Parliamentary Under-Secretary of State for Work and Pensions (Mr. Chris Pond): This has been a good debate on a subject of great importance to all our constituents. We have heard contributions from two former Secretaries of State and a former Minister of State, and most hon. Members have paid tribute to the most recent Secretary of State, my right hon. Friend the Member for Oxford, East (Mr. Smith), with whom I had the privilege to work, and I can confirm that those tributes are well deserved.

We have heard thoughtful and moving speeches from my hon. Friends the Members for Hemel Hempstead (Mr. McWalter), for Colne Valley (Kali Mountford) and for High Peak (Tom Levitt). My hon. Friend the Member for High Peak described the plight of his constituents who are affected by Turner and Newall's difficulties, as did the hon. Member for Caernarfon (Hywel Williams).

I thank the Opposition for their generosity in using their parliamentary time on a subject that we are delighted to debate in the House, in the country and on the doorsteps in the months ahead. We are happy to debate it because, as my hon. Friend the Minister for Pensions told the House, we are proud of our record. This year, pensioner households will be £26 per week better off in real terms than they were when we took over, and the poorest pensioner households are £33 per week better off than they were under the Tory Government.

We are proud that as a result of pension credit and the other measures we have taken there are now 1.8 million fewer pensioners living in poverty: poverty that not only disfigured their lives in their final years but was a scar on the nation; an injustice made worse during the years in which the Conservatives were in government.

We are proud that we have boosted pensioner incomes by £10 billion a year, compared with the £10 billion that the Conservatives lifted from the pockets and purses of pensioners when they were in office.

We are proud that it is a Labour Government who have brought forward measures to restore security and public confidence in pensions. We are doing that through our proposals in the Pensions Bill, to which Conservative Members declined to give a Second Reading, as we will continue to remind them, which sets up a pension protection fund giving protection to more than 10 million members of defined benefit schemes to ensure that the tragedy faced by thousands of people left with neither a job nor a pension should never happen again. We are doing it through the £400 million that my right hon. Friend the Member for Oxford, East, when he was Secretary of State, secured for the financial assistance scheme to help many of those who have already lost out.

So we are very happy to debate these issues on the basis of our own record and our plans for the future, which, despite the demographic challenges outlined by my hon. Friend in his opening remarks, provide a firm foundation for secure retirement in the future. We are also happy to debate them because of the record and

plans of the Opposition parties, both of which would have pensioners believe that they will spend an extra £16 billion on their plans, given the chance. The question has to be: who will pay for it and how?

The Tories would abolish the state second pension, which gives 20 million people the chance to build up a decent second pension for the first time. Five million of them are low earners, 2.5 million are carers, most of them are women, and 2.5 million are disabled people with broken work records. The Conservatives, if they had their way, would let pension credit, in the phrase of the hon. Member for Eastbourne (Mr. Waterson), "wither on the vine"; or, in the words of the hon. Member for Havant (Mr. Willetts), "die a natural death". I will look forward to seeing them on the doorsteps in the weeks and months ahead telling that to the 3 million pensioners who are each receiving, on average, £42 in pension credit. Perhaps those hon. Gentlemen would like to come with me to Kent to tell the pensioner in her 90s who was recently visited by the Pension Service to be told that she was entitled to £66.92 a week in pension credit, with a back payment of £2,678, that she will get no help at all from their plans for basic state pensions. If they would like to come with me, I will give them a lift.

Around half of those entitled to pension credit are single women and more than a quarter are women aged over 80. Those are the people who would pay the price for Tory pension plans.

We have heard certain right hon. and hon. Members allege that pension credit discourages people from making proper provision towards their pensions. I have to tell the House that the reality is quite the opposite. The purpose of the pension credit is to encourage people to make some provision for themselves. Indeed, the Financial Services Authority concludes:

"The Pension Credit will mean that for most people, most of the time, it will pay to have saved".

That is the very basis of our policy.

I have said who will lose from the Opposition's plan to uprate basic state pensions in line with earnings.

Now there's an idea, but I wonder who scrapped the earnings link in the first place. Who called such a policy "wild and uncosted"? Who called it, "not well targeted" and "not affordable"? Who said in January:

"Breaking the earnings link in 1980 played a crucial role in this picture of British success . . . a triumphant success"?

We all know that it was the hon. Member for Havant, who tries to persuade us and pensioners that he is a reformed character. He is going through a form of restorative justice, telling pensioners how sorry he is to have cut their pensions in the past. He is a reformed character, and so, apparently, is his current leader, who was in government throughout the period when pensioners' incomes were decimated.

We are not daft and neither are millions of Britain's pensioners, many of whom are here today to lobby the House. The hon. Member for Eastbourne, who is sitting next to the hon. Member for Havant, let the cat out of the bag when, in the presence of my hon. Friend the Under-Secretary with responsibilities for the disabled, he told the National Pensioners Convention:

"I'm here for your votes".

Nice try, but I am sure that members of the convention will see through such opportunism, as we do.

The Parliamentary Under-Secretary of State for Work and Pensions (Maria Eagle): They booed him.

Mr. Pond: I fear that the hon. Gentleman was booed. The Opposition will be judged on their record, not the flannel that they produced today.

I have respect for many of those who argue for reintroducing the earnings link, including many who lobbied the House today, but not the opportunists on the Opposition Benches. However, it would take 14 years for a basic pension that was uprated by earnings to reach the guaranteed level of pension credit. In that time, the poorest pensioners would gain nothing. Many of them do not have that time to spare. The earnings link is promised only for the first Parliament—perhaps four or five years—of a Tory Government.

The Liberal Democrats also want to spend £16 billion on what they call a citizens pension. It would mean an extra £100 a month for those over 75, no questions asked. How will they pay for it? They intend to scrap the Department of Trade and Industry: out goes investment in world-class science and technology; out goes the £2 billion that the Government are investing in the post office network, and out goes the Department that administers the national minimum wage and protects the rights of working people and consumers. Of course, those plans, too, would do nothing for the poorest pensioners.

Those are the plans of the Opposition for state pensions. They are opportunist, half-baked and barely half-believable. What are their plans for private and occupational pensions? Silence. They have none. They had nothing to offer today and they have nothing to offer for building security in the long term.

Pensions are of vital concern to all our constituents, of all ages, and the debate has highlighted again the challenges that we face. Those challenges—the changing landscape of occupational pension provision, stock market pressures, and the demographics of increasing longevity—are very real. They have to be taken seriously and we must have the long-term plans to deal with them. We are prepared to have the courage to take on those difficult challenges: to rebuild confidence and security in occupational and private pensions; to ensure that we do not use the threat of poverty in retirement as the only incentive—as offered by Opposition parties—to save. We want to give people genuine incentives to save.

Sir John Butterfill (Bournemouth, West) (Con): Will the Under-Secretary give way?

Mr. Pond: I cannot give way because I am short on time.

[Mr. Pond]

Conservative Members came to the House today with no substantive plans to provide security such as that which the pension protection fund and other provisions in the Pensions Bill offer. They declined to give that measure a Second Reading. Today, they argued against our proposals but offered nothing in their place. The House will see through the Opposition's cynical opportunism and so will pensioners.

Question put, That the original words stand part of the Question:—

The House divided: Ayes 191, Noes 310.

Division No. 238] **[3:59 pm**

AYES

Ainsworth, Peter *(E Surrey)*
Allan, Richard
Amess, David
Ancram, rh Michael
Arbuthnot, rh James
Atkinson, David *(Bour'mth E)*
Bacon, Richard
Baker, Norman
Baldry, Tony
Baron, John *(Billericay)*
Barrett, John
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, rh Virginia *(SW Surrey)*
Brady, Graham
Brake, Tom *(Carshalton)*
Brazier, Julian
Breed, Colin
Brooke, Mrs Annette L.
Browning, Mrs Angela
Burns, Simon
Burstow, Paul
Burt, Alistair
Butterfill, Sir John
Cable, Dr. Vincent
Calton, Mrs Patsy
Cameron, David
Campbell, Gregory *(E Lond'y)*
Campbell, rh Sir Menzies *(NE Fife)*
Carmichael, Alistair
Cash, William
Chope, Christopher
Clappison, James
Clarke, rh Kenneth *(Rushcliffe)*
Clifton-Brown, Geoffrey
Collins, Tim
Conway, Derek
Cormack, Sir Patrick
Cotter, Brian
Cran, James *(Beverley)*
Curry, rh David
Davey, Edward *(Kingston)*
Davies, Quentin *(Grantham & Stamford)*
Davis, rh David *(Haltemprice & Howden)*
Djanogly, Jonathan
Donaldson, Jeffrey M.
Dorrell, rh Stephen
Doughty, Sue
Duncan, Alan *(Rutland)*
Duncan, Peter *(Galloway)*
Ewing, Annabelle
Fabricant, Michael
Fallon, Michael
Field, Mark *(Cities of London & Westminster)*
Flight, Howard
Flook, Adrian
Foster, Don *(Bath)*
Francois, Mark
Gale, Roger *(N Thanet)*
George, Andrew *(St. Ives)*
Gibb, Nick *(Bognor Regis)*
Gidley, Sandra
Gill, Parmjit Singh
Goodman, Paul
Gray, James *(N Wilts)*
Grayling, Chris
Green, Damian *(Ashford)*
Green, Matthew *(Ludlow)*
Greenway, John
Grieve, Dominic
Hague, rh William
Hammond, Philip
Hancock, Mike
Hawkins, Nick
Hayes, John *(S Holland)*
Heald, Oliver
Heath, David
Heathcoat-Amory, rh David
Hendry, Charles
Hermon, Lady
Hoban, Mark *(Fareham)*
Hogg, rh Douglas
Holmes, Paul
Horam, John *(Orpington)*
Howarth, Gerald *(Aldershot)*
Jack, rh Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Jones, Nigel *(Cheltenham)*
Keetch, Paul
Kennedy, rh Charles *(Ross Skye & Inverness)*
Key, Robert *(Salisbury)*
Kirkwood, Sir Archy
Knight, rh Greg *(E Yorkshire)*
Laing, Mrs Eleanor
Lamb, Norman
Lansley, Andrew
Laws, David *(Yeovil)*
Leigh, Edward
Letwin, rh Oliver
Lewis, Dr. Julian *(New Forest E)*
Liddell-Grainger, Ian
Lidington, David
Lilley, rh Peter
Llwyd, Elfyn
Loughton, Tim
Luff, Peter *(M-Worcs)*
McIntosh, Miss Anne
Mackay, rh Andrew
McLoughlin, Patrick
Malins, Humfrey
Maples, John
Mates, Michael
Mawhinney, rh Sir Brian
May, Mrs Theresa
Mercer, Patrick
Mitchell, Andrew *(Sutton Coldfield)*
Moore, Michael
Murrison, Dr. Andrew
Norman, Archie
Oaten, Mark *(Winchester)*
O'Brien, Stephen *(Eddisbury)*
Opik, Lembit
Osborne, George *(Tatton)*
Ottaway, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Price, Adam *(E Carmarthen & Dinefwr)*
Prisk, Mark *(Hertford)*
Pugh, Dr. John
Randall, John
Redwood, rh John
Reid, Alan *(Argyll & Bute)*
Rendel, David
Robathan, Andrew
Robertson, Angus *(Moray)*
Robertson, Hugh *(Faversham & M-Kent)*
Robertson, Laurence *(Tewk'b'ry)*
Robinson, Mrs Iris *(Strangford)*
Ruffley, David
Russell, Bob *(Colchester)*
Sanders, Adrian
Selous, Andrew
Shephard, rh Mrs Gillian
Shepherd, Richard
Simmonds, Mark
Simpson, Keith *(M-Norfolk)*
Smith, Sir Robert *(W Ab'd'ns & Kincardine)*
Smyth, Rev. Martin *(Belfast S)*
Soames, Nicholas
Spelman, Mrs Caroline
Spicer, Sir Michael
Spink, Bob *(Castle Point)*
Spring, Richard
Steen, Anthony
Streeter, Gary
Stunell, Andrew
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher)*
Taylor, John *(Solihull)*
Taylor, Sir Teddy
Teather, Sarah
Thomas, Simon *(Ceredigion)*
Thurso, John
Tonge, Dr. Jenny
Trend, Michael
Trimble, rh David
Turner, Andrew *(Isle of Wight)*
Tyler, Paul *(N Cornwall)*
Tyne, Andrew
Walter, Robert
Waterson, Nigel
Watkinson, Angela
Webb, Steve *(Northavon)*
Weir, Michael
Whittingdale, John
Wiggin, Bill
Wilkinson, John
Willetts, David
Williams, Hywel *(Caernarfon)*
Willis, Phil
Wilshire, David
Winterton, Ann *(Congleton)*
Winterton, Sir Nicholas *(Macclesfield)*
Wishart, Pete
Yeo, Tim *(S Suffolk)*
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Ayes:
Mr. Peter Atkinson and Gregory Barker

NOES

Adams, Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Bob *(Cov'try NE)*
Alexander, Douglas
Allen, Graham
Anderson, Janet *(Rossendale & Darwen)*
Atherton, Ms Candy
Atkins, Charlotte
Austin, John
Bailey, Adrian
Baird, Vera
Banks, Tony
Barnes, Harry
Barron, rh Kevin
Battle, John
Bayley, Hugh
Beard, Nigel
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Bennett, Andrew
Benton, Joe *(Bootle)*
Berry, Roger
Best, Harold
Betts, Clive
Blackman, Liz
Blears, Ms Hazel
Blizzard, Bob
Boateng, rh Paul
Borrow, David
Bradley, rh Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brown, rh Nicholas *(Newcastle E Wallsend)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Buck, Ms Karen
Burden, Richard
Byrne, Liam *(B'ham Hodge H)*
Cairns, David
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell, Ronnie *(Blyth V)*
Caplin, Ivor
Casale, Roger
Caton, Martin
Cawsey, Ian *(Brigg)*
Challen, Colin
Chapman, Ben *(Wirral S)*
Chaytor, David
Clapham, Michael
Clark, Mrs Helen *(Peterborough)*

Clark, Dr. Lynda *(Edinburgh Pentlands)*
Clark, Paul *(Gillingham)*
Clarke, rh Tom *(Coatbridge & Chryston)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann *(Cynon V)*
Coffey, Ms Ann
Cohen, Harry
Colman, Tony
Cook, Frank *(Stockton N)*
Cook, rh Robin *(Livingston)*
Corbyn, Jeremy
Corston, Jean
Cousins, Jim
Crausby, David
Cruddas, Jon
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Jim *(Coventry S)*
Cunningham, Tony *(Workington)*
Curtis-Thomas, Mrs Claire
Dalyell, Tam
Davey, Valerie *(Bristol W)*
David, Wayne
Davidson, Ian
Davies, rh Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Denham, rh John
Dhanda, Parmjit
Dismore, Andrew
Dobbin, Jim *(Heywood)*
Dobson, rh Frank
Donohoe, Brian H.
Doran, Frank
Dowd, Jim *(Lewisham W)*
Drew, David *(Stroud)*
Drown, Ms Julia
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff *(Barnsley E)*
Farrelly, Paul
Field, rh Frank *(Birkenhead)*
Fisher, Mark
Fitzsimons, Mrs Lorna
Flint, Caroline
Follett, Barbara
Foster, rh Derek
Foster, Michael *(Worcester)*
Foster, Michael Jabez *(Hastings & Rye)*
Foulkes, rh George
Francis, Dr. Hywel
Gapes, Mike *(Ilford S)*
George, rh Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr. Ian
Gilroy, Linda
Godsiff, Roger
Goggins, Paul
Griffiths, Jane *(Reading E)*
Griffiths, Win *(Bridgend)*
Grogan, John
Hain, rh Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hanson, David
Harman, rh Ms Harriet
Harris, Tom *(Glasgow Cathcart)*
Healey, John
Hendrick, Mark
Heppell, John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hodge, Margaret
Hoon, rh Geoffrey
Hope, Phil *(Corby)*
Hopkins, Kelvin
Howarth, rh Alan *(Newport E)*
Howarth, George *(Knowsley N & Sefton E)*
Howells, Dr. Kim
Hughes, Beverley *(Stretford & Urmston)*
Humble, Mrs Joan
Hurst, Alan *(Braintree)*
Hutton, rh John
Iddon, Dr. Brian
Ingram, rh Adam
Jackson, Glenda *(Hampstead & Highgate)*
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Helen *(Warrington N)*
Jones, Jon Owen *(Cardiff C)*
Jones, Lynne *(Selly Oak)*
Jowell, rh Tessa
Joyce, Eric *(Falkirk W)*
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keen, Alan *(Feltham)*
Keen, Ann *(Brentford)*
Kelly, Ruth *(Bolton W)*
Kennedy, Jane *(Wavertree)*
Khabra, Piara S.
Kidney, David
Kilfoyle, Peter
King, Ms Oona *(Bethnal Green & Bow)*
Knight, Jim *(S Dorset)*
Ladyman, Dr. Stephen
Lammy, David
Laxton, Bob *(Derby N)*
Lazarowicz, Mark
Lepper, David
Leslie, Christopher
Levitt, Tom *(High Peak)*
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Linton, Martin
Lloyd, Tony *(Manchester C)*
Love, Andrew
Lucas, Ian *(Wrexham)*
Luke, Iain *(Dundee E)*
McAvoy, Thomas
McCabe, Stephen
McDonagh, Siobhain
McDonnell, John
McFall, rh John
McGrady, Eddie
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNamara, Kevin
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
McWalter, Tony
McWilliam, John
Mahmood, Khalid
Mahon, Mrs Alice
Mallaber, Judy
Mann, John *(Bassetlaw)*
Marsden, Gordon *(Blackpool S)*
Martlew, Eric
Meacher, rh Michael
Merron, Gillian
Michael, rh Alun
Milburn, rh Alan
Miliband, David
Miller, Andrew
Mitchell, Austin *(Gt Grimsby)*
Moffatt, Laura
Moran, Margaret
Morgan, Julie
Morley, Elliot
Mountford, Kali
Mudie, George
Mullin, Chris
Munn, Ms Meg
Murphy, rh Paul *(Torfaen)*
Naysmith, Dr. Doug
Norris, Dan *(Wansdyke)*
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
O'Neill, Martin
Osborne, Sandra *(Ayr)*
Perham, Linda
Picking, Anne
Pickthall, Colin
Pike, Peter *(Burnley)*
Plaskitt, James
Pollard, Kerry
Pond, Chris *(Gravesham)*
Pope, Greg *(Hyndburn)*
Pound, Stephen
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Prescott, rh John
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Ken
Quin, rh Joyce
Quinn, Lawrie
Rammell, Bill
Rapson, Syd *(Portsmouth N)*
Reed, Andy *(Loughborough)*
Reid, rh Dr. John *(Hamilton N & Bellshill)*
Robinson, Geoffrey *(Coventry NW)*
Roche, Mrs Barbara
Rooney, Terry
Ross, Ernie *(Dundee W)*
Roy, Frank *(Motherwell)*
Ruane, Chris
Ruddock, Joan
Russell, Ms Christine *(City of Chester)*
Salter, Martin
Sarwar, Mohammad
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Sheridan, Jim
Shipley, Ms Debra
Short, rh Clare
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Angela *(Basildon)*
Smith, rh Chris *(Islington S & Finsbury)*
Smith, Llew *(Blaenau Gwent)*
Southworth, Helen
Spellar, rh John
Squire, Rachel
Starkey, Dr. Phyllis
Steinberg, Gerry
Stewart, David *(Inverness E & Lochaber)*
Stewart, Ian *(Eccles)*
Stinchcombe, Paul
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Stringer, Graham
Sutcliffe, Gerry
Tami, Mark *(Alyn)*
Taylor, David *(NW Leics)*
Taylor, Dr. Richard *(Wyre F)*
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth *(Harrow W)*
Tipping, Paddy
Todd, Mark *(S Derbyshire)*
Touhig, Don *(Islwyn)*
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr. Desmond *(Brighton Kemptown)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Tynan, Bill *(Hamilton S)*
Vis, Dr. Rudi
Walley, Ms Joan
Ward, Claire
Wareing, Robert N.
Watson, Tom *(W Bromwich E)*
White, Brian
Wicks, Malcolm
Williams, Betty *(Conwy)*
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wood, Mike *(Batley)*
Woolas, Phil
Worthington, Tony
Wright, David *(Telford)*
Wright, Tony *(Cannock)*
Wyatt, Derek

Tellers for the Noes:
Jim Fitzpatrick and
Joan Ryan

Question accordingly negatived.

Question, That the proposed words be there added, *put forthwith, pursuant to Standing Order No. 31 (Questions on amendments), and agreed to.*

MR DEPUTY SPEAKER *forthwith declared the main Question, as amended, to be agreed to.*

Resolved,

That this House supports the Government's strategy to enable people to save securely for their retirement and to promote retirement flexibility and informed choice; welcomes the Government's Pensions Bill and Pension Protection Fund, which

will bring real security for over 10 million defined benefit pension scheme members if their employer becomes insolvent and their pension scheme winds up; further welcomes the £400 million Financial Assistance Scheme which will help people who have already lost out; believes that the Pensions Bill will enable many more people to save with confidence with a new proactive pensions regulator, measures to simplify pensions legislation and improved incentives to work past the state pension age; supports the pensions tax simplification proposals being taken forward in the Finance Act 2004, which will replace eight tax regimes with one simplified system; commends proposals in the Pensions Bill to allow individuals to defer their state pension and draw it as a lump sum; welcomes measures to enable people to make an informed choice in pension provision, including new pilots to provide information and advice in the workplace; condemns the inheritance of 1997, with the legacy of pension mis-selling and millions in poverty, whereby many were expected by the previous Government to live on under £69 a week; believes that the Opposition parties' policies will be unfair to the poorest pensioners, unaffordable and unsustainable; commends the Government's historic commitment to tackling pensioner poverty; and welcomes the extra £10 billion that the Government is spending on pensioners in 2004-05 compared with the 1997 system.

Hospital-Acquired Infection

Mr. Deputy Speaker (Sir Alan Haselhurst): I remind the House that Mr. Speaker has placed a 10-minute limit on Back-Bench speeches in this debate and has selected the amendment in the name of the Prime Minister.

4.16 pm

Mr. Andrew Lansley (South Cambridgeshire): I beg to move,

That this House notes with deep concern the increased levels of hospital-acquired infection and, in particular, that the incidence of methicillin resistant staphylococcus aureus (MRSA) has doubled since 1997; welcomes the report by the National Audit Office 'Improving Patient Care by Reducing the Risk of Hospital-Acquired Infection: a Progress Report' (HC 876); regrets the lack of timely action by the Government which this discloses, including higher bed occupancies and the resultant impact of Government waiting list targets on infection control measures, lack of surveillance data other than hospital-wide MRSA and post-discharge surveillance and isolation facilities, and lack of progress on a national infection control manual; is deeply concerned that recommendations for bed or ward closures by infection control teams have been refused; and calls on the Government now to act urgently to secure the action needed to reduce hospital-acquired infections.

A week ago, the Health Minister, Lord Warner, announced what he described as the first national campaign to promote hand cleaning by health care staff. Well, 150 years on from Florence Nightingale's work in the Crimea, I think that we can fairly say that it was not the first such campaign—but what did it tell us about the Government's response to the crisis of hospital-acquired infection? Four and a half years ago, in its 42nd report in the 1999–2000 Session, the Public Accounts Committee made the following recommendation:

"Hospital hygiene is crucial in preventing hospital-acquired infection including basic practice such as handwashing. We find it inexcusable that compliance with guidance on handwashing is so poor . . . We . . . look to"

the NHS executive

"to audit progress and report back to us by the end of 2001."

Four and a half years later, the Department of Health announces a campaign. Only now is it showing, in this limited respect, the urgency and determination to achieve cleanliness and hygiene in our hospitals that have been urged on it not only by the PAC but by others.

We do not know the extent of hospital-acquired infection and the costs that it imposes. That, too, the PAC asked for four and a half years ago—it was asked for but not achieved. What we do know is the human cost: several thousand lives needlessly lost and patients suffering weeks, even months, with their wounds failing to heal. Every Member of Parliament will know from constituents of the pain and distress that these infections cause. That is why we all want and expect the risk of hospital-acquired infection to be combated with all the energy and urgency that we can command, and why we in the Opposition brought the matter to the attention of the House immediately on its return.

The National Audit Office report, four and a half years on, lays bare the failure to act or to achieve the progress called for by the PAC and, frankly, by so many others. In June 2000, my hon. Friend the Member for Woodspring (Dr. Fox) made exactly the same points here in the House.

I hope that we do not have a debate in which Opposition Members all say that the glass if half-empty and Government Members all say that the glass is half-full. The issue is too important for that and my contention is not that nothing has been done. NHS staff across the country are becoming more aware of the need for comprehensive infection-control measures. I and other hon. Members know that exemplary work is being done in many parts of the NHS so that patients see clean wards and can be confident of not contracting infections.

Equally, however, some places are not clean and infections are endemic, sometimes even in high-risk areas. What is deeply disturbing and lies at the heart of the debate is the fact that, far from doing everything that they could to deliver safe care to patients, the Government have not done so. Worse, they have pursued their obsession with central targets, which have frustrated the achievement of effective infection-control procedures. The purpose of the Opposition motion and today's debate is to require of the Government the urgency of action demanded more than four years ago, but which has been so sadly lacking.

The evidence is depressingly clear. In 2000, the Public Accounts Committee said that the NHS did not have a grip on the extent and costs of infection. It recommended that the nosocomial infection national surveillance scheme be developed and made mandatory. Ministers chose not to do so, as the National Audit Office report of July describes it. It says:

"Instead of developing mandatory specialty specific surveillance of bloodstream, surgical site and urinary tract infections whose information would be fed back to clinicians to improve practice, the Department focussed on trust-wide surveillance of MRSA bacteraemias and other specific organisms, together with plans for mandatory reporting of orthopaedic surgical site infection."

That is methicillin-resistant Staphylococcus aureus in the bloodstream, rather than MRSA where surgical site infections are concerned. It continues:

"This is a critical issue. Leadership and clinical responsibility is at the heart of infection control measures. Data which is not specialty specific is not leading to clinicians taking their responsibility for reducing infection, nor is it equipping patients with the key information about the incidence of infection in the wards to which they may be admitted for operations, especially if they are high-risk areas."

Mr. Andrew Miller (Ellesmere Port and Neston) (Lab): I have taken a close personal interest in the issue that the hon. Gentleman raises, and I would counsel him to be very careful about the way in which he uses statistics in this matter. For example, a small specialty unit might have only a few patients, but they may all have come in from dozens of surrounding general hospitals. Such units are almost certain to be statistically high up in the league tables. It is a distortion of the efforts made to manage controls. I urge the hon. Gentleman to be extremely careful with the data.

Mr. Lansley: I was not planning to elaborate on that, but the hon. Gentleman makes an extremely good point. The Public Accounts Committee report—I did not originate the proposal—in a sense suggests being much more careful with the data. Let me explain to the hon. Gentleman what is happening at the moment. The currently published MRSA rates measure incidence rather than prevalence, so they do not tell us the likelihood of arriving at a hospital without infection and acquiring it while within that hospital or particular clinical department. We are told only about the total incidence of hospital-acquired infection—or, more particularly, MRSA bloodstream infections in the hospital.

I know how important that is, because Addenbrooke's hospital in my constituency had the second-highest incidence of MRSA. A significant part of the problem was the extent to which the hospital was admitting patients from other clinical contexts, in which MRSA had been detected. The House will be aware of many instances in which hospitals have said that their data were influenced by the extent to which there is MRSA in nursing homes, and by the number of patients from those homes being admitted to hospital.

I do not dispute that it is important to get statistics absolutely clear. We are raising this subject now in part because clinicians want the available data to be much more specialty specific and related to clinical departments. In that way, the data will not be obscured by information that is hospital-wide. Clinicians will then be able to act on the information that is under their control and to be judged accordingly by general practitioners and patients. That is an example of how patient choice will play a role.

The Secretary of State for Health (Dr. John Reid): The hon. Gentleman speaks about the need for both testing and data to be specific and reliable. Does he understand, therefore, why we have chosen to test for MRSA infection in the bloodstream, but not in open wounds or in respiratory or urinary tracts? It is because, for good scientific reasons, the reliability of the data varies in each case. The incidence of MRSA infection in urinary or respiratory tracts is very low. We are not being negligent, but we are exercising judgment. The hon. Gentleman can query our judgment, or qualify it, but I assure him that we are not being lazy in this matter—there is no question but that we want to cover every eventuality. Our approach is based on the reliability of the scientific data that can be derived from the various forms of infection.

Mr. Lansley: I am making the same point that was made by the National Audit Office. If the Government have specific reasons for departing from the recommendations made by the NAO and the Public Accounts Committee—that the mechanism in the nosocomial infection national surveillance service be continued—they have failed to make them clear. I accept the point made by the Secretary of State about MRSA infection of urinary and respiratory tracts, but it is possible, relevant, practical and desirable to undertake NINNS surveillance in respect of surgical site infections, and of some specialties.

Indeed, the Government are proposing to undertake such surveillance in respect of orthopaedics in 2005. If that surveillance is relevant for orthopaedics, why is it not relevant for a range of surgical-site infections that have been part of the NINNS scheme?

Dr. Reid: I did not say that such surveillance was irrelevant; I said that it was not as reliable. The hon. Gentleman is right to say that we are extending the

[Dr. Reid]

surveillance beyond the bloodstream tests, but my point was merely that when we started the surveillance, we chose a limited application because the data gathered in that way were more reliable. I do not need to point out to him that no data were collected over the entire 18 years of the previous Conservative Government. We have responded to the problem, but we have done so first in those areas where the data are more reliable so that we could get a picture as soon as possible. We are now about to extend the surveillance.

I am intervening in the hon. Gentleman's speech because no party political points are involved. I am not trying to score points, and I know that he is not trying to do so either. My aim is merely to explain the scientific basis of the advice on which I am operating.

Mr. Lansley: In the same spirit, the Secretary of State will accept that if some of what is considered to be good practice—for example, the screening of patients before admission to hospital for elective surgery, and post-discharge surveillance—were to be carried out in full, it is possible that the problem of the reliability of data could be dealt with. However, the point is to generate data on which people will act. In some circumstances, the best could be the enemy of the good. I put it to the Government that at the moment they are pursuing the best, rather than what is good.

Clinical teams need to take responsibility for the matter. Indeed, the Government's amendment states that

"mandatory MRSA surveillance raised the profile of infection control with senior managers".

It did, but as the NAO said:

"The main concerns of mandatory MRSA surveillance were that the denominator data was inappropriate as it was collected across the whole hospital, and as a result, clinical staff did not relate to it, and trust management considered it to be a problem for the infection control team rather than clinicians."

The Secretary of State will recall that elsewhere the NAO found too often a tendency for people across the NHS to see the responsibility as one for the infection control team, or somebody else, rather than theirs. Taking responsibility and giving leadership is central to what we are trying to achieve.

The Government amendment also talks of the advantage of imposing another Government target. As we know, targets set are not necessarily targets met. Even targets apparently met often have unfortunate consequences elsewhere. Nowhere is that more true than in the effect of Government waiting list targets on infection control. The NAO reported that 50 per cent. of trust senior management had difficulty in reconciling targets for in-patient waiting lists with the requirements for infection control. Ministers may say that by its nature that is difficult and that the job of management is to do difficult things. However, in response to the 2000 report, Ministers also said that by 2003-04 bed occupancy could be reduced to 82 per cent., yet the NAO found that 71 per cent. of trusts were operating at higher bed occupancy rates than that, averaging 89 per cent. and 91 per cent. for orthopaedic and vascular surgery respectively.

Where those objectives come into conflict, patient safety must come first, so it is nothing less than an outrage that the infection control teams reported to the NAO that 12 per cent. of them had requested bed or ward closures but had been refused. The situation is worse than that. I asked a trust chief executive if he had refused such a request. He said:

"They know our situation so they won't ask."

Only a few days ago, a consultant told me of an exchange in an internal hospital meeting when the infection control consultant said that MRSA and Norwalk had persisted because the trust had overridden advice to shut wards due to the need to achieve waiting list targets. The chief executive had agreed to that.

What is the Secretary of State's response? Last week, he was asked on the BBC "South East Today" programme whether by having fewer targets—as we propose—staff would be free to ensure cleaner wards—*[Interruption.]* Yes, fewer targets; getting rid of central targets imposed on hospitals, including the in-patient waiting list, which we are talking about, and its deleterious effects on the NHS. In response to that question, the Secretary of State said:

"I take the advice of the chief medical officer on this".

Where is that advice? Does the Secretary of State propose publishing it? Will he undertake to publish it today?

I looked in "Winning Ways", which the chief medical officer published last December. Of course, the Secretary of State published his own document in July. Is not it interesting that the Secretary of State, when pressed on a difficult issue, says that he takes the chief medical officer's advice, yet where there is an opportunity for him to push himself forward and take the initiative, he publishes his own document rather than letting the chief medical officer do it?

I have looked at the two documents. If everything the Secretary of State does is based on the CMO's advice, why was so much that the CMO said only last December left out of the Secretary of State's document in July? He left out any reference to reducing infection—*[Interruption.]* From a sedentary position, the Secretary of State says it was additional. In fact, the document was described as a summary of action, so almost by definition it was not intended to be additional; it was a summation of what was being done. There was no reference to reducing infection risks from invasive procedures. There was no advice on the prudent use of antibiotics and no reference to including infection control in the curricula for undergraduate and postgraduate health professionals. The Secretary of State's document made no reference to the role of infection control teams.

One wonders what was the value of the Secretary of State's additional document in July, other than simply to offset the fact that the NAO was publishing its report, which was so deeply critical of all that had been done. The Secretary of State hides behind the chief medical officer when the criticism hits home, but he has his own public relations view pushed forward when he wants.I have not spoken to the chief medical officer about this issue.

Mr. Miller: Ah.

Mr. Lansley: The hon. Gentleman perhaps suggests that I should have spoken to the chief medical officer. Indeed, one of the first things that I did when I was

appointed to the health team was to write to the CMO asking to have a conversation with him about such matters. I was denied that opportunity. I was informed that as the CMO is a civil servant, he would expect me to discuss policy issues with Ministers, so I shall do so. I cannot therefore say what the CMO advised the Secretary of State, which is why I ask the Secretary of State.

My personal view is that the CMO would say that if, after the necessary risk assessment, an infection control team recommended a ward closure, the requirements of in-patient waiting list targets should not override that recommendation. If the position is otherwise, the Secretary of State and other Ministers have required that that should be so. Their overriding intention to pursue their misplaced in-patient waiting list structure over the interests of patient safety has led to the current problem. Such things have not been done on the CMO's advice, yet the Secretary of State told the BBC that all this was happening because of that advice. Perhaps the Secretary of State would like to tell the House what advice there was and whether he will publish it.

Dr. John Reid: I am sure that the hon. Gentleman is making a point, but I must admit that I am a bit lost about what it is. Advisers advise Ministers. The chief medical officer advises the Government. We act on that advice. Sometimes, on the basis of the information and advice that we receive, we publish documents or take action publicly, for which we are responsible. Sometimes, we directly publish documents by the chief medial officer. When advice is put into the public domain, people can read it. When advice is given to Ministers on policy issues, it is a long-standing convention of some centuries in the House that it is not published. The hon. Gentleman may not like that, but this is hardly a unique case. I am not quite sure what point he is making.

Mr. Lansley: The point is simple, and I will not detain the House too long. If the Secretary of State does not take responsibility for his own decisions but attributes them to the advice of the chief medical officer, the advice ought therefore to be in the public domain. I have searched the advice that is in the public domain and there is nothing to suggest that any chief executive who overrides an infection control team's recommendation to close a ward would be acting other than against the interests of patient safety and contrary to the clinical situation.

Dr. Reid *rose—*

Mr. Lansley: The Secretary of State must let me continue; otherwise time will go on and we will intrude on the time for Back Benchers.

Dr. Reid *rose—*

Mr. Deputy Speaker: Order. The hon. Gentleman is not giving way.

Mr. Lansley: I must remind the Secretary of State that the motion refers to many other ways in which failings in action have been laid bare by the NAO report. I will not be able to detail them all, but I want to ensure that the House is aware of them.

On isolation facilities, the NAO report said:

"In our original report, we found that isolation facilities in some NHS trusts had been significantly reduced and that many infection control teams believed that facilities for isolating patients were unsatisfactory ... The Committee of Public Accounts specified that increased investment in isolation facilities was required. In 2001, the Department assured the Committee that the need for isolation facilities was being addressed. However in 2003, we found that while 56 per cent. of trusts had undertaken a risk assessment to determine the number and quality of isolation facilities in the last three years, only a quarter had obtained the required facilities."

Will the Secretary of State tell us what steps the Government will now take to meet that recommendation, which has not been met in the past four and a half years?

I shall mention post-discharge surveillance. The NAO report said that, four and a half years ago,

"we identified between 50 and 70 per cent. of surgical wound infections occurred post discharge but that only a quarter of infection control teams were carrying out any post-discharge surveillance and that there had been no systematic evaluation of the reliability of different methods.

The Department told the Committee that they had commissioned some research and expected to have the results in late 2000. The Committee recommended that these infections should be monitored through NINSS ... We found that only 21 per cent. of infection control teams had carried out any post-discharge surveillance since our last report."

Will the Secretary of State tell us what he will now do to ensure that post-discharge surveillance of surgical wound infections is carried out?

The NAO report also stated:

"In 2001, the Department commissioned a feasibility study to consider producing a National Infection Control Manual. However there has been little progress on this to date. Responses to our survey and in our workshop showed there was strong agreement on the value to NHS staff of a national manual that could be adapted for local and specialty use. Given the strong evidence of wide local variability in the use of existing guidelines, and significant reinvention of the wheel, there is a need for templates to facilitate local adaptation of national guidelines."

The Government keep on publishing new documents and providing endless guidance, but NHS staff are looking for templates and a manual to enable those guidelines to be put into practice. Where is the manual? The Government have had four and a half years to produce one, but where is it?

In the December document "Winning Ways", the chief medical officer said that

"A rapid review process will be established to assess new procedures and products for which claims of effectiveness are made of their ability to prevent or control healthcare-associated infection."

In a debate in July, my right hon. Friend the Member for Hitchin and Harpenden (Mr. Lilley) made specific reference to several new products and processes that have been offered to the NHS. He is not able to vouch for their effectiveness—nor am I—but that is why a rapid review process should be established. Ebiox is a non-alcohol cleansing product. NewGenn—which is close to Cambridge, so I have met the company staff and used their products—also makes non-alcohol hand cleansing products, which have been used in several NHS pilots. New synthetic antibacterial agents have been developed for the treatment of MRSA. Companies have produced targeted antibiotics and even coatings for walls and doors that—*[Interruption.]* The Secretary

[Mr. Lansley]

of State appears to want to make two speeches, one of them from a sedentary position. I do not know whether those products will work, but many people want to know when the rapid review process will start, because there are means by which the NHS could more effectively combat infection that are not being adopted.

Mr. Eric Pickles (Brentwood and Ongar) (Con): I have a company in my constituency that makes a hand-washing machine that would facilitate infection control. Does my hon. Friend agree that part of the problem is that the commissioning process and the bureaucracy of the health service militates against decision making? The way in which the NHS operates has a dampening effect on innovation.

Mr. Lansley: The NHS has historically been poor at introducing new products and processes. Sometimes that is to its advantage, because in America large amounts of money can be spent on new products and processes that are not necessarily effective or cost-effective. However, when we have a problem that is getting worse and that we have to tackle, the NHS should be able to assess the cost-effectiveness of attempts to do so. After all, we have the National Institute for Clinical Excellence, which leads the world in techniques for measuring clinical effectiveness and cost-effectiveness. The monopolistic nature of the NHS should not be a constraint on the adoption of innovative techniques. Indeed, it should be a means of disseminating such techniques more rapidly, but that is not happening in the area of infection control technology.

I shall not go on because hon. Members on both sides of the House want to speak. Our motion is measured and accurate. It requires the Government to act urgently in the future because that was lacking in the past. In the circumstances, we are right to call for that. The information that clinical teams need and for which they will take responsibility must be provided. The power given to ward-based teams—ward sisters, matrons or whatever they are called—is not the issue; what is important is that they have effective control over hygiene, cleanliness and the environment for their patients. They must be able to act in line with contractual procedures that equip them to do so.

We need patient choice to incentivise hospitals to meet patients clear and increasing demands for clean and safe hospitals. That is more effective than the targets that the Secretary of State talks about. We need to get rid of the targets and the constraints that prevent hospitals and NHS professionals from meeting the requirements of patient safety, which they so much want to do. We need the Health Protection Agency to pull a range of organisations and sources of guidance together to ensure that infection control measures are disseminated within the NHS rapidly. We need a rapid review process for new technologies and processes.

My experience in different parts of the country over the summer showed me that patients are deeply concerned. As chance would have it, only yesterday a lady told me of the three months that she spent in hospital as a consequence of MRSA infection and the distress and pain that it caused her. Many other patients are deeply distressed about the prospect of going into hospitals that they believe—rightly or wrongly—will put them at risk of acquiring an infection.

Doctors and nurses across the country tell me that they know how to deliver infection-free environments and that they have experience of doing that. They know that they can do it if they are given the support and the freedom to deliver the requirements of patient safety without being contradicted by Government targets and bureaucracy. That is what is urgently required now, not after the general election. It is what we have called for and why we have tabled the motion. I urge hon. Members to support our motion and resist the Government's amendment, which contains no sense of the urgency for which we have called. I hope that hon. Members give the Government the same message that constituents and the public have given us over the summer—that this is an urgent requirement which needs to be reflected in Government action now.

4.47 pm

The Secretary of State for Health (Dr. John Reid): I beg to move, To leave out from "House" to the end of the Question, and to add instead thereof:

"welcomes the Government's commitment to ensure that patients can have confidence that National Health Service hospitals are clean, safe environments with infection firmly under control; congratulates the Government on its action plans for reducing infection rates, 'Winning Ways' and 'Towards cleaner hospitals and lower rates of infection', which include the new target for a year-on-year reduction in MRSA, and the designation of directors of infection prevention and control to bring about local change; notes that the National Audit Office report concluded that the introduction in 2001 of mandatory MRSA surveillance raised the profile of infection control with senior managers; expects that the new target will act in a similar way, and deplores therefore the suggestion that the target be abolished; acknowledges that improving patient safety is a difficult medical issue that calls for the hard work and care that is the hallmark of NHS staff; welcomes therefore the 77,500 extra nurses and almost 19,400 extra doctors that have become a part of patient care since 1997; and therefore congratulates the Government on a comprehensive programme of investment and reform that has equipped the NHS to deliver improvements in patient safety, and to reduce hospital-acquired infections."

Although we use these words often, I welcome the opportunity to discuss the subject and the Government's approach to reducing health care-acquired infections. The hon. Member for South Cambridgeshire (Mr. Lansley) gave a reasonably balanced speech, although at its centre was a mistake also made by the Leader of the Opposition, which is to imply, if not to state specifically, that hospital-acquired infections, especially MRSA, are the result of party political decisions of the Labour Government.

It is important to get the matter in perspective. We should acknowledge the problem, but it has existed for many years—indeed decades. The Leader of the Opposition was ill advised to introduce party politics on a matter such as MRSA. The problem has existed under both parties in government. It has not just arisen overnight; it has been there for decades. I use those words advisedly—I notice that there is some opposition to them—because they are not mine; they are the words of the Conservative Health Minister, the hon. Member for Orpington (Mr. Horam), in Hansard on 19 March 1997, after 18 years of a Conservative Government. I have substituted "MRSA" for "E. coli" and "the Leader

of the Opposition" for "the hon. Member for Thurrock", who was advising the Government not to make the issue party political. People will notice that what was, in a set of objective circumstances, giving rise to a decades-long problem in the dying months of a Conservative Government, has suddenly become a new issue as a result of the Labour Government some seven years later.

It is far too serious to treat the problem as a party political one, or to undermine it by exaggerating the novelty of the problem. The situation is serious enough without trying to imply that it is more serious than it is. In a sense, that undermines the credibility of the problem.

The Government's approach to the matter sits in the context of our efforts to update and improve the NHS. It cannot be seen in isolation of them. Some of those efforts are criticised by the hon. Gentleman, but I remind the House of them. There is more capacity and more money being put into the NHS in a sustained way than ever before: an average of 7.6 per cent. growth in real terms during the past four years. That has helped to expand capacity and, compared with 1997, the figures speak for themselves. There are more staff than ever: 77,500 more nurses and 19,000 more doctors working in the NHS. Sixty-eight major new hospitals have been built, are under way or are planned. That point is relevant, and I shall return to it later.

As a result—without in any way diminishing the deaths and misery caused by hospital-acquired infections—there are now 280,000 fewer people on the in-patient waiting list, compared with March 1997, and hardly anyone at all is waiting more than nine months for a hospital admission. More importantly, health outcomes for patients in general have improved. Premature deaths from cancer are down by more than 10 per cent., and coronary heart-related premature deaths are down by 23.4 per cent. Those are staggering changes. Out of fairness to NHS staff, let us remember that there are thousands of people alive today who would not have been had the NHS not introduced its reforms, and had we not introduced our improvements to the NHS. Staff have worked hard to achieve all that, so let us give them credit.

That is the context within which we are facing the challenge of hospital-acquired infections, a major one by any standards, and specifically, MRSA. What is the objective position as regards hospital-acquired infections? Almost by definition, hospitals are places where infections are concentrated. That has always been the case; it is not a phenomenon restricted to the current time or Government. What is the volume of hospital-acquired infections? I notice that the hon. Gentleman made no reference to the volume of such infections in comparison either historically or internationally.

Our estimates show that up to 9 per cent. of in-patients acquire an infection of some kind. They also show, as far back as we have reliable data, that that has not changed materially since 1980, not 1990. In 1980, the number of those infected stood at 9.2 per cent.; today, it is estimated to be 9 per cent. I shall go further. The advice I have is that, as far as we can make out, the total volume of hospital-acquired infections as a percentage has not substantially changed for the past 50 years.

What has changed within that overall total is the main type of bacteria or organisms that we have to deal with. Today, it is MRSA, but if one goes back to the 1950s, one finds it was staph aureus—the methicillin-sensitive organism. In the 1970s it was E. coli, in 1980 it was pseudomonas and in 1975 it was klebsiella. A mutation has occurred. As we have been successful in controlling some types of infections through antibiotics—and perhaps the overuse of them—others have grown to present the problems we have today.

I do not wish in any way to diminish the seriousness of the problem, but I caution against historical exaggeration of such infections as a novel problem with which we have had never had to deal before and which is exclusive or enhanced under a Labour Government.

Health care-acquired infections are not just a problem in this country. The estimated rate of infection here is 9 per cent., compared with 7 per cent.—admittedly, a lower figure—in the Netherlands, 8 per cent. in Spain and Denmark, and rates of 6 to 10 per cent. in France, and 5 to 10 per cent. in the United States. In giving those figures I do not wish to diminish in any way the scale of the problem. I want to make sure that we take it seriously by avoiding exaggeration. However—

Mr. Lansley: I understand what the Secretary of State is saying, but he will accept that the incidence of MRSA in particular has risen dramatically since the mid-1990s. I entirely accept, however, a number of bacteria constitute MRSA and that they have developed over time. Indeed, I have corresponded with him about the need to prepare for the possibility, hopefully remote, of an outbreak of vancomycin-resistant Staphylococcus aureus. In the international context, we are lucky not to have experienced an outbreak of severe acute respiratory syndrome, but some countries have combated MRSA, as they did SARS, with a dramatic change of culture within their health care systems. For example, a Dutch strategy was based on the policy of search and destroy set out in "Winning Ways". Clearly, other countries with an increasing incidence of MRSA responded in completely different ways, and the Secretary of State must explain why that was not the case in Britain.

Dr. Reid: I shall come on to that. We have set the record straight and got rid of the tabloidy misrepresentations of a novel problem in certain quarters. I am not saying that the hon. Gentleman was guilty of such behaviour today, although the Leader of the Opposition, in search of another bandwagon, jumped on that one without much success. We do not diminish the seriousness of the problem by putting it in the correct context, which helps us to identify the challenge facing us. However, as I was about to say before the hon. Gentleman intervened, it is true that MRSA infection has become more of a problem in the United Kingdom. It has replaced problems previously caused by E. coli and other organisms that I mentioned. There are complex reasons for that, including some unknown ones, but it is possible to identify a number of the interrelated causes.

The hon. Member for South Cambridgeshire asked me to grapple with the reason why MRSA is more prevalent in the UK, even though the overall infection rate is lower here than in some countries. Part of the

[Dr. Reid]

answer is that the strains responsible for most infections in the UK are different from those in many other countries. *[Interruption.]* I do not know whether the hon. Member for Westbury (Dr. Murrison) is asking about strains of infection. He is much more qualified than I am, but I am advised that about 12 to 15 years ago, we witnessed the development of Thames strains—two particularly virulent forms of MRSA that are not common in other countries, but which are particularly well adapted to spread between patients compared with other strains.

Mr. Paul Burstow (Sutton and Cheam) (LD): If I understood the Secretary of State correctly, he said that when one looks at the totality of health care-acquired infections and compares the UK's performance with that of other European countries the UK is doing better. If so, where is the evidence? As I understand it, the surveillance systems in place do not collect that information.

Dr. Reid: Our figures are based on the data that is collected and the estimates. No country is compiling data in forensic detail on all aspects. I have given the hon. Gentleman our best estimate. The rate of hospital-acquired infections—the aggregate sum that he mentions—in England is 9 per cent. Twenty-four years ago it was 9.2 per cent., based on the same estimates but perhaps less data. Historically, therefore, as a global aggregate sum, the current rate is not out of kilter with what has been the case for 24 years. Indeed, I am told by my advisers, including some very well qualified advisers, that the rate has probably been of the order of 9 per cent. for the past 50 years. The comparable rate in the Netherlands is 7 per cent., 8 per cent. in Spain and Denmark, between 6 and 10 per cent. in France and between 5 and 10 per cent. in the United States. Those are the best estimates available to me.

However, within those aggregate totals, it is true that we have a particular problem with MRSA, which we are attempting to face. In order to do so, we must understand why we have that problem. The first reason that I identified is that there are a number of strains under the generic name MRSA. At least two of those strains, which we used to call the Thames strains because they originated in this region, are particularly virulent in crossing from patient to patient. They are a different strain from those that occur in some other countries.

A second objective fact is that we have a higher proportion of patients who are susceptible to infection than we had 20 or 30 years ago, because of the increasing number of elderly in our country, largely as a result of the success of the national health service in maintaining people for a longer period.

Thirdly, infections are caused by a wide variety of micro-organisms, often bacteria from our own body. As the NHS undertakes increasingly complex and invasive medical procedures in vast numbers—remember, we are dealing with some 7.5 million treatments a year in our hospitals—and our patient population is increasingly susceptible because of age or immuno-suppression, it is perhaps not surprising that the rates of hospital-acquired infections are not decreasing.

From the complex battery of reasons, I have given three that are objective circumstances. That does not lessen the seriousness of the problem, but it begins to get us towards a mature debate on the causes so that we can address them. That is surely what the entire House wants.

Linda Gilroy (Plymouth, Sutton) (Lab/Co-op): Before my right hon. Friend moves on, can he tell me whether he has made any assessment of the extent to which the accuracy and transparency of our collection of data in this country is comparable with data collection in other countries, and whether that might be another factor in the differing rates?

Dr. Reid: Yes, in general terms. In terms of international comparisons to date, we have done more than any other country to collect such data. In historical terms, I was about to say that we had done 100 per cent. more than the previous Government, but in fact we have done an infinitesimal percentage more than they did, since they did nothing at all about collecting such data. Does that mean that we have satisfactory and reliable data on detail and volume? No. I am not content with that.

That is why, as the hon. Member for South Cambridgeshire was kind enough to say, we started off with the most reliable indicator for the compilation of empirical data—the search and study of bacteria in the blood. For a host of technical reasons it is much easier to identify infections there than in a wound, because there might be a wound without bacteria, bacteria without a wound, or bacteria all round a wound, making it much harder to test. It is not as reliable for culturing as blood. For all those reasons, we did not start off with open wounds. We did not start off with respiratory or urinary infections either, because in both those cases the incidence of MRSA is much less.

We started off by testing for bacteria in the blood, and, as the hon. Member for South Cambridgeshire said, we are developing certain orthopaedic procedures.

We take the problem seriously. Indeed, it is rare, if not unique, for a Secretary of State for Health publicly to declare that the issue is one of our great challenges. It is easy not to collect data, not to declare the problem and pretend, because the data have not been collected, that the problem does not exist. I took the opposite approach—I said that the first step in tackling the problem was openly to admit that we have a problem. We have had the problem for decades, but I think that I am the first Secretary of State for Health publicly to declare it as a major priority.

The figures indicate how serious the problem is. Our surveillance shows that 7,600 known MRSA bacteraemia or blood stream infections currently exist. To put that in context, that is about one in 1,000 patients. Although we do not yet collect data from other areas, if we include the other main area of infection—surgical wound MRSA infections—the best estimate is that 23,000 incidents of infection have occurred, which is about 0.3 per cent. of patients or three in 1,000.

That is, of course, three patients too many. Some hon. Members may know a loved one or friend who has suffered pain or lost their life because of such an infection, in which case 100 per cent. of that person's life

is lost. That is why we must take the matter seriously. I present the figures to put it in perspective, because some recent headlines have been so alarmist that they might discourage people from going to hospital to receive treatment for conditions that could kill them.

I accept that we do not yet have enough data on the incidence of hospital-acquired infections, but, from the data that we have, we do not believe that such infections are increasing significantly. That is not my judgment—it is the judgment given to me by my advisers—but I take responsibility for accepting it. The base data on bloodstream infections show a slight increase of the order of 5 per cent., perhaps less, over the past three years. The problem is great and the incidence of infection has increased, so we should take the matter seriously—I shall come on to how we are taking it seriously—but the magnitude of the problem is not as alarming as some stories have claimed.

Mr. Simon Burns (West Chelmsford) (Con): If I heard the Secretary of State rightly, he said that the increase was about 5 per cent. over the past three years. How does he square that judgment with the figures from his own Department and the Health Protection Agency published in July this year, which show that the increase for blood infections with MRSA was 3.6 per cent? If one adds cases of less severe infection, MRSA, and the total number of blood infections, the increase was just more than 9 per cent.

Dr. Reid: The hon. Gentleman may have misheard me. I started with the aggregate volumes of hospital-acquired infections before going on to the specific subject, MRSA, which I admit is a problem area. The figure that I just gave is for MRSA.

Mr. Burns: In order to ensure that we are speaking on the same basis, will the Secretary of State clarify that the increase was 5 per cent. over three years?

Dr. Reid: I said just less than 5 per cent.

Mr. Burns: How can that be squared with the Department of Health and Health Protection Agency figures, which show that for MRSA the year-on-year increase to July was 3.6 per cent.?

Dr. Reid: The figures are wholly compatible, unless my arithmetic has gone completely mad. As 3.6 per cent. in one year is less than 5 per cent., it is entirely possible that the total was of the order of 5 per cent. over three years. It is not crucial whether the figure is 4 per cent. or 6 per cent.—I said that is of that order, because the figures are based on estimates. If the hon. Gentleman sees a contradiction, I am more than happy to check it and write to him.

I accept that we do not yet have adequate data. One of the reasons why we do not have comparable figures going back to before 1997 is that comprehensive data have been collected only under this Government. Although we have had this problem for 50 years, with the same aggregate volume of hospital-acquired infections, previously no data were collected at all. We were not only the first Government but, to my knowledge, the first country anywhere in the world to introduce mandatory surveillance for MRSA bloodstream infections. Although we may not have done everything as quickly as the Opposition would like, it is hardly fair to say that we have done nothing: we have led both at home and internationally.

Not knowing the figures did not mean that there was nothing there—all the best estimates suggest that there was. The previous Government's laissez-faire approach meant that Parliament would not have been able to have such a debate, nor would the tabloids have been able to write the headlines. No one gave them the information to alert them to the seriousness of the problem because no one collected that information in the first place.

Although we know that not all health care-associated infections can be prevented, this is an important patient safety issue on which we are determined to take action. Contrary to some of the advice that is being thrust upon us, there is no simple quick fix to preventing these infections. We need a multi-strand approach because the causal relationship between the factors is multi-faceted. It is not just a matter of cleanliness—it also depends on the patient's age, the severity of their illness and the intrusiveness of some operations.

The two most important risk factors in contracting an infection are the severity of the patient's illness and the use of devices such as catheters which provide an entry route for bacteria. Our action plans for reducing infection rates and addressing those two risk factors are set out in two publications: a public report by the chief medical officer called "Winning Ways"; and "Towards cleaner hospitals and lower rates of infection". Copies are available in the Library. Those were informed by the advice not only of the chief medical officer, but of the chief nursing officer, both of whom have played a vital role in giving me continuing advice on the implementation of our programme of action. It is the action of any responsible Government to ensure that sound, evidence-based policies are implemented.

Although we take advice from everyone concerned, Ministers are ultimately responsible. Naturally, I therefore take responsibility for any actions that we have taken to combat the problem and any failings that people perceive in them.

Mrs. Iris Robinson (Strangford) (DUP): The right hon. Gentleman will know that one way of creating public confidence in the set-up of hospitals is to ensure that instruments are properly sterilised. He may be aware of the recent disclosure in Northern Ireland whereby endoscopic instruments were found to have bodily fluids retained within them. As a result, many hundreds of people had to be recalled to have investigative procedures carried out to check that they did not have infections. It is important that NHS staff correctly follow procedures to ensure that instruments are properly sterilised, to give confidence to people in Northern Ireland.

Dr. Reid: Yes, I am aware of the incident that the hon. Lady mentioned. We have tried to tackle the matter in several ways. At one stage, we tried to introduce disposable instruments, but they led to complications that resulted in injury, discomfort, pain and further problems. The hon. Lady is right that the instruments that are used constitute an important element of hygiene, especially since the treatments are becoming

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increasingly intrusive as we find more treatments that, on the face of it, relieve pain, but are so intrusive that they create a further risk.

I was trying to explain that we are considering a multi-faceted problem. Other important risk factors include the age of the buildings and increasing antibiotic resistance. It is not simply a matter of cleanliness, which I shall tackle later. Any balanced and objective assessment would recognise that the age of our hospital buildings and the fact that people have perhaps overused antibiotics, leading to the mutation of organisms, which become more resistant, are important. Those reasons are not exclusively associated with a particular Government of a particular political persuasion.

Buildings are part of a legacy that we inherited and we hope that the risks that they present will diminish, because we have the biggest building programme in NHS history. However, that cannot be completed overnight. We must also consider the design of buildings. Many countries have far more single rooms in hospitals, making isolation easy.

Of course, cleanliness is also essential. Everyone makes that point. To be fair, the hon. Member for South Cambridgeshire pointed out that we have known that since the time of Florence Nightingale, and perhaps even before then. Cleanliness is not less important nowadays, but, ironically, it and the standard of hygiene may have to be far greater, even though we have new hospitals, because the resistance of the bugs that we are trying to kill is much greater. Getting rid of them is not as simple as spreading a bit of Dettol or a few antibiotics around.

Mrs. Angela Browning (Tiverton and Honiton) (Con): I worked in theatre in the 1970s. In my experience and that of other friends and colleagues, who have been senior nurses—call us old bats if you like—the standard of cleanliness on the wards is not as good as it was years ago, because of procedures. To give one quick example, some nurses use their hands to open pedal bins and then deal with patients. We are not considering rocket science. We simply need discipline and good management of nursing and other staff, including doctors, on the wards. That has deteriorated and perhaps the greatest proponent of explaining the reason for that is Claire Rayner.

Dr. Reid: I would not even begin to think of the hon. Lady as an old bat, a young bat or any sort of bat. Her comments are not batty—I agree with every word that she said.

Let us consider other problems that might affect cleanliness. The age of hospitals matters. In the 1970s, some of our hospitals were 35 years younger. Hospital design matters, as does the fact that we have had long waiting lists, which we are trying to reduce. Staff shortages are important because people have less time. The points that the hon. Lady made about cleanliness also matter. As she said, it is not rocket science. That is why we are trying to introduce gel and the placing of such items at the foot of the bed. We are trying to emphasise to nurses, who are better trained than ever in many matters, that the basics are important.

I dare say that some people would write to me and say that the process of contracting out cleaners that the previous Conservative Government introduced opened the way for cheapness as a substitute for cleanliness. A host of reasons exists, but I do not believe that any of us are, at heart, interested in identifying them in a party political way. We are all trying to ensure that the practical measures, which the hon. Lady mentioned and which may help us to combat lack of cleanliness or hygiene are put in place.

This morning, a meeting of NHS matrons took place on the subject. Yesterday, my right hon. Friend the Minister addressed NHS chief executives and told them that cleanliness was a huge priority. Cleanliness and hygiene are not extras in the NHS but the fundamental premise on which we treat patients.

Therefore, cleanliness is essential, and we are working to improve both infection control and cleanliness, since even in the absence of clear evidence, common sense suggests that there is a link between the two. There is not statistical and scientific evidence to show that, but my intuition and common sense tell me, as the hon. Lady tells me from her experience, that there must be such a link.

Such work is not always easy in an area in which, we believe—and the Opposition urge us to go further on this—that we should decentralise control. We are being asked to ensure the application of national standards of hygiene and cleanliness in a context in which we are decentralising power to the front line. That is not easy, but it is essential, and that is why we are doing it from the centre.

If the hon. Lady wants us to set that as an objective, and to drive it with guidelines and targets, I am with her. Her Front Benchers are not. They want such an outcome to arise spontaneously, like something out of the "Book of Revelations", but I think that we should insist on a national standard of cleanliness in our hospitals. That is why we have set a new objective for the reduction of MRSA, which is the responsibility of every member of a hospital from the top down. We have strengthened the role of the Healthcare Commission in that area. We have introduced the National Patient Safety Agency "clean your hands" campaign—the non-rocket-science, basic practice, which the hon. Lady recommended. We have introduced a matron's charter to put matrons back in charge, and ward sisters more in charge, of what happens in wards. In addition, we are prepared to learn not only from best practice at home but abroad. We are therefore bringing in experts from other countries, which sometimes have a significantly lower rate of MRSA than this country. We are also trying to improve the design of hospitals. All of that is under way, in addition to introducing extra staff and resources.

Mrs. Browning: I cannot let the Secretary of State get away with suggesting that I said that there should be targets. In the 1960s and 1970s, we did not need targets to maintain good practice on hospital wards. It was achieved through management, procedures and training. That does not require the setting of targets.

Dr. Reid: I merely point out to the hon. Lady, with great respect—this in no way diminishes her

contribution to the national health service at that time—that the aggregate rate of hospital-acquired infections in the 1960s and 1970s was exactly the same as today, and perhaps higher, according to the advice that I am given. The problem is that, within that aggregate total, some of the bugs that we are fighting are more and more resistant, with dreadful consequences.

Mr. Mark Francois (Rayleigh) (Con): Like many other Members who have participated in the debate, I have had casework involving MRSA, so this issue is also important to me. In the event that an infection control team makes a formal recommendation to close a ward because of a serious infection on it, and there is a tension in the hospital management because that may affect waiting lists, should the advice of the infection control team take precedence and the ward be closed?

Dr. Reid: I do not know the specific example to which the hon. Gentleman refers. If he asks me about general principle, clinical priorities and clinical need take precedence over everything else. That is the nature of the national health service. That is why the position on waiting times and waiting lists is determined by clinical need. That is why, on the four-hour target for accidents and emergencies, if a doctor says that a person should stay for more than four hours for clinical reasons, we allow that, and it is not counted. There should be no doubt about that. He will understand why I cannot comment on a specific example, the details of which I do not know. As a general guide, however, all of us in the House would agree with the proposition that clinical need should guide the actions of those who work in the national health service.

We agree that more needs to be done. As the recent National Audit Office report recognises, however, our work has moved infection control up the NHS agenda with a priority that no previous Government have given to it. That is precisely why there is public debate on the issue at present. In July, we introduced the new objective—the new target—on which I know that Opposition Members do not agree, although God knows how we are supposed to get rid of MRSA by removing as an objective of the NHS the combating of MRSA. That seems a perverse logic, but it is the logic of their position.

That will not improve patient safety; it will do the opposite. We know that having an objective, a target, according to which managers, staff and hospitals are judged when information is issued to the public, must ensure that the issue is given greater priority in the NHS and in hospitals. The National Audit Office report concluded that the introduction of mandatory MRSA surveillance raised the profile of infection control not just with staff on the wards, but with senior managers. We expect the new target to operate in a similar way.

Let us briefly consider the alternatives that have been put to us. I have explained to the House that the aggregate number of infections is no greater than it has been for 50 years. The first misrepresentation of the position is the claim that it is much greater than it was; the second is that the problem is entirely due to the fact that we are treating more patients in the NHS more quickly. I remind the House that the awful length of the waiting lists with which we have to deal must make dealing with them a priority—and also that they are a legacy of neglect of the NHS.

We do run the NHS at a very high bed occupancy rate. That is because it is treating more patients and cutting waiting lists. Of course increased activity means that we need to work even harder to reduce the risk of infection, and that is what the NHS is doing.

We believe that it is possible to be both clean and efficient. We believe that it is possible to achieve targets, and good infection control. The Opposition seem to be arguing—I am sorry if I have gained the wrong impression—that we should keep more people waiting longer to go into hospital, with all the distress, anguish and, no doubt, deaths that that may entail. They seem to suggest that making people wait longer than they should for treatment is, somehow, a logical, fair and effective way of combating the increase in MRSA and other hospital-acquired infections.

Let me say to the Opposition that people should not be made to choose between lingering in pain and increasing the risk to their health by remaining on a waiting list, and going into hospital more quickly than is normal and incurring a risk of contracting MRSA. As I have said, we believe that it is possible to be clean and efficient, and we must ensure that that is achieved.

We will be actively helping NHS staff to achieve the aims specified by the chief medical officer in "Winning Ways". The requirement for each trust to designate a director of infection prevention and control does not mean the creation of another bureaucrat, as the caricature suggests. No additional post is being established. What we are saying is that responsibility must be taken at the top, rather than trusts passing it down to the nurse at the bottom.

We know that health care-associated infection is a vitally important subject—an issue of great public concern. We are tackling it. We will restore patients' confidence that NHS hospitals are clean, safe environments with infection firmly under control. Our approach is the same as it has been throughout. We are increasing capacity and reducing waiting times, and we are confident that clear objectives and a sustained management focus will achieve results.

This is, however, a complex issue, which does not lend itself easily to populist, or popular, instant solutions. It is complex in medical terms, and it calls for the hard work and care that are the hallmark of NHS staff. It will only be solved by extra capacity and by newer hospitals, better design, more research into drugs, more nurses and shorter waiting lists. All those things are just as essential as the key issue raised by the hon. Member for Tiverton and Honiton (Mrs. Browning)—that of cleanliness and hygiene.

The problem will not be solved by party-political rhetoric from the Opposition, from me, or from anyone else. I began with a long quotation from a Conservative, which I thought quite apposite and fairly balanced. Certainly the problem will not be tackled by the introduction of charges, a reduction in the number of doctors or the taking of money from the NHS. Nor will it be helped by a constant backdrop, or refrain, of criticism of NHS staff who are trying to perform a very difficult task—and, in my opinion, succeeding.

That is why the Government will reject all those options and will continue to give the support, staff, money, capacity, resources, research and guidance on hygiene and cleanliness that is required to improve all

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our hospitals. If we achieve a sustained reduction in hospital-acquired infections, that will be for the first time not only under this Government, but in 50 years. The project is therefore worthy of common support and effort across the House, and I thank the Opposition spokesman for giving us the opportunity to exchange ideas on constructive ways to tackle the problem.

5.30 pm

Mr. Paul Burstow (Sutton and Cheam) (LD): I, too, am grateful for this opportunity to debate a very important issue. As has been suggested, much of what we are referring to in respect of controlling infection and tackling MRSA and other infections in hospitals is not rocket science. It is basic, scrupulous attention to hygiene and cleanliness—basic good practice.

Often bandied around in debates such as this, in the press and elsewhere, is a figure that has been around for quite a few years, and which was cited in the first National Audit Office report in 2000. Every year, the death toll arising from infections acquired in hospital is about 5,000. An additional 15,000 people may well die as a result of infections, but that figure is even less hard than the 5,000 figure. So since 1997, about 35,000 people have lost their lives as a result of infections that they picked up in hospital.

The Secretary of State was right to rehearse the fact that this phenomenon did not commence on the first day of the Labour Government in May 1997; it has been with us for a long time. However, that is not an excuse or reason not to do more now to address a problem that many of our constituents still feel is not under control. The truth is that we do not know the scale of the problem. The Secretary of State gave various figures, many of which are based not on the mandatory systems of surveillance that I acknowledge the Government have introduced, but on estimates. I hope that, after the debate, he will place in the Library all the calculations and the basis for those estimates, so that we can consider the figures objectively and in the clear light of day. It would be useful to see precisely how some of them were arrived at.

It is worth considering some of the research published over the last few years. I shall cite one or two examples, not least of research that was undertaken and published by the Public Health Laboratory Service, as was, in 1999. It found that patients who pick up health care-acquired infections in a hospital tend to stay in that hospital for about 2.9 times longer than a patient who does not suffer from such an infection. So those beds are being occupied by people who, had they not acquired an infection while in hospital, would not be occupying them. Those beds could be being used by other patients, so capacity is being wasted in the NHS because of poor practice. On average, the stay of a patient who has acquired an infection in hospital is an extra 14 days, according to the 1999 research. It also estimated the cost of the additional treatment required as in the region of £3,000 per patient. No wonder the NAO estimated the cost of hospital-acquired infections as being £1 billion.

In his response to the official Opposition's motion, the Secretary of State gave no indication of what the Government intend to do to address the NAO's criticism of the Government and the NHS for failing, since the NAO's first report in 2000, adequately to address the lack of an estimate of the cost of hospital-acquired infections. The figure in that report is still the only one that exists, and it would be useful to know whether work will be done on that.

The Secretary of State said that at any one time, nine in every 100 patients are likely to have a hospital-acquired infection, but that information dates back to 1996; we have no up-to-date figures. Probably the most surprising figure—again, it comes from the 1999 PHLS research—is that, after factors such as age and diagnosis have been taken into account, a person who acquires an infection in hospital is 7.1 times more likely to die in hospital than someone who is not suffering from an infection.

We must show that we are taking the issue seriously, without spreading alarm and despondency, but in a realistic way.

The Secretary of State cited various figures, but we have no information on the actual number of deaths—the figure of 5,000 is based yet again on estimates. We do not have an accurate and reliable way of collecting the information, and the death certificates themselves do not include it. What plans do the Government have to commission the specific research that would be necessary to determine how much MRSA and other health care-acquired infections contribute to the likelihood of patients' dying and how many die annually? It would be useful to get a true fix on the problem.

Dr. Phyllis Starkey (Milton Keynes, South-West) (Lab): I am having slight difficulty in following the hon. Gentleman's point. Obviously, additional statistics can always be helpful, but surely we do not require statistics to demonstrate the common-sense point that a hospital-acquired infection can hardly be conducive to a patient's health and should therefore be avoided at all costs.

Mr. Burstow: I do not think that there is any dissent anywhere in the Chamber from that self-evident point, but there is concern about the rising figures and the considerable number of people who die, and it would surely be sensible to ensure that we have sound, reliable data that can be used to reassure people that the NHS is a safe place to get treatment, as sometimes it is portrayed as far from that.

The spotlight in these debates tends to focus on MRSA, but as the Secretary of State acknowledged, other bacteria can and do wreak havoc in our hospitals. The NAO rightly covered all the infections, and the motion, which frankly is a good summary of the NAO progress report from July, identifies a number of the criticisms but does not move the debate on much.

The NAO report makes depressing reading. It found that progress by both the NHS and the Department of Health in getting to grips with the infections was patchy: there was some good progress by individual trusts, and the Government had made positive responses to some of the recommendations in the 2000 report, but the picture was not consistent. The Department has issued reams of

guidance to the NHS on the control of infection, and the chief medical officer, in "Winning Ways", said that the Healthcare Commission

"will be asked to make infection control a key priority when assessing hospital performance".

However, that does not mean that the commission will publish a national report on infection control and hospital infections. Indeed, there has been no national audit of compliance with infection control standards in the NHS and Health Ministers have confirmed in writing to me that the Government have no plans to undertake one.

When I undertook my own survey of the NHS a couple of years ago to find out how trusts were doing in undertaking compliance with the guidance that had up to then been issued by the Department, I was passed a copy of an e-mail sent to press officers in NHS trusts by the Department's press office. It said:

"Dear colleagues,

You may wish to be aware that the following is the Department of Health's 'line to take' for our press office to respond to enquiries about completing this questionnaire survey. I would be grateful if you could let me know if you are dealing with any enquiries from your professional colleagues."

It went on to say:

"A Health Service Circular which set out a programme of action for the NHS on the management and control of Hospital Infection was sent to all hospitals in England in February 2000. A revised 'infection control' controls assurance standard, issued in October 2001 and national standards of cleanliness for the NHS, issued in April 2001, together cover many of the questions in Paul Burstow's survey. In addition, both the Patient Environment Action Team visits and the Commission for Health Improvement regular review visits assess hospitals against both standards and publish their reports.

The Department is mindful that the NHS should not be overburdened by responding to requests for information"—

I agree with that—

"from a variety of sources".

What really puzzled me was that, having asked written question after written question and having been told time and again that the information was not held within the Department, it was surely not unreasonable for an MP to try to seek the information at a more local level. The message seemed to be that ignorance was bliss.

When "Winning Ways" was published last December, the chief medical officer provided a possible reason why the Department was not keen on my survey. What he had to say then was:

"Despite the extent of the guidance issued to the NHS, such data as are available show that the degree of improvement has been small."

Surely ensuring compliance with the guidance issued by the Department of Health over the last few years should be a matter of concern to Ministers. The Secretary of State says that the guidance is a key part of driving improvements forward from the centre, but how can the centre be confident that it is happening if it is not auditing compliance on the ground?

The Secretary of State also talks about a target for reducing MRSA bloodstream infections. Quite apart from our arguments about the Government's obsession with targets and tick boxes, infection control professionals are expressing some serious concerns about the Government's target. The Infection Control Nurses Association told me that the method of collecting data in connection with the target is seriously flawed because it fails to exclude patients who acquired their infections in the community—in care homes and elsewhere—or at other hospitals. It also compares infections acquired in a given year with the bed data for the previous year, which makes it hard to get a proper fix on whether or not performance is improving. If a trust already has a low infection rate, the target penalises it most unfairly—typical, perhaps, under this Government. The focus of the target is solely on one bacterium—MRSA—and it excludes all other organisms that can and do cause problems in the NHS.

Other resistant bacteria also pose a threat, which is why it is important to have information about them. Currently, however, there is no requirement to undertake surveillance and report on those other infections. The matter has already been debated across the Dispatch Box, but it needs to be repeated. Back in 2000, the National Audit Office made some very important recommendations about the need for a clear picture—not just nationally or trust by trust, but in relation to specialties. As paragraph 3.3 of the NAO progress report of July this year states, there is

"still a lack of robust information on the majority of infections at both local and national level. As a result it is still not possible to say whether there has been any tangible measurable progress."

It went on to point out that its original recommendations had made it clear that there should be

"specialty specific surveillance of bloodstream, surgical site and urinary tract infections"

and that such information should be "fed back to clinicians".

I heard what the Secretary of State had to say about the advice he was given about whether moving forward with mandatory surveillance should be the first priority, but I am puzzled that in the NAO progress report of July this year, the Department's concerns and the reasonings behind its introduction of mandatory surveillance across trusts were not rehearsed. That is most puzzling; there must have been discussions at official level. Perhaps when the Minister replies to the debate, he can explain why the Secretary of State's explanation offered today was not covered by the NAO in its progress report earlier this year.

Paragraph 3.11 of the report continued:

"The main concerns on mandatory MRSA surveillance were that the denominator data was inappropriate as it was collected across the whole hospital, and as a result, clinical staff did not relate to it, and trust management considered it to be a problem for the infection control team rather than clinicians."

Surely that is the key theme: there must be a feedback loop to the clinicians so that they can identify where the problems are and start to make the necessary changes. At the moment, the system does not offer the information necessary to do so. That is why putting something along the lines of the NAO recommendations in place should surely be a priority for the Government. I have heard nothing yet about the degree of urgency that the Government attach to that.

My survey produced at least anecdotal evidence that MRSA and other hospital-acquired infection patients are often treated on wards because of a lack of isolation facilities and staff. There are Government guidelines on

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the management of patients with infections and they recommend the use of isolation facilities for certain infections.

However, the guidance admits that the provision of isolation facilities and single rooms in NHS hospitals is sadly lacking. It states:

"Experience has shown that many hospitals find the present allocation of isolation-single rooms inadequate to deal with the increasing numbers of infected and immunocompromised patients. Hospitals with 10 per cent. of their bed contingent as single rooms often find that this number is inadequate to cope with every infectious patients. Where this is the case, risk assessment is used to inform decisions regarding patients to nurse in single rooms."

I asked some parliamentary questions to find out where the Government had got to with their programme of expanding the numbers of single rooms so that there was more scope for isolation. Ministers have stated that NHS trusts were individually responsible

"for determining the level of provision of isolation and single rooms."—[*Official Report*, 19 September 2002; Vol. 390, c. 407W.]

I was told that the Government circular relevant to this matter

"required trusts to undertake a risk assessment to determine the appropriate provision of isolation facilities within each trust"—[*Official Report*, 2 February 2004; Vol. 417, c. 687W.]

However, surely Ministers should not be in the dark about the progress being made in this matter, or about the level of front-line preparedness to deal with hospital infections. Surely, that knowledge is essential if they are to cope with threats such as severe acute respiratory syndrome. In his strategy for combating infections, the chief medical officer stated:

"NHS trust chief executives will ensure that, over time, there is appropriate provision for isolation facilities within their healthcare facilities."

I asked Health Ministers, in questions, how that was going. I was told:

"As the creation of new isolation facilities is generally linked to local plans for rebuilding and refurbishment it is not feasible to set a national timetable. Over-time is not specifically defined but provides flexibility for chief executives to implement realistic, timed work programmes for isolation facilities."—[*Official Report*, 12 March 2004; Vol. 419, c. 1819W.]

The Government talk about providing more isolation facilities, but they do not have a grip on what is going on on the ground.

This is an important debate about the Government's record after seven years in office. The Secretary of State has told us that the estimates show that things have not got better, and that we still have a serious problem with infection. He has made it clear that the Government have not acted on all the recommendations in the NAO report. The case that he made on surveillance is not sufficient justification for not getting clinicians into the loop.

Reference has been made in the debate to Florence Nightingale. However, this is not rocket science. It is a question of scrupulous attention to basic hygiene, such as hand washing. It is about effective screening, robust surveillance, and giving clinicians the information that they need to adapt, and to learn from mistakes. None of that is present in the Government's approach, and that is why we must relearn the lessons that Florence Nightingale taught more than 140 years ago. In that way, we can start to reduce the death toll in the NHS.

5.47 pm

Dr. Phyllis Starkey (Milton Keynes, South-West) (Lab): As has been noted already, the issue of hospital-acquired infection is an extremely important topic. However, the Opposition have attempted to skew the debate to make a narrow party-political point. They want to use hospital-acquired infections to support their proposition that we should get rid of targets in the NHS, and in particular those for waiting lists.

I have never been asked by any constituent to get rid of targets for waiting lists. They are very keen on them, because they want waiting lists to be reduced, and they need the targets to make sure that that happens. However, the logic of the Opposition's approach is that, to reduce the incidence of hospital-acquired infections, we have only to reduce the number of people treated in hospital. It is indisputable that treating fewer people would reduce the rate of hospital-acquired infections, but the consequence is that more sick people would remain untreated and would ultimately die from their untreated conditions. The Opposition's position on this matter is therefore completely fallacious.

A year or so ago, my own hospital, Milton Keynes general, had a serious problem with hospital-acquired infections. I would argue that that was because the hospital's bed-occupancy rate was incredibly high, mainly due to the fact that the hospital was too small for the population that it serves. That remains so, despite the large numbers of additional beds that have been provided as a result of funding by this Government.

Primarily, the hospital is too small because for the 10 years before 1997, when the Conservatives were in charge, no extra beds were provided, despite the fact that the population was growing by between 2 and 3 per cent. every year. It was undercapacity that added to the problems contributing to the high rate of hospital-acquired infections, rather than our policy of at least trying to use existing capacity to the ultimate to treat patients; and encouraging hospitals to do that by publishing targets that they were supposed to meet for waiting lists.

The second point in the Opposition argument was that the Government were not giving NHS staff enough freedom to take the measures necessary to deal with infection. I notice that the Opposition did not really produce any evidence for that claim—I have to say that their evidence is not strong. What they suggest is complete rubbish and, again, I cite examples from my hospital.

About a month ago, the Secretary of State visited Milton Keynes general hospital and I was able to be there, too. One of the conversations that he held was with a senior nurse about the measures that staff had put in place to try to deal with the problem of hospital-acquired infections. The senior nurse had responsibility for co-ordinating the policy and he described all the steps that had been taken, which indeed are not rocket science but had been learned from experience elsewhere. The staff did not feel constrained in the slightest in taking the initiative to implement those measures, either by the Government's policies or by our waiting list targets.

It is complete rubbish for the Opposition to suggest that removal of targets would make staff freer to act. It would make no difference to their implementing sensible policies for disease control. However, removing targets would make a real difference to the number of patients who are treated, to the service provided to my constituents and to the pressure on everybody at the hospital to continue to drive up standards across the board.

My final point is about the impression that the Opposition have tried to give that hospital-acquired infections are new and growing phenomena, and that they are somehow a consequence of the Government's policies on NHS targets. Hospital-acquired infections are not new. Indeed, I can give an anecdote from personal experience. As a very young child, which was several decades ago, I was in hospital for a considerable time and during my stay I acquired every childhood disease that one could catch in a small period of time. The advantage was that when I finally left hospital, cured of the orthopaedic condition for which I had gone in, I no longer had to worry about catching childhood diseases because I had natural immunity to every single one of them. I cite that merely as a truism that everybody knows: hospital-acquired diseases have always been a problem. In part, they are a problem because people in hospital are, by definition, not in the best of health. They are more susceptible to infection; many of them bring infection in with them and they are in an environment where infections, even with the best methods of control, are unfortunately more likely to be passed around than outside.

These days, there is an additional problem. Because more people are being treated outside hospital in the community, hospital populations are more ill than they used to be, so that in itself is likely to mean that patients are more susceptible and that cross-infection is likely to be greater. Furthermore—a reason that has been ignored completely—there has been a rise in antibiotic resistance, especially multi-drug resistance, which does not only concern practice in the UK. Unfortunately, such resistances spread between countries. There is irresponsible practice in antibiotic use worldwide. Antibiotics have been used for conditions that were not serious enough to warrant them. In this country and elsewhere, they have been doled out by GPs, possibly due to untoward pressure from patients, to treat conditions where the patient should have been told to go home because the infection would clear up. Members of the public also use antibiotics irresponsibly when they do not finish the full course.

The most extreme case of irresponsible public use of antibiotics, not in this country, is the well-known example in south-east Asia, where prostitutes treated themselves with low levels of penicillin, as a prophylactic, to try to protect themselves from sexually acquired infection. All that they managed to do was to turn themselves into incubators for drug-resistant venereal diseases, not only to the huge detriment of themselves, but to the enormous detriment of everyone else.

Such practices have led to the unfortunate situation where an increasing number of infections are now resistant to all the common antibiotics. That is the really serious problem, which has led to added pressure on our hospitals and other health resources, so we must have even higher standards of hospital hygiene than in the past to ensure that those problems do not get out of control. I very much regret the fact that the Opposition have used this very serious topic simply to make the party political point that they want to get rid of targets and waiting lists. That is a complete diversion from what we ought to be discussing, and they should be much more responsible on such issues in future.

5.56 pm

Mr. Simon Burns (West Chelmsford) (Con): A number of hon. Members and the Secretary of State have stressed the importance of cleanliness in the hospital environment in seeking to tackle the growing problems of MRSA in our hospitals. I certainly accept that that problem cannot and will not be eradicated overnight, but efforts naturally have to be made to ensure that more is done to minimise and reduce the incidence of the problem, and I believe that cleanliness in our hospitals is a key factor in achieving that.

During my brief remarks, I should like to highlight my own hospital, Broomfield, which is part of the Mid Essex hospital trust. The hospital was the subject of an article in the *British Medical Journal* earlier this summer because it has managed in a relatively short time, using excellent practice, to eradicate infections completely on the one ward—I emphasise that it is one ward, not the whole hospital—where the problem was growing. I refer to the orthopaedic ward.

In 1998, the orthopaedic unit was moved from a dedicated orthopaedic hospital to a district general hospital—Broomfield—and a dramatic increase in the incidence of patients on the elective ward who acquired MRSA was noted. In 1996, before the transfer, there were three new cases of MRSA on the elective ward. By the year 2000, after the transfer, the figure had increased to 29.

Staff on the orthopaedic ward analysed the situation and came to the conclusion that the increase was associated with elective orthopaedic beds also being used indiscriminately by emergency patients. To test their conclusions, they started to follow the British Orthopaedic Association guidelines and separate elective from emergency work, introducing an MRSA-free zone. Strict admissions criteria were introduced for elective orthopaedics. No inter-hospital transfers were allowed. All patients due to have elective orthopaedic operations were screened at a pre-admission clinic, and any positive patients were given eradication therapy and admitted to one of the trauma wards for surgery, rather than to the elective ward. The practice of admitting day cases to the elective ward was stopped.

In addition to the standard precautions, a strict code of dress was instituted so that nursing staff wore disposable aprons and gloves for each interaction with patients; alcohol hand rub was installed by every bed—and staff had to use it before and after every consultation; medical staff had to leave their jackets at the door to the ward and wore clean white coats that were washed regularly; and visitors were not allowed to sit on the beds.

The results of those procedures were dramatic. In the year before ring-fencing, 417 lower limb arthroplasty operations were carried out; in the year after, there were 488—an increase of 17 per cent.—without any increase in theatre capacity or the number of beds.

[Mr. Simon Burns]

But the total number of all infections in post-operative patients fell from 43—nine of which were MRSA—out of the 417 cases, to 15 out of the 488 cases, with no cases of MRSA.

It must be emphasised that that achievement is confined to the orthopaedic ward, because there has been some confusion, to the detriment of the local hospital, about whether MRSA has been eradicated in all the wards. That is not the case. However, the example shows that if proper procedures are adopted and rigorously enacted, they can have a positive and dramatic effect on the problem. I congratulate the nurses, doctors and consultants, as well as the management of Broomfield hospital. They have introduced a positive procedure that should be studied by other hospitals in the NHS so that it can be emulated and copied to reduce the incidence of MRSA.

6.1 pm

Laura Moffatt (Crawley) (Lab): It is a pleasure to follow the hon. Member for West Chelmsford (Mr. Burns), who spoke of local experience in reducing the rate of hospital-acquired infection. I found it an inspiration to hear about the work that has been done, but the most interesting point was that the reduction was achieved when targets and the other pressures mentioned in the Opposition's motion were in place.

Florence Nightingale is a personal hero to many of us, especially nurses such as myself. She has been quoted enormously in the debate. However, the issue is difficult and complex, and that is why it should never be used in a party political way. Florence Nightingale was indeed keen to ensure that cleanliness was at the heart of treating patients, but she was also keen to ensure that they had lots of visitors, so that their emotional and psychological wellbeing was properly cared for. Indeed, she believed that if patients wanted their pets to visit them, it should be allowed. She understood that patients' happiness was important when they were trying to recover from serious operations. That illustrates the difficulty that we face. It is not as straightforward as saying that everybody must wash their hands and everything will be fine. That is untrue, and it is a target that we cannot possibly achieve. It is wrong to try to give the impression that that is all that needs to be done.

Many visitors bring hospital-acquired infections with them. Visitors bring their children and they hug and kiss their loved ones—thank goodness they do—but what should be done about that? It is a complex issue that cannot be addressed in the simplistic way that has been suggested today.

I wish to talk about my experience of working as a nurse. I spent many years nursing patients who needed to be isolated, so I know the difficulties and pain that hospital-acquired infection causes to them. Nurses also suffer pain and anguish when such cases occur. They provide 80 per cent. of care and if they discover that a patient is infected they are desperately sad and unhappy about it. Nurses want to do something about the problem.

The empowerment that is being delivered to nurses hands them the challenge of deciding how a ward should deal with an outbreak of a particular infection or ongoing outbreaks of infection.

Any hon. Member who is involved in nursing organisations or their local hospital will see some of the initiatives that are making a difference not only to how nurses deliver, but to the way in which they feel empowered to take their initiatives forward and deal with problems. It is my suspicion that many of the initiatives are nurse led. After all, as they are delivering most of the care, they see what is going on and can bring the whole team together. I stress that it is the whole team. There is little or no infection among those who are treated in the community, with the exception of those who have gone into the community with hospital-acquired infections. It is in hospitals that we need to be most worried. We need to ensure that nurses are at the heart of getting teams together. We need collective decision making, from the cleaner to the consultant, on how staff deal with the ward. That is how we will truly make an impact on hospital-acquired infection.

A hospital trust close to me ensures that staff have time to sit down with the consultant on a weekly basis, in the protected lunch hour when patients eat their meals quietly without interruption—another Government initiative that is immensely welcome in hospitals. The cleaner can say to the consultant, "But I saw you move from one patient to another without washing your hands." It is difficult to empower someone like the cleaner, who is part of that team, to do that, but if that atmosphere and ethos runs through the team on the ward, that is how we can make an impact on infection.

I was slightly worried to hear the derisory comments of the hon. Member for South Cambridgeshire (Mr. Lansley). He made it seem as though hand washing was a new initiative and something that we could laugh at, but we are introducing a new ethos, which asks patients to be involved in the campaign. When did we ask patients before to challenge the staff around them and to participate in their own care to ensure that their treatment was of the highest quality? Why should not patients be able to say to a nurse, "I'm concerned that there was no hand washing between one patient and another"? Empowering our patients, staff and visitors is the way to tackle the problems.

I see genuine improvements in hospitals. The pressures are different. I wish I could put on my rose-coloured spectacles. I started my training in 1970, when we did not collect figures on hospital-acquired infection, and honestly wish that I could go back to those days and pretend that such infection does not exist, but there is a new atmosphere—the pressure is on. We have to ensure that patients are properly treated. The way to do that is to fund our NHS properly so that we can use new devices and technologies, such as silver alloy urinary catheters, which reduce infection. The only way to make that happen is to sustain investment and develop our empowerment of nurses, especially in hospitals. That is how we will get genuine improvement on hospital-acquired infections.

6.9 pm

Mr. Archie Norman (Tunbridge Wells) (Con): As many hon. Members, including the Secretary of State and my hon. Friend the Member for South Cambridgeshire (Mr. Lansley), said the problem of hospital-acquired infection is not new. It is a decade-old struggle, which was temporarily masked by the advent of effective antibiotics. My father worked at Great

Ormond Street hospital before we had antibiotics. We can understand why an emphasis on nursing discipline, cleanliness and hygiene was imperative in those days. If patients acquired an infection, there was in many cases no way of treating them.

However, the development of MRSA antibiotic-immune infections is new, as is the much greater intensity of utilisation of hospitals, particularly by higher-risk patients, which creates a higher-risk environment and therefore calls for an intensely greater emphasis on cleanliness and standards of hygiene. That is the challenge we face.

We should not accept the development of MRSA, or the level of hospital-acquired infection—which has sat at about a level of 9 per cent.—as inevitable. There are hospitals with much lower levels of infection. BUPA reports, in a very different context, that occurrence of MRSA in its hospitals is negligible; I do not know whether that is true. As the Secretary of State has acknowledged, we know that there are differences, particularly in instances of MRSA as opposed to those of hospital-acquired infection. We have a high level of MRSA, but in Scandinavia and Holland the rate of MRSA infection is much lower as a percentage of total infections.

Equally, there is a wide dispersion of outcomes among NHS trusts carrying out similar types of operation. That suggests that some are doing well, and some are doing less well. The trust in my constituency comes 19th out of 45 in terms of MRSA incidence. In other words, it has a high level of incidence. It is an old hospital that urgently needs rebuilding and—perhaps not coincidentally—has had serious problems with cleaning.

There has been widespread recognition—and I think that the Secretary of State will acknowledge this—that Government and NHS initiatives on MRSA have produced patchy results. In some cases there has been evidence of effective results. My hon. Friend the Member for West Chelmsford (Mr. Burns) made a point about a hospital in Chelmsford, to which I shall return later.

What does all of this tell us? Solutions are not just related to what can be done from the centre. I do not want to get into a debate about central targets. Clearly, the Government have to take initiatives, but they cannot just consist of poster campaigns and leaflets—we all acknowledge that. Fundamentally, it is a matter of getting back clinical management control of the ward environment. That means total control that can derive only from a level of culture and discipline from all those who work in the ward environment, which must run through the organisation from top to bottom.

The struggle to contain MRSA cannot be entirely divorced from the question of how we manage hospitals and their leadership. The debate I have had with the Secretary of State in the past about the balance between central control and targets can become slightly vacuous, but the question is how much emphasis we place on creating the right level of leadership in our hospitals, and giving that leadership—the chief executives and clinical management—the time to create the culture and organisation we want in the wards. I believe that investment in quality local management, and giving it the time and wherewithal to apply the right critical judgments, is critical to making progress.

At the heart of the problem—this sounds simple but it is not—is a failure of cleaning, hygiene, discipline and training. It is in the culture of the people, and we should not forget that. In turn, those factors derive from the quality and motivation of chief executives. I ask the Secretary of State to think about how much time a chief executive in an NHS trust has to patrol the wards, acting as a leader on the ground, as opposed to sitting behind his or her desk dealing with administration of one kind or another.

The problem is also concerned with the fragmentation of accountability for the ward environment, which we have debated before. The Government have sought to address it with the appointment of modern matrons, but we still have a far more fragmented control of the ward environment than we had 20, 30 or 40 years ago, when the ward sister was in absolute control, not only of cleaning but of admissions into the ward environment—I know that it would not be practical to do that today. In many cases, she would control whether doctors came on to the ward, and at what time they did so. That has all changed, and with it there has been a decline in the ethos of cleanliness because so many different people have uncontrolled access to the ward.

The nature of nursing care has changed. Nurses increasingly regard themselves as specialist health care professionals and are less dedicated to total care and, in some cases, less inclined to regard themselves as responsible for hygiene and cleanliness. In many cases, they rely on unqualified nurses to do the job.

I shall give a brief illustration of factors that lead to loss of control. We have talked about cleaning contractors. Sub-contracting can create a problem, but that depends on how it is managed. No one knows when cleaning will be required—it may be needed, for example, if there is an incident on the ward—but ward sisters should have the discretion to call for it whenever necessary. They must have absolute authority over when cleaning is required or when mess has to be cleared up. A system in which cleaning is determined by a rota, outsoureed or is the responsibility of a modern matron on the other side of the hospital simply will not work.

Hand washing facilities in many of our hospitals are woefully inadequate. Physically, they are in the wrong place. The hon. Member for Crawley (Laura Moffatt) mentioned doctors who moved from bed to bed without washing their hands, but in many cases hand washing facilities are 100 yds down the corridor. It is impractical to use them, so we must contemplate that design problem. Incidentally, they fall far short of the amenities in many other highly sensitive facilities. Most food manufacturing facilities, for example, have much better hygiene and access controls than our hospitals. Our hospitals are open buildings with free visitor access and no security. Visitors come to the ward and, in many cases, are not invited to wash their hands. They touch the patients and the facilities, then leave.

Staff uniforms are another problem. Gone are the days of crisp, white, starched uniforms. Many staff go home in their uniform and return wearing it unwashed the next day. It is therefore not surprising that we have a problem, but substantial change is required to tackle it. A total change in culture and management is needed, but it will not be easy to effect. We need a change in attitude to the way in which the ward environment is controlled, who is allowed access and what they are

[Mr. Archie Norman]

allowed to do while they are on the ward. There is a balance to be struck between change and the pressure to achieve targets on, for example, occupancy rates. On the ground, line managers should have the authority to make clinical judgments and should not be burdened with the weight of national targets by top management. I am not making a party political point—it is not a question of targets or no targets—but we must allow people to exercise discretion locally.

In conclusion, I shall cite the article in the *British Medical Journal* mentioned by my hon. Friend the Member for West Chelmsford. At Chelmsford, in a single, small location, there was a dramatic reduction in MRSA and the rate of hospital-acquired infections. At the same time, there was a 17 per cent. increase in the number of operations undertaken. Cost savings and increased productivity were achieved because infected patients were not occupying beds, so the experiment merits serious consideration. The article says:

"Staff, patients, and visitors had to undergo a major change in culture in order to implement the changes. The senior medical and nursing staff acted as role models in the implementation of new policy, as described by Ching and Seto."

In other words, improvements were achieved not just by guidelines or a new framework, but by a change of culture and policy and the creation of a completely controlled ward environment.

6.18 pm

Linda Gilroy (Plymouth, Sutton) (Lab/Co-op): Hospital-acquired infection and MRSA are serious issues, and I am glad that we have had an opportunity to debate them. They are certainly important to my constituents in Plymouth.

The problem is not new, as hon. Members have said. As well as being resistant to certain types of antibiotic, MRSA in particular has an intrinsic propensity to spread. Hospital-acquired infection, like many serious problems, has various causes, and there are many strands to its solution. It deserves our serious consideration, and is far too important an issue to become a political football. I pay tribute to the Government for their work in taking it seriously and some of their initiatives are listed at the beginning of "Winning Ways".

It is an impressive list, even at that time, before our right hon. Friend the current Secretary of State took over, and includes circulars on management and control of infection and a controls assurance standard. In 2003 the National Institute for Clinical Excellence issued guidelines for the primary care and community care sector.

"Winning Ways" reflects the deep-seated nature of the challenges. It analyses and sets out how to tackle infection at all levels, from establishing a culture of surveillance and investigation to achieving a sharper focus on high quality research, which is needed to underpin best practice in information sharing, monitoring and action. The hon. Member for Sutton and Cheam (Mr. Burstow), one of the Opposition spokespeople, said that we did not want rocket science—we wanted common sense. However, we need both. We need common sense, as I shall discuss in a moment, but we need rocket science to establish which common-sense solutions are working.

"Winning Ways" also sets out some aspects of hospital management and organisation for action, including the need to appoint a director of infection control. Peter Jenks has recently been appointed to that position in Plymouth Derriford Hospital Trust and is bringing a fresh impetus to the programme that our local hospital established. He described to me the open approach that the trust takes and some of the issues associated with achieving an open culture of reporting. That has considerable challenges attached to it.

The outcome of an infection is a balance between the intrinsic virulence of the organism, the susceptibility of the host, and the skills and resources available to treat the infection. A benign infecting organism may kill a seriously ill 80-year-old and not so much as raise a fever in a fit adolescent. Likewise, a virulent pathogen is likely to be much more harmful to more vulnerable patients.

I hope that the Minister of State, my right hon. Friend the Member for Barrow and Furness (Mr. Hutton), will agree that it is important for effective, active surveillance and investigation that the recording of these issues is of a high standard and that we are able to compare like with like. He will be aware of the concerns that Plymouth Derriford Hospital Trust has expressed about the recent publication of non-standardised data by the Office for National Statistics and the way in which that sparked some pretty ill-informed coverage in the national press.

As part of the surveillance systems that have been put in place, all hospitals in England and Wales must report every time an MRSA is grown from the blood of a patient. This is the most accurate national MRSA data and provides a standardised basis on which to make fair comparisons. I hope that my right hon. Friends the Secretary of State and the Minister will do all they can to ensure good practice in the use of statistics to inform not only our debates in the House, but the action that needs to be taken in all our local hospitals.

I turn now to what I know many of my constituents, whether they are patients, their relatives or people who work in the health service, as well as hon. Members consider to be a crucial aspect of bringing hospital infections under control. Although eight out of 10 Derriford patients rated care in the past year as excellent, patient perceptions of cleanliness remain much lower than I, they and the hospital would like. Through the Derriford cleanliness task force, matrons, members of the infection control team, the cleaning contractor, the unions and patient representatives are all engaged in tackling this key issue.

As others have described, matrons and ward sisters will take more control over the cleanliness of their wards. They are encouraging domestic and housekeeping staff to be valued as key contributors to patient treatment and welfare. Matrons will have direct accountability for cleanliness standards. I understand, and my right hon. Friend may be able to confirm, that if all else fails, that includes the ability to withhold payment for cleaning services.

People have rightly said that it is not appropriate for staff who clean toilets to serve meals. The tasks will now be separated in Plymouth Derriford and staff uniforms will identify staff who only serve food. Patients and visitors, as my hon. Friend the Member for Crawley

(Laura Moffatt) mentioned, will be encouraged to ask staff questions about cleanliness and report things that they are unhappy with.

That is all good common sense, and it should never have been anything other than common practice. As the Secretary of State suggested, however, some in my constituency say that the fact that that was not the case stems from privatisation and fragmentation. That has been a particular issue at Derriford, as it has been at hospitals up and down the country.

I hope that my right hon. Friend the Minister has seriously considered ending the two-tier work force in our hospitals sooner rather than later. I also hope that he is examining how contracts can specify outputs that guarantee a minimum quality. That would certainly solve many of the problems that we have experienced in Plymouth. Strong scientific evidence proving a link between cleanliness and health care-associated infections does not exist, but common sense suggests that every care should be taken to achieve the highest possible standards of cleanliness, and patient and public confidence demands that too.

The debate has generated more light than heat, which is good and not something that the motion might have encouraged. The motion does not do justice to the depth and breadth of the problem and what is and what can be done. Much mention has been made of "Winning Ways". Playing on people's fears in the run-up to an election should have no place in anyone's strategy. If it occurs, we can expect the great British public to rumble it.

6.26 pm

Sir George Young (North-West Hampshire) (Con): It is a pleasure to follow the hon. Member for Plymouth, Sutton (Linda Gilroy). I agree that the debate has been good, and my hon. Friend the Member for South Cambridgeshire (Mr. Lansley), who introduced it in his normal measured and rational way, set the right tone for a constructive exchange.

Along with other hon. Members who have spoken, I am, of course, anxious that my constituents should not acquire an infection when they go into hospital. Some signs are already apparent that fear of MRSA is beginning to affect people's willingness to have operations. I want to approach the subject not from the point of view of a patient with the infection, but from the point of view of a firm in my constituency that may have a solution, and I shall develop an argument that my hon. Friend the Member for South Cambridgeshire touched on in his opening remarks.

I welcome what the Government have been doing and the progress that we have heard about in this debate. I want briefly to share the frustrations that both the company in my constituency and I have had in communicating with the Government and their agencies, and gently contrast the rhetoric of urgency and of rapid reviews with the leisurely progress that has been made since last December.

Bioquell is a firm based in my constituency. It is a quoted company with a market capitalisation of some £60 million, and it has invested heavily in research and development over the past five years. I have been round it, and I was impressed by the professionalism of the operation and the commitment of the staff. It has a long record of developing bio-decontamination technology, and last year the US Government selected it for priority research into anthrax decontamination. In the health care sector, it secured contracts to bio-decontaminate three hospitals in Singapore during last year's severe acute respiratory syndrome outbreak. In July this year, it was awarded a contract by a French hospital to sterilise two intensive care units that were contaminated with a super-bug.

Progress at home has been tougher. On 3 December last year, the chief medical officer published "Winning Ways" in which he indicated as part of action area seven that the Department would set up a rapid review process to

"assess new procedures and products for which claims of effectiveness are made of their ability to prevent or control HAI".

On 15 December, I wrote to both the CMO and Lord Warner asking for a meeting to follow up the results obtained by a research team led by Professor Gary French, who is one of the UK's foremost authorities in the area—he is professor of microbiology at King's college London and head of the department of infection at St. Thomas' hospital just over the river. In a nutshell, his research shows that the hospital environment is heavily contaminated with MRSA.

In areas of the hospital where MRSA patients had been treated, 74 per cent. of swabs tested positive for MRSA.

More surprisingly, in a so-called non-MRSA ward, 43 per cent. of the bed frames were positive for MRSA. St Thomas' is probably a good proxy for all the tertiary hospitals in the UK.

Secondly, his research demonstrated that conventional cleaning does not work. In one experiment, 90 per cent. of 124 swabs were positive for MRSA before cleaning, but after cleaning the MRSA level reduced only to 66 per cent. The fact that conventional cleaning does not eradicate the superbug is highlighted elsewhere in scientific literature.

Thirdly, in another experiment the use of new technology reduced the level of MRSA dramatically. Prior to the deployment of the technology, the research team found that 74 per cent. of swabs were positive for MRSA. Use of the technology reduced that to just 1 per cent. That technology, which basically uses hydrogen peroxide vapour with high kinetic energy to decontaminate a room, equipment or furniture has been developed by the firm in my constituency.

The research that I have described was published in the "Journal of Hospital Infection" earlier this year, and it was referred to in the National Audit Office report. Lord Warner, to whom I wrote in December, neither agreed to my request for a meeting nor, indeed, answered my letter. Two months after I wrote, I got a reply from the chief medical officer that simply referred me to the rapid review process. However, that rapid review process was certainly not rapid. On May 24th, the CMO wrote to Bioquell to say that

"unfortunately, it is taking longer than anticipated to establish the rapid review process to assess new procedures and products which make claims of effectiveness against HAI. We will let you know when this has been agreed but we hope to start the evaluation before the end of the year"—

that is, one year after "Winning Ways" was announced.

[Sir George Young]

That frustration is also reflected in the NAO report. One of its recommendations is that the Department should

"As a matter of urgency, define how the rapid review process of new procedures and products is to be implemented, and how the findings will be promulgated so that they can be translated into practice at trust level with minimum delay."

The rapid review process is now set up. It had its first meeting at the end of August, some nine months after "Winning Ways" was published. I hope that the Minister will agree on reflection that that is a disappointing response to a matter that we are told is urgent and right at the forefront of the Government's priorities.

We have heard a lot about cleaning in this debate. Of course, common sense dictates that cleaning is important, and I welcome the emphasis that the Government are placing on that aspect. Cleaning is a necessary but not a sufficient condition, and the Government are in danger of misleading themselves if they believe that improved cleaning alone will combat MRSA and the superbug—it will not. I am sure that if any of us were about to be operated on we would like to be treated in a room, ward or operating theatre that had been sterilised as well as cleaned.

There has been ground-breaking research in this country into superbug eradication, but the first hospital to put it into practice is in Paris. I hope that the Minister will understand that from the point of view of a company that genuinely believes that it has a contribution to make, the response is one that can lead only to frustration.

I want to conclude on a broader but related point. The Government constantly promote the benefits of the knowledge-based economy and urge us all to adapt accordingly. As the hon. Member for Milton Keynes, South-West (Dr. Starkey) said, MRSA is a global problem that requires a knowledge-based solution. However, the Government should understand that in practice a British technology company has found it almost impossible to get any meaningful action from the Department of Health on testing and adopting its technology, although it clearly needs a domestic base to win export orders. The Department's document, "Towards Cleaner Hospitals and Lower Rates of Infection", which was published in July, says that it will

"bring the best expertise from abroad to tackle the worst problems at home".

But the best practice may already be in this country.

If the Government are really determined to drive forward their agenda on MRSA, I urge them to deal with the rapid review process with more rapidity than they have so far been able to apply to it and to get on with introducing this technology, when it has been tested, into hospitals with the biggest MRSA problem, then, subject to satisfactory tests, rolling it out. I hope that the Minister will make some commitment to faster progress on that particular aspect than we have had so far.

6.34 pm

Dr. Andrew Murrison (Westbury) (Con): The first maxim in medicine is that one should do no harm. That is important to bear in mind in the context of today's debate. Our constituents go to hospital expecting to get better and many do not understand why they or their relatives get worse. Although we fully accept much of the data that have been exchanged across the Floor of the House, we must also accept that there is a problem of hospital-acquired infections, especially MRSA. We must therefore decide how we will improve matters for our constituents.

I welcome the Secretary of State's comments that the issue is not party political. It is not our intention to make it so, and we accept at face value his welcome for today's debate as a non-political issue.

There have been seven contributions from Back-Bench Members. They were all of high quality and constituted a genuine contribution to the general debate on such an important matter. The hon. Member for Sutton and Cheam (Mr. Burstow) did us all a great service by reminding us that much of the data on which we depend is somewhat dated. He made a good point about lack of surveillance of organisms and bugs other than MRSA. The headlines are full of MRSA, but we must remember that the majority of hospital infections have nothing to do with staphylococcus aureus or any related organism and are nevertheless important.

The hon. Member for Milton Keynes, South-West (Dr. Starkey) encouraged us not to make the debate party political. Indeed, up to that point, it had not been. My hon. Friend the Member for West Chelmsford (Mr. Burns) made a series of good points, drawing on his experience at Broomfield hospital. He discussed sharing best practice, which must lie at the heart of our battle with infections.

The hon. Member for Crawley (Laura Moffatt) made some useful remarks about nurse empowerment and developed them to include cleaner empowerment. I hope that I can agree with her in some of the comments that I intend to make shortly. My hon. Friend the Member for Tunbridge Wells (Mr. Norman) spoke about differentials and the reason for different results in different areas of the country and different sectors of health care when tackling hospital-acquired infections. We need to determine the reason for that and, again, spread best practice and learn where we can.

The hon. Member for Plymouth, Sutton (Linda Gilroy) suggested that our approach should be an amalgam of common sense and rocket science, a term that was repeated several times in the debate. My right hon. Friend the Member for North-West Hampshire (Sir George Young) made an extremely important point about the rapid review process of innovative products. The Secretary of State did not adequately cover that, so I hope that the Minister will say a little about it in his remarks.

If we criticise the Government's outcomes, we cannot fault their capacity to launch and relaunch initiatives, guidelines and various circulars. At the last count, we had touched on 12 today. The latest that I can remember dealt with the provision of individual hand-washing facilities for hospital beds—a tub of cleanser for every bed. The target date for that is April next year. That shows poverty of ambition; we need such basic measures straight away—we cannot wait until April next year. Otherwise, the findings of the National Audit Office's recent report, which suggests that we lose 750 people through hospital-acquired infection, will continue to be

borne out. We cannot afford to let hundreds more patients die in the interim. The latest announcement is perhaps simply a repetition of that lack of ambition by Ministers to get on top of such a pressing problem. I revert to my initial maxim: that we should do no harm in our health service. That must be our first priority.

On Friday, I had the great pleasure of touring a new primary care centre in my constituency, which happens to be an Army primary care facility. Above all, the one thing that struck me, other than its obvious newness and the enthusiasm of the staff, was the impressive number of hand-washing facilities. I am sure that that was due to the energy of the nursing sister in charge, and that she will do her level best to make sure that all her staff—cleaners, doctors, nurses, medics—use those facilities. Certainly, it is not rocket science, although there is rocket science in relation to innovations, some of which we heard about today from my right hon. Friend the Member for North-West Hampshire. Fundamentally, however, this issue is not rocket science.

My constituent, Mrs. Burton of Warminster, who trained as a nurse several decades ago—I am sure that she will not mind my saying that—wrote to me that, sadly, she has recently become a patient in the hospital in which she trained. She gave me a 20-point list of improvements that might be made to standards in hospitals, about which she learned when she was a student nurse, and which, as a patient, she unfortunately observed were not being carried out today. I would be happy to send the Minister Mrs. Burton's list if he would be interested, and I am sure that it would be useful to him.

Above all, Mrs. Burton was worried about leadership in the NHS. We have heard a lot about that, and we have rightly heard Florence Nightingale mentioned in that context. We have heard about nurse empowerment, and about the recruitment of matrons—3,000 since 1999—apparently with the power to withhold payments to contractors and departments in the NHS that are not cleaning to a satisfactory standard. When the Minister responds, I would be interested to know how many incidences there have been of payment being withheld by matrons as result of that empowerment.

We must avoid the idea that cleanliness is somebody else's business. That has come across clearly this afternoon. Cleanliness needs to be woven into the fabric of the NHS. The NAO is rightly worried about the balkanisation of the issue—making it someone else's problem, whether the infection control team or the cleaners. I trained in the NHS, and I know full well that I was never given any instruction on hygiene during my years as a medical student. I dread to think how much infection I caused during that time. I know for a fact that, in those years, white coats were never taken from medical students for laundry. Basic measures, such as free laundry for white coats and uniforms, need to be considered. That may cost a bit of money, but as the National Audit Office points out, such infections cost us £1 billion a year, so there are savings to be made. We must not be afraid of investing money, perhaps to save some, if we want to reduce it to crude pounds, shillings and pence.

Training is exceptionally important. I am pleased to hear that training has now improved, and that medical students and nurses are being trained to apply proper hygiene. That must be fundamental to what they do, and it must go further than the ward. It is no good expecting nurses and doctors to put up with shoddy accommodation which is dirty and grimy. We need total quality management in hospitals—everything needs to be clean, including accommodation, which is often not the case. It is no good having "think clean" days, as Ministers seem to want, as in "Towards cleaner hospitals". That balkanises the problem, which the NAO is worried about. We need 365 clean days in a hospital year.

I part company from those who identify cleaning and ancillary staff as being part of the problem. It is easy for the tabloids to do that. Cleaners often appear to be marginalised—they seem to be shadowy figures in the national health service, and are often not seen as part of the mainstream NHS team. I suspect, from the remarks of the hon. Member for Crawley, that she would probably agree with me on that. Those staff need to be led, managed and made to feel that they are part of the general hospital effort.

It is no good expecting them to do their job effectively if people ignore them. It is no good saying to them, "You only shift dirt from one corner to another", if no one really takes an interest in what they are doing, and if they are not being managed properly. We hear a lot from the Government about empowering matrons, but we need to be assured that matrons and senior nursing staff have the capacity to lead and manage everyone and every activity on the ward if we are to control this problem. They must be able to lead and manage cleaners, doctors, everyone.

We have talked about differentials. It is important to compare and contrast what happens in different parts of the country. We know that hospital-acquired infection rates, particularly MRSA rates, vary dramatically. We need to learn lessons from that. Why is it happening? It is clearly not happening just by chance. Why do other countries have a far better record than ours? We need to learn from that as well, and apply best practice.

Different sectors of the health care system in this country produce different results. There may be many reasons for that. I suspect that Labour Members, in particular, will make the obvious suggestion that it has to do with resources. With respect, that would be the scoundrel's way out. Although it may have to do with resources, I am sure that it has a great deal more to do with management factors. We must be prepared to learn from that too, and decide why parts of our health care system outside the NHS appear to be doing better than the NHS in this respect. We need to establish, for example, why community hospitals seem to be doing very well. I suspect that some of that has to do with leadership. Perhaps leadership is rather better in community hospitals, owing to the sense of togetherness and teamwork, than it is in some of our larger establishments.

The Secretary of State said he felt that things had been achieved over the past few years, and none of us suggest that it is all bad news. There are people working very hard in this field. Nevertheless, we clearly have a problem. MRSA was first detected in 1960, and declined to almost zero in the 1970s. It has obviously been better managed in the past, and it is our task to ensure that it is better managed in the future.

6.47 pm

The Minister of State, Department of Health (Mr. John Hutton): I congratulate all who have spoken in this short debate. They spoke with considerable passion and conviction. I am glad to say that we have all recognised the clear need to reduce the incidence of health care-acquired infections, especially MRSA: that, at least, is common ground.

This is one of the most extraordinary debates in which I have had the pleasure of taking part. The background was intensely party-political. Last week the Leader of the Opposition made his attack on the Government's stewardship of the NHS, entirely focused on our record on hospital-acquired infections. We were blamed for the incidence of such infections because we had introduced a range of national targets for the NHS.

One of the extraordinary aspects of the debate is that it rapidly lost most of that party-political dimension. The longer it continued, the more that happened. On one level this is very encouraging: it shows that we can have a mature, grown-up debate across the Chamber, which is very important. I shall pay tribute to a number of speakers shortly, but let me say first that on another level that aspect is disappointing, because I shall have to junk most of the speech that I had prepared. There we are, that is part and parcel of the life of a Minister, and I will receive no sympathy.

Actually, I may have to inject just a little bit of party politics later—*[Interruption]*—but, obviously, in a mature and sensible way. I agree with my hon. Friend the Member for Plymouth, Sutton (Linda Gilroy)—and with the hon. Member for Westbury (Dr. Murrison) and his hon. Friend the Member for Tunbridge Wells (Mr. Norman)—that we should not treat this subject as a party-political football, and we have seen plenty of evidence today that that is not happening.

The hon. Member for Sutton and Cheam (Mr. Burstow) spoke for 17 minutes in his customary style, without—I think—making a single positive suggestion about how we might deal with the problem.

[Interruption.] Perhaps I missed it. I am afraid that when he started to read out the e-mails, I may not have given his speech the attention that I normally give. I found it slightly odd that he constantly complained that the Government are not being prescriptive enough and should be collecting more data. Having heard many of his previous contributions, I am not sure how that fits with his standard critique that we are being too prescriptive and collecting too much data.

Tim Loughton (East Worthing and Shoreham) (Con): At least he was being consistent in that regard.

Mr. Hutton: Indeed. My hon. Friend the Member for Milton Keynes, South-West (Dr. Starkey) brought a very sensible balance to our debate, particularly on the question of cutting waiting times and whether abandoning targets would make sense. She is of course right, and that theme underpinned many of the Opposition's contributions. The hon. Member for South Cambridgeshire (Mr. Lansley) found himself on rather lonely ground when he suggested that we should abandon waiting times targets. The hon. Member for West Chelmsford (Mr. Burns) made a very helpful contribution, pointing out that it is possible to make progress in reducing incidents of MRSA infections in particular, while also making progress in reducing waiting times. In fact, that was very much the theme of the speech by the hon. Member for Tunbridge Wells.

The hon. Member for West Chelmsford successfully anticipated my own speech, as he always does; it is deeply irritating when he does that. Perhaps he and I need to go into a quiet corner and discuss where we are on these issues. I was going to refer to the success of Broomfield hospital, which is an outstanding example of people on the ground dealing with this difficult issue at local level. There are capacity constraints in Chelmsford—the hon. Gentleman knows about the problem, and so do we—but as examples such as Broomfield hospital show, it is perfectly possible to raise awareness and promote best practice across the NHS. Such efforts are a tribute to the local NHS, and I am delighted to hear that the hon. Gentleman endorses the work of his constituents, who are making such a success of that policy.

As the hon. Gentleman knows, on a much broader strategic level across the service, we have been trying to separate out more elective and emergency work. Our treatment centres will help to accelerate that trend, so, coupled with the approach adopted in Broomfield hospital, we are entitled to be optimistic about the future.

My hon. Friend the Member for Crawley (Laura Moffatt) spoke, as she always does, with a great deal of common sense, borne out of her extensive nursing experience. I agree strongly—this was a theme of her speech and no one else's—that nurses have a critical role to play in tackling MRSA and other health care-acquired infections. She was right to highlight that aspect of the problem.

I agreed with just about everything that the hon. Member for Tunbridge Wells said. That is a problem for me but probably not for him—a fact on which I need to reflect. He is right: performance is of course variable across the NHS, and there are indeed limits on what the centre can do. My right hon. Friend the Secretary of State and I, the chief medical officer and all my colleagues in the Department of Health do not actually treat patients. Our job, as always in these cases, is to establish the right direction and to invest in the quality of local leadership. Ultimately, that is where this problem needs properly to be located, as the hon. Gentleman rightly said.

Mr. Lansley: Far be it from me to add anything to what my hon. Friend the Member for Tunbridge Wells (Mr. Norman) said, but surely one inference that can be drawn from his comments is that it is not central directives, guidelines and targets that deliver performance in the NHS, but leadership and local clinical teams. Indeed, Broomfield hospital is an excellent example of that. The initiative was specialty specific and on the elective orthopaedic ward; it was not hospital-wide or done on the basis of Government guidance.

Mr. Hutton: The hon. Member for Tunbridge Wells will speak for himself; he is perfectly capable of saying what he intends to say in his contributions. I am simply saying that there is a sensible balance to be struck. In

fact, the hon. Gentleman rightly said that there should not be an argument concerning targets versus no targets. There is a proper place in the NHS for strategic targets, and that is what we have established. The Conservatives referred today to having fewer targets, yet the Leader of the Opposition has been talking about scrapping all targets. Perhaps—

Mr. Lansley *rose—*

Mr. Hutton: I shall not give way to the hon. Gentleman, who made a long speech. The hon. Member for Westbury was not interrupted, and I have one or two other points that I want to make.

I also agreed with the description that was given of fragmented responsibilities for ward cleanliness. In terms of management and leadership, such fragmentation is not acceptable, yet as we know, it has happened. I do not want to inject an unnecessary element of party politics into the debate—I know that some of my hon. Friends want me to—but things started to go wrong when the Conservative Government introduced compulsory competitive tendering, thereby fracturing the responsibility of ward sisters and nurses for cleanliness on their wards.

I do not want to dwell on that historical point, which we are now moving away from, but we are entitled to point out some of the inconsistencies.

The hon. Gentleman rightly referred to another important issue: open wards. Open access to NHS wards is a problem, but none of us wants to lock down our hospitals and make them a prison where no one can see a patient until they come out. There has to be a balance. We have been saying to the service—the issue needs to be taken up locally—that we should be concerned not only about the cleanliness and hygiene standards that we operate but about how we share information with patients, their families and the public about the contribution that they, too, can make. I agree, however—this is probably the most important thing—that to get on top of this we will need a total change of culture, leadership and management in the service. Ministers have a responsibility to the House and the service, as well as to taxpayers, to set the tone for that change, which is very much what my right hon. Friend the Secretary of State has been trying to do.

My hon. Friend the Member for Plymouth, Sutton expressed support for the work that we are doing, for which I am grateful, and rightly stressed the need for accurate information and the importance of data on bloodstream infections.

The right hon. Member for North-West Hampshire (Sir George Young) broadly welcomed the progress that we are making, for which I am grateful, but he raised some concerns about companies in his constituency. He did not ask me to meet him to discuss those concerns, but I will be happy to do so if he will find it helpful. He referred, as did others, to the rapid review process, which is now under way, and I am advised that the team of officials steering that work is now considering six products. His criticisms are not entirely unreasonable, but the most important thing is that the work has now started.

We have covered a lot of ground in the debate, but here I am afraid I must part company with some Opposition Members—I cannot avoid it. In these debates, we are entitled to compare and contrast what they say now with what they did in office. They had the opportunity to do something about this problem in the 18 years of their stewardship of the NHS, and what did they do? First, they refused to take any action to establish the scale of the problem, so none of us, in the House or outside, had any way of knowing how many cases of MRSA occurred in our hospitals. Collecting the right information is an essential precondition for developing the appropriate responses, but they never did it.

Then, the Conservatives forced hospitals to contract out their cleaning services to the private sector. Quality did not come into it: it was the lowest bidder who always won. CCT did not lead to an improvement in overall standards of hospital cleanliness—quite the opposite. They issued two pieces of policy guidance to the service and, interestingly, if hon. Members get the chance to read it, they will see that their advice is entirely consistent with the direction of travel that we have set. That is not an impression that anyone listening to the contribution of the hon. Member for South Cambridgeshire today could reasonably have formed. There were, however, some important differences: there was no follow-up—they introduced no means of monitoring progress; and neither was there any effective accountability or any requirement to implement the guidance.

The Conservatives' approach can best be summed up in this way: first, they turned a blind eye and denied that there was a problem; for ideological reasons, they then pursued actions that made it harder to get on top of the problem; and then they took no action at all to enforce their own guidance. They gave the matter no real priority, so very little changed.

When it comes to dealing with the problems of MRSA and hospital-acquired infections, consistency and a credible track record are not the Opposition's strongest cards. In direct contrast, my right hon. Friend has made tackling MRSA a priority for the NHS, as has been acknowledged by the National Audit Office. We have introduced mandatory reporting, which the Opposition always declined to do. We have set out a clear programme of action that we expect every NHS organisation to take in order to—

Mr. Patrick McLoughlin (West Derbyshire) (Con) *rose in his place and claimed to move,* That the Question be now put.

Question, That the Question be now put, *put and agreed to.*

Question put accordingly, That the original words stand part of the Question:—

The House divided: Ayes 190, Noes 307.

Division No. 239] **[6:59 pm**

AYES

Ainsworth, Peter *(E Surrey)*
Allan, Richard
Amess, David
Ancram, rh Michael
Arbuthnot, rh James
Atkinson, David *(Bour'mth E)*
Bacon, Richard
Baldry, Tony
Baron, John *(Billericay)*
Beith, rh A. J.
Bellingham, Henry
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, rh Virginia *(SW Surrey)*

Brake, Tom *(Carshalton)*
Brazier, Julian
Breed, Colin
Brooke, Mrs Annette L.
Browning, Mrs Angela
Burns, Simon
Burnside, David
Burstow, Paul
Burt, Alistair
Butterfill, Sir John
Cable, Dr. Vincent
Calton, Mrs Patsy
Cameron, David
Campbell, Gregory *(E Lond'y)*
Campbell, rh Sir Menzies *(NE Fife)*
Cash, William
Clappison, James
Clarke, rh Kenneth *(Rushcliffe)*
Clifton-Brown, Geoffrey
Collins, Tim
Conway, Derek
Cormack, Sir Patrick
Cotter, Brian
Cran, James *(Beverley)*
Curry, rh David
Davey, Edward *(Kingston)*
Davies, Quentin *(Grantham & Stamford)*
Davis, rh David *(Haltemprice & Howden)*
Djanogly, Jonathan
Dodds, Nigel
Dorrell, rh Stephen
Doughty, Sue
Duncan, Alan *(Rutland)*
Fabricant, Michael
Fallon, Michael
Field, Mark *(Cities of London & Westminster)*
Flight, Howard
Flook, Adrian
Foster, Don *(Bath)*
Francois, Mark
Gale, Roger *(N Thanet)*
George, Andrew *(St. Ives)*
Gibb, Nick *(Bognor Regis)*
Gidley, Sandra
Gill, Parmjit Singh
Goodman, Paul
Gray, James *(N Wilts)*
Grayling, Chris
Green, Damian *(Ashford)*
Green, Matthew *(Ludlow)*
Greenway, John
Grieve, Dominic
Hammond, Philip
Hancock, Mike
Harris, Dr. Evan *(Oxford W & Abingdon)*
Hawkins, Nick
Hayes, John *(S Holland)*
Heald, Oliver
Heath, David
Heathcoat-Amory, rh David
Hendry, Charles
Hermon, Lady
Hoban, Mark *(Fareham)*
Hogg, rh Douglas
Holmes, Paul
Horam, John *(Orpington)*
Howarth, Gerald *(Aldershot)*
Jack, rh Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Jones, Nigel *(Cheltenham)*
Keetch, Paul
Kennedy, rh Charles *(Ross Skye & Inverness)*
Key, Robert *(Salisbury)*
Kirkbride, Miss Julie
Kirkwood, Sir Archy
Knight, rh Greg *(E Yorkshire)*
Laing, Mrs Eleanor
Lamb, Norman
Lansley, Andrew
Laws, David *(Yeovil)*
Leigh, Edward
Letwin, rh Oliver
Lewis, Dr. Julian *(New Forest E)*
Liddell-Grainger, Ian
Lidington, David
Lilley, rh Peter
Llwyd, Elfyn
Loughton, Tim
Luff, Peter *(M-Worcs)*
McIntosh, Miss Anne
Mackay, rh Andrew
Maclean, rh David
McLoughlin, Patrick
Malins, Humfrey
Maples, John
Mates, Michael
Maude, rh Francis
Mawhinney, rh Sir Brian
May, Mrs Theresa
Mercer, Patrick
Mitchell, Andrew *(Sutton Coldfield)*
Moore, Michael
Moss, Malcolm
Murrison, Dr. Andrew
Norman, Archie
Osten, Mark *(Winchester)*
Opik, Lembit
Osborne, George *(Tatton)*
Ottaway, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Portillo, rh Michael
Price, Adam *(E Carmarthen & Dinefwr)*
Prisk, Mark *(Hertford)*
Pugh, Dr. John
Randall, John
Redwood, rh John
Reid, Alan *(Argyll & Bute)*
Rendel, David
Robathan, Andrew
Robertson, Hugh *(Faversham & M-Kent)*
Robertson, Laurence *(Tewk'b'ry)*
Robinson, Mrs Iris *(Strangford)*
Robinson, Peter *(Belfast E)*
Ruffley, David
Russell, Bob *(Colchester)*
Sanders, Adrian
Selous, Andrew
Shephard, rh Mrs Gillian
Shepherd, Richard
Simmonds, Mark
Simpson, Keith *(M-Norfolk)*
Smith, Sir Robert *(W Ab'd'ns & Kincardine)*
Soames, Nicholas
Spelman, Mrs Caroline
Spicer, Sir Michael
Spink, Bob *(Castle Point)*
Spring, Richard
Steen, Anthony
Streeter, Gary
Stunell, Andrew
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher)*
Taylor, John *(Solihull)*
Taylor, Matthew *(Truro)*
Taylor, Sir Teddy
Thomas, Simon *(Ceredigion)*
Thurso, John
Tonge, Dr. Jenny
Tredinnick, David
Trend, Michael
Trimble, rh David
Turner, Andrew *(Isle of Wight)*
Tyler, Paul *(N Cornwall)*
Tyrie, Andrew
Walter, Robert
Waterson, Nigel
Watkinson, Angela
Webb, Steve *(Northavon)*
Whittingdale, John
Wiggin, Bill
Willetts, David
Williams, Hywel *(Caernarfon)*
Willis, Phil
Wilshire, David
Winterton, Ann *(Congleton)*
Winterton, Sir Nicholas *(Macclesfield)*
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Ayes:
Mr. Peter Atkinson and Gregory Barker

NOES

Adams, Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Bob *(Cov'try NE)*
Alexander, Douglas
Allen, Graham
Anderson, Janet *(Rossendale & Darwen)*
Atherton, Ms Candy
Atkins, Charlotte
Austin, John
Bailey, Adrian
Baird, Vera
Banks, Tony
Barnes, Harry
Barron, rh Kevin
Battle, John
Bayley, Hugh
Beard, Nigel
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Bennett, Andrew
Benton, Joe *(Bootle)*
Berry, Roger
Best, Harold
Betts, Clive
Blackman, Liz
Blears, Ms Hazel
Blizzard, Bob
Boateng, rh Paul
Borrow, David
Bradley, rh Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brown, rh Nicholas *(Newcastle E Wallsend)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burnham, Andy
Byrne, Liam *(B'ham Hodge H)*
Cairns, David
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell, Ronnie *(Blyth V)*
Casale, Roger
Caton, Martin
Cawsey, Ian *(Brigg)*
Challen, Colin
Chapman, Ben *(Wirral S)*
Chaytor, David
Clapham, Michael
Clark, Mrs Helen *(Peterborough)*
Clark, Dr. Lynda *(Edinburgh Pentlands)*
Clark, Paul *(Gillingham)*
Clarke, rh Tom *(Coatbridge & Chryston)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann *(Cynon V)*
Coaker, Vernon
Coffey, Ms Ann
Cohen, Harry
Colman, Tony
Cook, Frank *(Stockton N)*
Cook, rh Robin *(Livingston)*
Corbyn, Jeremy
Corston, Jean
Cousins, Jim
Crausby, David
Cruddas, Jon
Cryer, Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Jim *(Coventry S)*
Cunningham, Tony *(Workington)*
Curtis-Thomas, Mrs Claire
Dalyell, Tam
Davey, Valerie *(Bristol W)*
David, Wayne
Davidson, Ian
Davies, rh Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Denham, rh John
Dhanda, Parmjit
Dismore, Andrew
Dobbin, Jim *(Heywood)*
Dobson, rh Frank
Donohoe, Brian H.
Doran, Frank
Dowd, Jim *(Lewisham W)*
Drew, David *(Stroud)*
Drown, Ms Julia
Dunwoody, Mrs Gwyneth
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff *(Barnsley E)*
Farrelly, Paul
Field, rh Frank *(Birkenhead)*
Fisher, Mark
Fitzsimons, Mrs Lorna
Flint, Caroline
Follett, Barbara

Foster, rh Derek
Foster, Michael *(Worcester)*
Foster, Michael Jabez *(Hastings & Rye)*
Foulkes, rh George
Francis, Dr. Hywel
Gapes, Mike *(Ilford S)*
Gardiner, Barry
George, rh Bruce *(Walsall S)*
Gibson, Dr. Ian
Gilroy, Linda
Godsiff, Roger
Griffiths, Jane *(Reading E)*
Griffiths, Win *(Bridgend)*
Grogan, John
Hain, rh Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hanson, David
Harman, rh Ms Harriet
Healey, John
Hendrick, Mark
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hoon, rh Geoffrey
Hopkins, Kelvin
Howarth, rh Alan *(Newport E)*
Howarth, George *(Knowsley N & Sefton E)*
Howells, Dr. Kim
Hughes, Beverley *(Stretford & Urmston)*
Humble, Mrs Joan
Hurst, Alan *(Braintree)*
Hutton, rh John
Iddon, Dr. Brian
Ingram, rh Adam
Irranca-Davies, Huw
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Helen *(Warrington N)*
Jones, Jon Owen *(Cardiff C)*
Jones, Lynne *(Selly Oak)*
Jowell, rh Tessa
Joyce, Eric *(Falkirk W)*
Keeble, Ms Sally
Keen, Alan *(Feltham)*
Keen, Ann *(Brentford)*
Kennedy, Jane *(Wavertree)*
Khabra, Piara S.
Kidney, David
King, Ms Oona *(Bethnal Green & Bow)*
Knight, Jim *(S Dorset)*
Ladyman, Dr. Stephen
Laxton, Bob *(Derby N)*
Lazarowicz, Mark
Lepper, David
Leslie, Christopher
Levitt, Tom *(High Peak)*
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Linton, Martin
Lloyd, Tony *(Manchester C)*
Love, Andrew
Lucas, Ian *(Wrexham)*
Luke, Iain *(Dundee E)*
McAvoy, Thomas
McCabe, Stephen
McDonagh, Siobhain
McDonnell, John
MacDougall, John
McFall, rh John
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
McWilliam, John
Mahmood, Khalid
Mahon, Mrs Alice
Mallaber, Judy
Mann, John *(Bassetlaw)*
Marsden, Gordon *(Blackpool S)*
Martlew, Eric
Meacher, rh Michael
Merron, Gillian
Miliband, David
Miller, Andrew
Mitchell, Austin *(Gt Grimsby)*
Moffatt, Laura
Mole, Chris
Morgan, Julie
Morley, Elliot
Mountford, Kali
Mudie, George
Mullin, Chris
Munn, Ms Meg
Murphy, Denis *(Wansbeck)*
Murphy, rh Paul *(Torfaen)*
Naysmith, Dr. Doug
Norris, Dan *(Wansdyke)*
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
O'Neill, Martin
Pearson, Ian
Perham, Linda
Picking, Anne
Pickthall, Colin
Pike, Peter *(Burnley)*
Plaskitt, James
Pollard, Kerry
Pope, Greg *(Hyndburn)*
Pound, Stephen
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Prescott, rh John
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Ken
Quin, rh Joyce
Rammell, Bill
Rapson, Syd *(Portsmouth N)*
Reed, Andy *(Loughborough)*
Reid, rh Dr. John *(Hamilton N & Bellshill)*
Robinson, Geoffrey *(Coventry NW)*
Roche, Mrs Barbara
Rooney, Terry
Ross, Ernie *(Dundee W)*
Roy, Frank *(Motherwell)*
Ruane, Chris
Ruddock, Joan
Russell, Ms Christine *(City of Chester)*
Ryan, Joan *(Enfield N)*
Salter, Martin
Sarwar, Mohammad
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Sheridan, Jim
Shipley, Ms Debra
Short, rh Clare
Simon, Siôn *(B'ham Erdington)*
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Angela *(Basildon)*
Smith, rh Chris *(Islington S & Finsbury)*
Smith, Geraldine *(Morecambe & Lunesdale)*
Smith, Llew *(Blaenau Gwent)*
Soley, Clive
Southworth, Helen
Spellar, rh John
Squire, Rachel
Starkey, Dr. Phyllis
Steinberg, Gerry
Stewart, Ian *(Eccles)*
Stinchcombe, Paul
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Jack
Stringer, Graham
Sutcliffe, Gerry
Tami, Mark *(Alyn)*
Taylor, rh Ann *(Dewsbury)*
Taylor, David *(NW Leics)*
Taylor, Dr. Richard *(Wyre F)*
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth *(Harrow W)*
Tipping, Paddy
Todd, Mark *(S Derbyshire)*
Touhig, Don *(Islwyn)*
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr. Desmond *(Brighton Kemptown)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Tynan, Bill *(Hamilton S)*
Vaz, Keith *(Leicester E)*
Vis, Dr. Rudi
Walley, Ms Joan
Ward, Claire
Wareing, Robert N.
Watson, Tom *(W Bromwich E)*
White, Brian
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Alan *(Swansea W)*
Williams, Betty *(Conwy)*
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wood, Mike *(Batley)*
Woolas, Phil
Worthington, Tony
Wright, David *(Telford)*
Wright, Tony *(Cannock)*
Wyatt, Derek

Tellers for the Noes:
Margaret Moran and
Mr. John Heppell

Question accordingly negatived.

Question, That the proposed words be there added, *put forthwith, pursuant to Standing Order No. 31 (Questions on amendments)*:—

The House divided: Ayes 291, Noes 177.

Division No. 240] **[7.15 pm**

AYES

Adams, Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Bob *(Cov'try NE)*
Alexander, Douglas
Allen, Graham
Anderson, Janet *(Rossendale & Darwen)*
Atherton, Ms Candy
Atkins, Charlotte
Austin, John
Bailey, Adrian
Baird, Vera
Banks, Tony
Barnes, Harry
Barron, rh Kevin
Battle, John
Beard, Nigel
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Bennett, Andrew
Berry, Roger
Betts, Clive
Blackman, Liz
Blears, Ms Hazel
Blizzard, Bob
Boateng, rh Paul
Borrow, David
Bradley, rh Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brown, rh Nicholas *(Newcastle E Wallsend)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burnham, Andy
Byrne, Liam *(B'ham Hodge H)*
Cairns, David
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell, Ronnie *(Blyth V)*
Casale, Roger
Caton, Martin
Cawsey, Ian *(Brigg)*
Challen, Colin
Chapman, Ben *(Wirral S)*
Chaytor, David
Clapham, Michael
Clark, Mrs Helen *(Peterborough)*
Clark, Dr. Lynda *(Edinburgh Pentlands)*
Clark, Paul *(Gillingham)*
Clarke, rh Tom *(Coatbridge & Chryston)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann *(Cynon V)*
Coaker, Vernon
Coffey, Ms Ann
Cohen, Harry
Colman, Tony
Cook, Frank *(Stockton N)*
Cook, rh Robin *(Livingston)*

Corston, Jean
Cousins, Jim
Crausby, David
Cruddas, Jon
Cryer, Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Jim *(Coventry S)*
Cunningham, Tony *(Workington)*
Curtis-Thomas, Mrs Claire
Dalyell, Tam
Davey, Valerie *(Bristol W)*
David, Wayne
Davidson, Ian
Davies, rh Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Denham, rh John
Dhanda, Parmjit
Dismore, Andrew
Dobbin, Jim *(Heywood)*
Dobson, rh Frank
Donohoe, Brian H.
Dowd, Jim *(Lewisham W)*
Drew, David *(Stroud)*
Drown, Ms Julia
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff *(Barnsley E)*
Farrelly, Paul
Field, rh Frank *(Birkenhead)*
Fisher, Mark
Fitzsimons, Mrs Lorna
Flint, Caroline
Foster, rh Derek
Foster, Michael *(Worcester)*
Foster, Michael Jabez *(Hastings & Rye)*
Foulkes, rh George
Francis, Dr. Hywel
Gapes, Mike *(Ilford S)*
Gardiner, Barry
George, rh Bruce *(Walsall S)*
Gibson, Dr. Ian
Gilroy, Linda
Godsiff, Roger
Griffiths, Jane *(Reading E)*
Griffiths, Win *(Bridgend)*
Grogan, John
Hain, rh Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hanson, David
Harman, rh Ms Harriet
Healey, John
Hendrick, Mark
Hewitt, rh Ms Patricia
Heyes, David
Hoon, rh Geoffrey
Hopkins, Kelvin
Howarth, rh Alan *(Newport E)*
Howarth, George *(Knowsley N & Sefton E)*
Howells, Dr. Kim
Hughes, Beverley *(Stretford & Urmston)*
Humble, Mrs Joan
Hurst, Alan *(Braintree)*
Hutton, rh John
Iddon, Dr. Brian
Ingram, rh Adam
Irranca-Davies, Huw
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Helen *(Warrington N)*
Jones, Jon Owen *(Cardiff C)*
Jones, Lynne *(Selly Oak)*
Jowell, rh Tessa
Joyce, Eric *(Falkirk W)*
Keen, Alan *(Feltham)*
Keen, Ann *(Brentford)*
Kennedy, Jane *(Wavertree)*
Khabra, Piara S.
Kidney, David
King, Ms Oona *(Bethnal Green & Bow)*
Knight, Jim *(S Dorset)*
Ladyman, Dr. Stephen
Laxton, Bob *(Derby N)*
Lazarowicz, Mark
Lepper, David
Leslie, Christopher
Levitt, Tom *(High Peak)*
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Linton, Martin
Lloyd, Tony *(Manchester C)*
Love, Andrew
Lucas, Ian *(Wrexham)*
Luke, Iain *(Dundee E)*
McAvoy, Thomas
McCabe, Stephen
McDonagh, Siobhain
McDonnell, John
MacDougall, John
McFall, rh John
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
McWilliam, John
Mahmood, Khalid
Mahon, Mrs Alice
Mallaber, Judy
Mann, John *(Bassetlaw)*
Marsden, Gordon *(Blackpool S)*
Martlew, Eric
Meacher, rh Michael
Merron, Gillian
Miller, Andrew
Moffatt, Laura
Mole, Chris
Morgan, Julie
Morley, Elliot
Mountford, Kali
Mudie, George
Mullin, Chris
Munn, Ms Meg
Murphy, Denis *(Wansbeck)*
Murphy, rh Paul *(Torfaen)*
Naysmith, Dr. Doug
Norris, Dan *(Wansdyke)*
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
Pearson, Ian
Perham, Linda
Picking, Anne
Pickthall, Colin
Pike, Peter *(Burnley)*
Plaskitt, James
Pollard, Kerry
Pope, Greg *(Hyndburn)*
Pound, Stephen
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Prescott, rh John
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Ken
Quin, rh Joyce
Rapson, Syd *(Portsmouth N)*
Reed, Andy *(Loughborough)*
Reid, rh Dr. John *(Hamilton N & Bellshill)*
Robinson, Geoffrey *(Coventry NW)*
Roche, Mrs Barbara
Rooney, Terry
Ross, Ernie *(Dundee W)*
Roy, Frank *(Motherwell)*
Ruane, Chris
Russell, Ms Christine *(City of Chester)*
Ryan, Joan *(Enfield N)*
Salter, Martin
Sarwar, Mohammad
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Sheridan, Jim
Shipley, Ms Debra
Simon, Siôn *(B'ham Erdington)*
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Angela *(Basildon)*
Smith, rh Chris *(Islington S & Finsbury)*
Smith, Geraldine *(Morecambe & Lunesdale)*
Smith, Llew *(Blaenau Gwent)*
Soley, Clive
Southworth, Helen
Spellar, rh John
Squire, Rachel
Starkey, Dr. Phyllis
Steinberg, Gerry
Stewart, Ian *(Eccles)*
Stinchcombe, Paul
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Stringer, Graham
Sutcliffe, Gerry
Tami, Mark *(Alyn)*
Taylor, rh Ann *(Dewsbury)*
Taylor, David *(NW Leics)*
Taylor, Dr. Richard *(Wyre F)*
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth *(Harrow W)*
Tipping, Paddy
Todd, Mark *(S Derbyshire)*
Touhig, Don *(Islwyn)*
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr. Desmond *(Brighton Kemptown)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Tynan, Bill *(Hamilton S)*
Vaz, Keith *(Leicester E)*
Vis, Dr. Rudi
Walley, Ms Joan
Ward, Claire
Wareing, Robert N.
Watson, Tom *(W Bromwich E)*
White, Brian
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Alan *(Swansea W)*
Williams, Betty *(Conwy)*
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wood, Mike *(Batley)*
Woolas, Phil
Worthington, Tony
Wright, David *(Telford)*
Wright, Tony *(Cannock)*
Wyatt, Derek

Tellers for the Ayes:
Margaret Moran and Mr. John Heppell

NOES

Ainsworth, Peter *(E Surrey)*
Allan, Richard
Amess, David
Ancram, rh Michael
Arbuthnot, rh James
Atkinson, David *(Bour'mth E)*
Bacon, Richard
Baldry, Tony
Baron, John *(Billericay)*
Beith, rh A. J.
Bellingham, Henry
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, rh Virginia *(SW Surrey)*
Brake, Tom *(Carshalton)*
Brazier, Julian
Breed, Colin
Brooke, Mrs Annette L.
Browning, Mrs Angela
Burns, Simon
Burnside, David
Burstow, Paul
Burt, Alistair
Butterfill, Sir John
Cable, Dr. Vincent
Calton, Mrs Patsy
Cameron, David
Campbell, Gregory *(E Lond'y)*
Campbell, rh Sir Menzies *(NE Fife)*
Cash, William
Clappison, James
Clarke, rh Kenneth *(Rushcliffe)*
Clifton-Brown, Geoffrey
Collins, Tim
Conway, Derek
Cormack, Sir Patrick
Cotter, Brian
Curry, rh David
Davey, Edward *(Kingston)*
Davies, Quentin *(Grantham & Stamford)*
Davis, rh David *(Haltemprice & Howden)*
Djanogly, Jonathan
Dodds, Nigel
Dorrell, rh Stephen
Doughty, Sue
Fabricant, Michael
Fallon, Michael

eld, Mark *(Cities of London & Westminster)*
ight, Howard
ook, Adrian
oster, Don *(Bath)*
ancois, Mark
ale, Roger *(N Thanet)*
arnier, Edward
eorge, Andrew *(St. Ives)*
ibb, Nick *(Bognor Regis)*
idley, Sandra
ill, Parmjit Singh
oodman, Paul
ray, James *(N Wilts)*
rayling, Chris
reen, Damian *(Ashford)*
reen, Matthew *(Ludlow)*
reenway, John
rieve, Dominic
Hammond, Philip
Hancock, Mike
Hawkins, Nick
Hayes, John *(S Holland)*
Heald, Oliver
Heath, David
Heathcoat-Amory, rh David
Hendry, Charles
Hermon, Lady
Hoban, Mark *(Fareham)*
Hogg, rh Douglas
Holmes, Paul
Horam, John *(Orpington)*
Jack, rh Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Jones, Nigel *(Cheltenham)*
Keetch, Paul
Key, Robert *(Salisbury)*
Kirkbride, Miss Julie
Kirkwood, Sir Archy
Knight, rh Greg *(E Yorkshire)*
Laing, Mrs Eleanor
Lamb, Norman
Lansley, Andrew
Leigh, Edward
Letwin, rh Oliver
Lewis, Dr. Julian *(New Forest E)*
Liddell-Grainger, Ian
Lidington, David
Lilley, rh Peter
Llwyd, Elfyn
Loughton, Tim
Luff, Peter *(M-Worcs)*
McIntosh, Miss Anne
Mackay, rh Andrew
McLoughlin, Patrick
Malins, Humfrey
Maples, John
Mates, Michael
Maude, rh Francis
Mawhinney, rh Sir Brian
Mercer, Patrick
Mitchell, Andrew *(Sutton Coldfield)*
Moore, Michael
Moss, Malcolm
Murrison, Dr. Andrew
Norman, Archie
Oaten, Mark *(Winchester)*
Opik, Lembit
Osborne, George *(Tatton)*
Ottaway, Richard
Paice, James
Paterson, Owen
Portillo, rh Michael
Price, Adam *(E Carmarthen & Dinefwr)*
Prisk, Mark *(Hertford)*
Pugh, Dr. John
Randall, John
Redwood, rh John
Reid, Alan *(Argyll & Bute)*
Rendel, David
Robathan, Andrew
Robertson, Hugh *(Faversham & M-Kent)*
Robertson, Laurence *(Tewk'b'ry)*
Robinson, Mrs Iris *(Strangford)*
Robinson, Peter *(Belfast E)*
Ruffley, David
Russell, Bob *(Colchester)*
Sanders, Adrian
Selous, Andrew
Shephard, rh Mrs Gillian
Shepherd, Richard
Simmonds, Mark
Simpson, Keith *(M-Norfolk)*
Smith, Sir Robert *(W Ab'd'ns & Kincardine)*
Soames, Nicholas
Spicer, Sir Michael
Spink, Bob *(Castle Point)*
Steen, Anthony
Streeter, Gary
Stunell, Andrew
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher)*
Taylor, John *(Solihull)*
Taylor, Matthew *(Truro)*
Taylor, Sir Teddy
Thomas, Simon *(Ceredigion)*
Thurso, John
Tonge, Dr. Jenny
Tredinnick, David
Trend, Michael
Turner, Andrew *(Isle of Wight)*
Tyler, Paul *(N Cornwall)*
Tyrie, Andrew
Walter, Robert
Waterson, Nigel
Watkinson, Angela
Webb, Steve *(Northavon)*
Whittingdale, John
Wiggin, Bill
Williams, Hywel *(Caernarfon)*
Wilshire, David
Winterton, Ann *(Congleton)*
Winterton, Sir Nicholas *(Macclesfield)*
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Noes:
Mr. Peter Atkinson and Gregory Barker

Question accordingly agreed to.

MR. DEPUTY SPEAKER *forthwith declared the main Question, as amended, to be agreed to.*

Resolved,

That this House welcomes the Government's commitment to ensure that patients can have confidence that National Health Service hospitals are clean, safe environments with infection firmly under control; congratulates the Government on its action plans for reducing infection rates, 'Winning Ways' and 'Towards cleaner hospitals and lower rates of infection', which include the new target for a year-on-year reduction in MRSA, and the designation of directors of infection prevention and control to bring about local change; notes that the National Audit Office report concluded that the introduction in 2001 of mandatory MRSA surveillance raised the profile of infection control with senior managers; expects that the new target will act in a similar way, and deplores therefore the suggestion that the target be abolished; acknowledges that improving patient safety is a difficult medical issue that calls for the hard work and care that is the hallmark of NHS staff; welcomes therefore the 77,500 extra nurses and almost 19,400 extra doctors that have become a part of patient care since 1997; and therefore congratulates the Government on a comprehensive programme of investment and reform that has equipped the NHS to deliver improvements in patient safety, and to reduce hospital-acquired infections.

Point of Order

Mr. James Gray (North Wiltshire) (Con): On a point of order, Mr. Deputy Speaker. It is widely expected that a Bill to ban hunting will be announced in business questions tomorrow. However, an answer this afternoon to a written question from the hon. Member for Sherwood (Paddy Tipping), released in the Vote Office and the Library at 6.30 this evening, announces that any implementation of that Bill will be delayed by two years. That was the first official notification that the House had of the Government's intention, but anyone who read the *Evening Standard* at lunchtime will have seen such a delay announced on its front page. The news was also carried extensively on the BBC website. When we inquired of the Department for Environment, Food and Rural Affairs parliamentary office why that was, it said that the report was perfectly accurate, but it could not understand why it had been reported.

In such a matter, which involves the procedures of the House and the implementation of a Bill, it is extraordinary that the public are informed via the media six hours before shadow Ministers and other hon. Members of what the Government intend to do about implementing the Bill on hunting. What can be done—if anything—to protect the interests of the House in that regard?

Mr. Deputy Speaker (Sir Michael Lord): I understand the hon. Gentleman's concerns, and although I am not in a position to comment specifically on the matter that he raises, I can say that the whole House will know that Mr. Speaker strongly deprecates the release of such information to the press before it is put before the House and hon. Members. The hon. Gentleman's point has made that very clear, and it is now on the record.

Mr. Douglas Hogg (Sleaford and North Hykeham) (Con): Further to that point of order, Mr. Deputy Speaker. There is a further problem in that we will clearly have to consider the implication of the Parliament Act 1911, together with what has been said on many occasions about its use. Our problem is that with the Library closed it is difficult to get at the material that we require. At the moment then, people such as myself cannot do any original research, and it would be enormously helpful if the Library staff could be asked to prepare now a summary and copies of the debates associated with the Parliament Act in 1911, together with what material they can find relevant to the use of that Act on previous occasions.

Mr. Deputy Speaker: I understand the right hon. and learned Gentleman's great concern about this matter. The Library in Derby Gate is open, and I am sure that the Library of the House will do its best to solve the problems that he has identified.

ADJOURNMENT (PARTY CONFERENCES)

Ordered,

That this House, at its rising on Thursday 16th September, do adjourn till Monday 11th October 2004.—*[Mr. Heppell.]*

Alderman Knight School

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Heppell.]*

7.31 pm

Mr. Laurence Robertson (Tewkesbury) (Con): I am pleased to have secured this debate on the future of Alderman Knight school in my constituency. I am grateful to the Minister for being here to respond to the debate, and I am grateful to my hon. Friends the Members for Cotswold (Mr. Clifton-Brown) and for Witney (Mr. Cameron) for being here to support me in the debate.

I have raised this matter many times in the House, but I make no apology for returning to it because the school faces closure. Alderman Knight is a special school, accommodating in the main children with moderate learning difficulties but also those with severe learning difficulties, behavioural difficulties and physical handicaps. Gloucestershire county council's cabinet has voted to close the school. There has been a bit of a kick-back from the county's education scrutiny committee, but the cabinet and the Liberal Democrat and Labour-controlled council are determined to close the school. Their policy is to include all children with moderate learning difficulties, at least, in mainstream schools. I shall return to that point shortly.

Whenever I have taken this matter up with Ministers—I also served on a Standing Committee considering a relevant Bill—I have been told that the legislation should not be seen as a green light for the wholesale closure of special schools. However, in Gloucestershire we have seen that programme being put into motion: Bownham Park, the special school at Stroud, has closed. I want to return to that matter, too. If the Government's policy is that their legislation should not lead to the wholesale closure of special schools, they really need to have a word with their friends on Gloucestershire county council, who are not interpreting it in that way.

There are many reasons to keep special schools open. The Prime Minister's wife alluded to those reasons on 23 June, when she said to me that inclusion can be a very good idea, but we also need special schools. I am sure that she will not mind my quoting her. I would be the first to say that many pupils with special needs can be integrated into mainstream schools—many already are, and very successfully too—but that is not suitable for all children with special needs. For some, integration now can mean exclusion in later life.

If we take what may seem an extreme example, although I do not think that it really is, and look at the prison population, we find that the majority of prisoners are illiterate.

There is a link between poor education or the inability to learn and going wrong in later life.

Mainstream schools will not be able to cope with a massive influx of pupils with special needs. The pupils at mainstream schools will be adversely affected by too many pupils with special needs going into those schools. Again, I make no apology for saying that. It is common sense. The children themselves could not cope with being in mainstream schools. That is my opinion. It is also the opinion of many other politicians, teachers, chairmen of governors, governors and parents. More importantly, it is the opinion of the children.

I shall read out three letters that I received from children who go to Alderman Knight school. Ben Waters writes:

"I was at Alderman Knight School for seven years and I used to be very worried about lessons because I was bullied but when I came to Alderman Knight School in 1997 I was very nervous but over the years I became more confident. If I was at Mainstream I wouldn't of taken five GCSE's or I don't think I'd pass them I had a D in English, D in Food Tech, E in Art, E in Science and a G in Maths a lot of those lessons I thought I couldn't do but now I can."

There is also a letter from Harriet Windsor-Clive who writes:

"Alderman Knight is my favourite school. It helps me learn and I have good friends.

I am sad for the younger ones because they will not have a lot more help. I feel very, very sad about my school closing and having to go to another school."

Jake Rose, who is 11 years old, met the Prime Minister's wife. Jake is autistic. He writes:

"I am happy at my school. My teachers help me to learn in a way I can understand. I feel safe at my school."

That is very important. A number of those children have been down to the House of Commons today to make their protest.

The education portfolio-holder at Gloucestershire county council says that children who are attending a special school now will be able to continue to go to a special school, even if it is not that special school. But if all the special schools are closed, how will that be possible? What about the officers? What are they saying? They say that their policy is to include children with special needs in mainstream schools, so we do not know what Gloucestershire county council is trying to achieve, other than the closure of special schools. The council does not seem to know which way it is going.

I refer to the flawed process that the county council has undertaken. It has held various consultations with the public. Closure was not mentioned in the final consultation. It was indeed mentioned in an earlier consultation, but the option was rejected by those who were consulted, so unsurprisingly it was removed from the final consultation. However, the council decided that it wanted to go ahead with closure anyway. What on earth was the point of the consultations? How much did they cost the taxpayer of Gloucestershire? Could not that money have been better spent at, say, Alderman Knight school?

When my hon. Friend the Member for Cotswold and I attended a meeting with the county council leaders on 2 July, we were given a briefing paper. My hon. Friend will remember it well. On that briefing paper there is no mention of the option of closing the school. What on earth is the county council doing? The right hand does not know what the left hand is doing.

The council predetermined the policy before it went out to consultation. I understand that there are rules regarding councillors, who are not allowed to attend meetings if they have a prejudged view—if they have already made up their minds. That is in the code of conduct for councillors. Yet the county council can have a prejudged view to the extent that it can reject the consultation results if it does not like them. It has clearly said that it does not accept keeping the school open because that is contrary to the council's policy. I have that in writing. If that is not prejudging the issue, I do not know what is.

Mr. David Cameron (Witney) (Con): Will my hon. Friend take it from me, as the father of a severely disabled son who has just completed his second day at a special school, that for many of those children a special school is the only place outside home where they can obtain the love, care, attention and therapy that they need? Given the compelling story of what is happening in Gloucestershire, which is being repeated right across the country, does he agree that it is time for the Department for Education and Skills properly to investigate what councils are doing with special schools? Ministers keep saying that a closure policy does not exist, but closures seem to be repeated not only in Gloucestershire, but elsewhere.

Mr. Robertson: I am grateful to my hon. Friend for that intervention. I know that he takes a deep interest in these matters. I entirely agree that the Government should examine what is going on up and down the country, because the wrong things are being done in the wrong way.

Gloucestershire county council has consulted on merging schools without the prior consent of those schools, and it has failed to consult the children. The level of statementing in Gloucestershire is very low. The council has a duty to provide the education specified in a statement, so it is no wonder that it avoids statementing in the first place.

Mr. Geoffrey Clifton-Brown (Cotswold) (Con): I am grateful to my hon. Friend and neighbour for giving way. Although the school is situated in his constituency, a number of my constituents go to it. Does he agree that Gloucestershire county council is not serving the people that it purports to represent? Denying parents and children the benefit of the school is a terrible thing to do, and those who will benefit from that school will be severely disadvantaged by the decision.

Mr. Robertson: I am grateful to my hon. Friend, who makes a powerful point. It is not only people in my constituency and those with special needs who will suffer, but those who already attend mainstream schools, who will suffer because of the influx—that is not an insult to the children; it is a fact.

The council has undertaken a flawed process. I want to make a serious point because I understand that the director of education, who has given councillors recommendations to close the school, may have been in breach of the county council's own guidance. She may have a non-financial interest, which she has not declared at various meetings, and she has not sought to distance herself from involvement in the matter. Both of those points are recommendations from the county council that she serves, and I ask the Minister to look into the matter. If required, I can provide more details that I choose not to make public.

I also want to draw attention to the behaviour of the leader of the county council, Councillor Peter Clarke. In 1999, he assured me in front of a number of people that there was no intention to close special schools, but we

[Mr. Robertson]

have seen the value of that promise. On 9 August, he wrote to the chairman of governors at Alderman Knight school. He said that the chairman had expressed "extreme views", but that is not true. He also said that a letter from the chairman, which was published in a local newspaper, could be construed as "agreeing to extreme measures" and possibly "incitement". That is not true—I have the letter that the chairman of governors wrote and to which Councillor Clarke referred.

Councillor Clarke went on to say that he was taking the precaution of copying the letters to the county's legal officers, the chief constable and the editor of *The Citizen*, who allowed that "threat" to be published. There was no threat. What we have here is a man running scared and using legal offices paid for by the taxpayer to threaten and bully. Such behaviour is unacceptable.

I referred earlier to the education scrutiny committee having kicked back the closure decision to the county. Councillor Clarke attended that meeting as an observer. On leaving the meeting, a number of people heard him say, "We are now going to rip apart the head teacher at Alderman Knight school in public."

I believe that Councillor Clarke, who is a Labour councillor, has a lot to answer for, and I ask the Minister to look into that.

For all those reasons, we are considering whether, if the closure goes through, there are grounds for a judicial review, because the process has been flawed. There are also attempts to try to prevent some of our councillors from participating in debates and voting by saying that because they have a prejudged view they are not allowed to do so. Yet the county council is apparently allowed to have a prejudged view.

I have raised these issues before, and I am aware of the response that I am likely to get from the Minister—although he may surprise me. He will say that it is due to local decision making. However, he will know that if the county council does decide on closure and the school's organisation committee is not unanimous, the decision goes to the adjudicator. When Bownham Park at Stroud was closed, that decision did indeed go to the adjudicator, but he lived in Darlington, which is 225.1 miles away from Stroud, according to Multimap—I looked it up today. Can the Minister explain how that is local decision making and local democracy in action?

A referendum is about to be held by Tewkesbury borough council—the Government have put that legislation in place—and we are going to raise a fighting fund to fight that referendum. I pay tribute to the chairman of governors, Dave Waters; the head, Ieuan Walsh, and his staff; Councillors Gordon Shurmer and Brian Calway; and the parents and pupils who have fought so hard to save the school. I assure the Minister and the county council that I will do everything in my power to save the school by legal and campaigning means. These children have very special needs. One can imagine the outcry if a Conservative Administration tried to close such a school.

7.47 pm

The Parliamentary Under-Secretary of State for Education and Skills (Mr. Stephen Twigg): I congratulate the hon. Member for Tewkesbury (Mr. Robertson) on securing this important debate on the future of Alderman Knight school. I recognise the contributions and presence in the Chamber of colleagues on both sides of the House—my hon. Friend the Member for Stroud (Mr. Drew) and the hon. Members for Cotswold (Mr. Clifton-Brown) and for Witney (Mr. Cameron), who has taken up such issues in several forums in the House and outside.

The hon. Member for Tewkesbury has taken several opportunities to raise the matter—I pay tribute to him for that—through parliamentary questions and debate in the House. This is clearly one of those opportunities. He raised two specific issues relating to the conduct of an officer and a councillor in Gloucestershire. I ask him to write to me with the full details on a confidential basis, and I will of course respond.

There will always be debates about the pattern of school education, both special and mainstream, in localities. It is important that those debates respond to local needs and demands. Under arrangements introduced in the School Standards and Framework Act 1998, the consideration of proposals for establishing, altering or discontinuing maintained special schools are a matter for local decision making. I shall refer to those process issues again towards the end of my remarks. The decision-making structure to which the hon. Gentleman referred consists of the local education authority, a school organisation committee and an independent adjudicator to make decisions where local agreement is not possible. I appreciate the hon. Gentleman's point about the local adjudicator, but we have to have a system in which there is an ultimate decision maker, and if they were not an adjudicator, based wherever they may be based, the only alternative would be a Minister. That would be no more local than having the decision made by the adjudicator.

Clearly, it is preferable for consensus to be reached locally, as is often the case with such matters. I hope that it will apply to the instance that we are considering. As the hon. Gentleman said, neither Ministers nor the Department for Education and Skills have the power to determine local education authorities' plans in that regard and I would argue that that is proper.

The policy of encouraging the inclusion of children with special educational needs in mainstream schools is not new. The principle was established in the Education Act 1981 and the Education Acts 1993 and 1996 built upon it. Subsequently, the Special Educational Needs and Disability Act 2001 strengthened the right to a mainstream education for pupils with special educational needs and reinforced the Government's commitment to improving standards of achievement for all children with SEN so that they can fulfil their full potential.

I want to emphasise that, from our point of view, inclusion is not simply about the sort of placement that children or their families are offered, but the quality of the educational experience and the extent to which children can learn, achieve and participate in the life of the school. In that context, we believe that special schools continue to have a role in the framework of inclusion, especially in providing education for pupils with severe and complex special educational needs, and working with and providing outreach support for mainstream schools. That is the basis for our policy as set out in the strategy entitled "Removing Barriers to Achievement."

For too long, we have had an either/or education system, whereby decisions made at one point in a child's development—either a special school or a mainstream school—stick for good. Yet what matters most is not location but the quality of the child's experience. We want not an either/or but a both/and system, whereby mainstream schools have the capacity to meet the needs of most children with SEN and special schools provide education directly for children with severe and complex needs, and, importantly, link much more closely with mainstream schools to share knowledge, expertise and pupils. In such a community of schools, it should be possible for children perhaps to start in special and move to mainstream provision and vice versa, or to move between the two according to their needs at different times.

In other words, we want an inclusive system, whereby children with SEN have inclusive educational experiences and there is therefore greater social inclusion. We want to promote that through encouraging special schools to participate in federations, clusters and twinning arrangements. We are especially considering the opportunity that the "Building Schools for the Future" capital programme affords for bringing schools physically closer together.

I want to put on record again that the Government continue fully to support special schools and that we envisage a continuing role for them in a continuum of inclusive education, catering for children with the most severe and complex needs and working more closely with mainstream schools to share expertise and to support all children in both settings. That support stems from the excellent work performed within the sector, such as outreach services to mainstream schools.

We set up a working group to examine the contribution of special schools and I want to stress how much we welcome its report, which has taken the debate considerably further. I want the contribution of special schools to inclusion to be reflected clearly in the work of the SEN regional partnerships in spreading effective practice and promoting regional and local provision.

Our strategy recognises that local authorities have a vital strategic role in planning a spectrum of provision to meet children's needs in their area. The strategy makes clear our view that authorities should take account of several considerations, one of which is that some children have such severe and complex needs that we will continue to require special provision for them.

To emphasise that, my ministerial colleague who leads on those matters, Baroness Ashton, and Sir Jeremy Beecham of the Local Government Association, wrote recently to all LEAs setting out local and central Government's shared view of inclusion, and of the need for strategic planning for special school places. To follow that up, a number of conferences are being planned for the autumn. On supply and demand for special school places, the letter from Baroness Ashton and Sir Jeremy Beecham points out that special schools may need to be reorganised as we move to implement the SEN strategy, and in response to local demand. It will be important for elected members to provide clear leadership and to work with parents and the wider community to persuade them of the benefits of reorganisation, to allay concerns and to help them through the necessary period of transition.

There must be no question, however, of arbitrary decisions by LEAs to close special schools. The hon. Gentleman talked about wholesale closures, which is not the intention behind the strategy that I have set out. The LEA must go through a consultation process. He has commented on that process in his constituency this evening, reflecting his view and, I am sure, that of many of his constituents. It is important that that is a full and open consultation process, that the authority explains how interested parties can make their views known, and that it can demonstrate how it has taken into account the views expressed during consultation in reaching any subsequent decision as to the publication of proposals. Once the LEA has published its proposals, a two-month objection period will follow, during which anyone can submit formal objections to the authority. I understand that the proposals for Alderman Knight school will be published shortly.

This evening, the hon. Gentleman has placed on record his concerns and those of his constituents, including a number of pupils at the school, and it is important that those are taken into account as the process moves forward. As he said in his speech, any formal objections must then be sent to the school organisation committee. The committee has a duty to give careful consideration to those proposals and to reach properly informed decisions, based on all the available evidence, including any objections received. If it is unable to reach a unanimous decision, the matter will at that point, as he said, pass to the independent adjudicator for a determination.

I want to put on record that it is best for parents and others who have concerns to make their views known directly to the local education authority so that it can take them into account as it proceeds with formal consultation and the publication of statutory proposals. I realise that that response will be a surprise neither to the hon. Gentleman, in terms of the content, nor to those involved in the decision, on both sides of the discussion, at local level. I am simply setting out the long-standing policy in this regard that those matters are best determined at the local level.

Both the hon. Gentleman and the hon. Member for Witney suggested that we consider again the pattern of what is happening. The fairest response that I can give to that this evening is that I will discuss the matter with my ministerial colleague, Baroness Ashton, who leads on these matters. What I have sought to do in my short time this evening is to set out the general approach of the Government and our view that special schools continue to have an important role to play in education. All of us, as constituency Members, will know of special schools in or close to our constituencies that provide an important education to significant numbers of children and young people. I recognise that Gloucestershire is confronting some difficult issues and has some difficult decisions to make.

I hope that the hon. Gentleman, notwithstanding some of the concerns that he has set out, will feel that the process will at least allow those concerns to be fully reflected. Finally, I hope that today's debate in the House will contribute to that ongoing local discussion, consultation and decision making in Gloucestershire.

Question put and agreed to.

Adjourned accordingly at Eight o'clock.

House of Commons

Thursday 9 September 2004

The House met at half-past Eleven o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

NEW WRIT

Ordered,

That Mr. Speaker do issue his Warrant for the Clerk of the Crown to make out a new writ for the electing of a Member to serve in this present Parliament for the Borough Constituency of Hartlepool in the room of Peter Benjamin Mandelson, Esquire, who since his election for the said Borough Constituency has accepted the Office of Steward or Bailiff of Her Majesty's Manor of Northstead in the County of York.—*[Ms Armstrong.]*

Oral Answers to Questions

EDUCATION AND SKILLS

The Secretary of State was asked—

Higher Education (West Cumbria)

1. **Tony Cunningham** (Workington) (Lab): What plans there are to increase access to higher education in west Cumbria. [187694]

The Secretary of State for Education and Skills (Mr. Charles Clarke): I begin by paying tribute to an absentee this morning—the Secretary of State for Work and Pensions, my right hon. Friend the Member for Hull, West and Hessle (Alan Johnson). During a tremendous process of reform that was fully debated in the House, he carried out an outstanding stewardship of his office with wit, friendship and courage. I pay tribute to his work, and he deserves his promotion most richly.

The Government are fully committed to improving access for disadvantaged young people, including in west Cumbria. We welcome the work being done by University Education Cumbria to improve access. A strategic alliance of the Cumbria learning and skills council, St. Martin's college, the university of Central Lancashire, the Cumbria Institute and Cumbria county council was established in February 2003 to promote higher education throughout the county. The University Education Cumbria project board, chaired by Sir Brian Fender, worked with the alliance to promote higher education and encourage professional development. We will encourage the work of that group to develop access to higher education in Cumbria.

Tony Cunningham: I thank my right hon. Friend for that encouraging reply. As he knows, west Cumbria has particular problems. Will he take a personal interest in the implementation of the Fender report? Widening access to higher education in west Cumbria is vital to the social and economic regeneration of that area.

Mr. Clarke: I can give my hon. Friend that assurance. I pay tribute to his work in the House and outside, campaigning for a university in Cumbria. It is the right project, it will benefit the whole of the county, and I will certainly take a personal interest in the issues, as he requests.

Specialist Schools

2. **Linda Perham** (Ilford, North) (Lab): If he will make a statement on the performance of specialist schools. [187695]

The Minister for School Standards (Mr. David Miliband): There are now 1,950 specialist schools in England. In 2003 the percentage of pupils achieving five or more GCSEs or GNVQs at grades A to C was 56.7 per cent. in specialist schools, compared with 49.2 per cent. in maintained, mainstream non-specialist schools. Our value-added performance data for key stages 3 and 4 was also higher in specialist schools compared with non-specialist schools. Full data for specialist schools' GCSE performance in 2004 will be published as a statistical first release in October.

Linda Perham: Will my hon. Friend recognise the achievement of Hainault Forest high school, the local comprehensive that my daughters attended, in winning specialist school status in business and enterprise? From being in special measures since last December, it has now attained its best ever SATs results. Will my hon. Friend join me in congratulating head teacher Ian Wetherell and his team and wish them the success of other specialist schools in achieving their promise, with the increased investment that the Government have put into education?

Mr. Miliband: I am delighted to do so. I wrote to Mr. Wetherell in June and July, and it is fantastic that his good work and that of his staff is reflected in the results. I hope that the whole House will join us in saying that the GCSE, age 14 and age 11 results, which all showed progress in the right direction, are a tribute to good teaching in our schools. That progress is fastest in some of our toughest areas and historically weaker schools and is cause for celebration.

Mr. Phil Willis (Harrogate and Knaresborough) (LD): Liberal Democrat Members congratulate not only the specialist schools, but all schools and further education colleges both on the outstanding GCSE, A and AS-level results and on the vocational results, which are often not mentioned in this House or elsewhere. Does the Minister agree that the extra £500,000 that specialist schools receive enables them to do two key things: first, to lower class sizes; secondly, to recruit and retain high quality specialist teachers? Since the Government came to power in 1997, 375,000 more secondary school students are being taught in classes of more than 30. Given that many non-specialist schools struggle to provide teachers, that one in five teachers is now recruited from abroad and that key subjects such as

literacy, numeracy, maths, English and science are taught by non-specialist staff in many non-specialist schools, when will the Minister get a grip on teacher recruitment?

Mr. Speaker: Order. That is enough.

Mr. Miliband: On the first part of the hon. Gentleman's question—I think it was a question—I am, of course, happy to associate myself with his remarks. When I used those words previously, however, he described them as "baloney", so I am glad that he has changed his opinion and is willing to congratulate the schools. Teacher recruitment and teacher retention have never been better in this country. Our specialist and non-specialist schools now employ 28,000 more teachers; primary school teacher recruitment is up; secondary school teacher retention is up; and maths and science teacher retention and recruitment are up too. The hon. Gentleman would do better to join the consensus rather than trying to stand outside it.

Mr. Barry Sheerman (Huddersfield) (Lab/Co-op): Does my hon. Friend agree that specialist schools are the most important Government policy for secondary schools? As such, it is important that we monitor it, evaluate it and get the basics right. Many educational researchers in this country, who have been hit hard by the Government's changes to research funding, are worried that they will not be able to track the success or performance of specialist schools because of the cuts in funding to their departments? Will he talk to the British Educational Research Association, which recently came to see me as Chairman of the Education and Skills Committee to express its concerns?

Mr. Miliband: I am happy to examine the points raised by the BERA. My primary responsibility is to teachers and, above all, pupils in schools, but the fact that the specialist schools programme has increased from 100 schools in 1997 to nearly 2,000 schools today means that the research base is outstanding. As we move forward with the Government's five-year strategy, by which every school in the country will become a specialist school, we will have a full test bed to see how that work goes. The ground for researchers is fertile, and I hope that they will add to the existing research to show the success of the specialist schools movement.

Mr. Adrian Flook (Taunton) (Con): The town of Taunton contains five secondary schools, every single one of which is a specialist school. Two of those schools are heavily and annually over-subscribed, and the local education authority has implemented a strict zoning policy, which means that some pupils from one side of town who show aptitude cannot get into a specialist school to help them with that aptitude. Is that fair and just?

Mr. Miliband: I am delighted to hear that pupils in Taunton are benefiting from the Government's education policies. Allocating pupils to schools according to distance is objective, independent and fair, and it commands confidence. In contrast, the Conservative policy to abolish the right of schools or LEAs to use distance as a criterion in determining admissions would take us backwards. Over the next eight or nine months, many discussions will occur around the country on whether it is sensible to abolish the right of LEAs and schools to use the independent and objective criterion of distance from a school to govern admission. If one believes in community schools, how can one believe in abolishing the right of those schools and LEAs to use distance as the basis for admission?

Mrs. Lorna Fitzsimons (Rochdale) (Lab): Will my hon. Friend join me in congratulating Wardle high school, which was opened as a specialist arts college by his right hon. Friend the Secretary of State on Monday? Further to that, will he note that one of the boroughs with the most improved exam result statistics was Rochdale borough, and add congratulations from the Front Bench to our congratulations locally on one of the most improved boroughs in the country?

Mr. Miliband: Of course I join my hon. Friend in congratulating the teachers, the pupils and the local education authority in Rochdale. As a high-performing and fast-improving local authority I hope that it will receive a letter from me congratulating it on its performance, but I am sure that the appearance of my right hon. Friend on Monday will have given those people a boost that a letter from me could not hope to match.

Mrs. Claire Curtis-Thomas (Crosby) (Lab): My hon. Friend will know that I have a number of specialist schools in my constituency. One of the great aspects of these schools is the fact that they are opening their doors to the general public. What is my hon. Friend doing to ensure that the investment that is placed in them equally benefits the community within which they appear?

Mr. Miliband: I am glad that my hon. Friend has given me the chance to deal with that, because in my excitement at the question by the hon. Member for Harrogate and Knaresborough (Mr. Willis) I forgot to point out to him that the extra money that goes to specialist schools is not intended only for the pupils in those schools, but to build key links with six partner primary schools and another secondary school, and to open up opportunities to the adult community. It is a requirement on every specialist school that it not only does right by its own pupils, but by the wider community of adults and pupils. I have been in touch with my hon. Friend about how schools in her constituency can fulfil that aspiration for the specialist schools movement, which is designed to bring wider opportunity right across an area, not just to individual schools. That is something that we are pursuing very hard.

Schools (Health and Safety)

3. **Mr. Jim Cunningham** (Coventry, South) (Lab): How often the *(a)* primary and *(b)* secondary schools in Coventry, South are monitored for health and safety standards. [187696]

The Minister for Children (Margaret Hodge): Like all local education authorities, Coventry LEA has health

and safety responsibility for its secondary and primary schools. It formally audits its schools' compliance with the law and routinely provides advice. It considers and acts on returns made to the health and safety team. In 2000, Ofsted reported that the LEA had a clearly defined health and safety policy monitored by members and officers.

Mr. Cunningham: I thank my right hon. Friend for that answer, but can she say how Coventry compares with the rest of the country on health and safety matters?

Margaret Hodge: I do not have that comparison here, but I am sure that Coventry LEA, like all other LEAs, does extremely well in ensuring the health and safety of its staff and pupils in all its schools.

National Literacy Strategy

4. **Mr. Nick Gibb** (Bognor Regis and Littlehampton) (Con): If he will make a statement on the national literacy strategy. [187697]

The Parliamentary Under-Secretary of State for Education and Skills (Mr. Stephen Twigg): The introduction of the national literacy strategy in 1998 has brought about dramatic improvements in standards across the ability range. This year, a record 77 per cent. of 11-year-olds achieved level 4 in English. Compared with 1997, there are now around 84,000 more 11-year-olds achieving the expected level for their age in English.

Mr. Gibb: But is it not a disgrace that 17 per cent. of all 11-year-olds—nearly one in five—are going to secondary school unable to read properly after six years in primary schools, and that 37 per cent. are going to secondary school unable to write properly? Does the Minister accept that the problem lies in the way in which reading is taught in our schools and the way in which the national literacy strategy has been implemented, with too much emphasis on whole language teaching methods and not enough concentration on phonics? Does he accept that it is the role of education Ministers, whether Conservative or Labour, to challenge the teacher training colleges and the profession over this clearly failed methodology, rather than simply to say that this is a matter for the profession?

Mr. Twigg: I totally accept the hon. Gentleman's point and would like to put on record a tribute to him for the campaigning efforts that he has undertaken on the question of phonics. We have placed phonics at the centre of the literacy strategy, and in this academic year we are providing new training about phonics for teachers in key stages 1 and 2. That challenge needs to be there alongside the other changes that are necessary to ensure that we continue to build on the progress that I described.

Mr. Peter Pike (Burnley) (Lab): Does my hon. Friend agree that Rosewood school in Burnley, which he visited earlier this year, is an example of a new primary school showing what is being done throughout Burnley as a result of this Government's policies, which are, through the literacy strategy and in many other ways, delivering much better education than under the previous Tory Government?

Mr. Twigg: I am happy to agree with my hon. Friend. It is worth reminding hon. Members that, when we came to power in 1997, only 63 per cent. of 11-year-olds achieved the expected level in English—in other words, 37 per cent. went to secondary school without achieving it. The 14-point growth constitutes remarkable progress. I pay tribute to my hon. Friend. I greatly enjoyed my visit to the school and I am delighted that Burnley is now part of wave one of the building schools for the future programme. That means that its secondary as well as its primary schools can be renewed.

Mr. Mark Hoban (Fareham) (Con): In the Under-Secretary's reply, he said that 77 per cent. of children achieved level 4 or above this year. Does he accept that the original target was 85 per cent.? It has slipped to 2006. Is he confident that the target will be reached then? Will it slip again or become simply an aspiration?

Mr. Twigg: We have made it absolutely clear that 85 per cent. remains our target. We will do everything that we can to ensure that this year's improvement, about which I was delighted, continues.

I return the challenge to the hon. Gentleman and his colleagues. The Conservative party has talked about abandoning targets. Is he saying that we should not aim to get the majority of our 11-year-olds to achieve the expected level so that they are equipped to go on to secondary school?

The 14-point improvement in the past seven years is remarkable because the greatest improvement has happened in schools that served the most deprived communities. That is a cause for celebration, certainly for Labour Members.

University Access Agreements

5. **Mr. Piara S. Khabra** (Ealing, Southall) (Lab): How many university access agreements have been agreed; and if he will make a statement. [187698]

The Secretary of State for Education and Skills (Mr. Charles Clarke): We expect that institutions will start to submit their access agreements for the approval of the director of fair access later this autumn.

Mr. Khabra: I recently received a letter from a college in my constituency, which raised concerns about a recommendation by the Learning and Skills Council to increase tuition fees for access and professional courses. That will affect my constituents, especially young people. The courses offer many of my constituents a second chance to enter higher education. Will my right hon. Friend reassure my constituents that the courses will remain affordable?

Mr. Clarke: I think that I can offer that reassurance but I shall examine the specific case that my hon. Friend raised and write to him about the detail of the Learning

and Skills Council's proposals. I am not familiar with the details that he mentioned but I am happy to consider them and come back to him.

Mr. David Chaytor (Bury, North) (Lab): Has my right hon. Friend had the opportunity to consider the impact on access to higher education of the alternative funding plans that the Conservative party published yesterday, especially—

Mr. Speaker: Order. I have told the hon. Gentleman previously that it is not for the Secretary of State to answer such questions. The hon. Gentleman can always write to Conservative party headquarters.

Mr. Tam Dalyell (Linlithgow) (Lab): While the Secretary of State could be forgiven, at least in my opinion, a certain impatience with the Scots, does he acknowledge that there is a delicate problem of access, especially to the university of Edinburgh, given the different regimes for tuition fees? Has that been considered in the Department and is it in contact with the Scottish Executive on that awkward matter?

Mr. Clarke: Mr. Speaker, I have no impatience with the Scots, especially your good self, on any matter.

We are in close discussion with colleagues in Scotland about the issues. We accept the devolution settlement, under which Scotland makes its own policy on such matters. We also accept that it is important to have a proper dialogue so that the consequences can be properly considered. There is dialogue about those questions at political and official level. As my hon. Friend knows, the higher education and political systems in Scotland are currently actively considering them.

Higher Education

6. **Mr. David Rendel** (Newbury) (LD): If he will make a statement on the proportion of 18 to 20-year-olds applying for higher education entry this year. [187699]

7. **Mr. Colin Challen** (Morley and Rothwell) (Lab): What the latest figures are for higher education applications; and if he will make a statement. [187700]

The Parliamentary Under-Secretary of State for Education and Skills (Mr. Ivan Lewis): The latest figures published by the Universities and Colleges Admissions Service at the beginning of the month showed that 466,222 people had applied through the UCAS system to UK universities and colleges for 2004 entry. That represents an increase of 2.8 per cent. on the same time last year. The number of people accepted so far represents an increase of 3.4 per cent.

Mr. Rendel: Does the Minister accept, as the Prime Minister did in his letter to me of 6 August, that over the past year the percentage increase in the number of English student applicants under 21 has fallen as compared to the increase in the cohort of that age group? Can he give any reason for that—as the Prime Minister did not—other than the one I suggested: that people were being put off by the top-up fees with which they are now threatened? Does he agree that if there is a fear putting people off applying to university, an increase in the interest rate to a commercial rate would only make the position far worse?

Mr. Lewis: I only agree with the last point. The hon. Gentleman should actually be celebrating the fact that, year on year, an increasing number of young people in this country want to go to university. The real scandal is that Liberal Democrats want to scaremonger, and imply to young people—especially those in low-income families—that university education is somehow unaffordable. That approach will not work, and is not working, for a number of simple reasons: rising school standards, improving GCSE and A-level results, educational maintenance allowances and Aimhigher, as well as the growing confidence and aspirations of hard-working families.

Individual young people will want to continue to enter higher education. The Liberal Democrats' policy *is different from ours. While they prefer to increase* subsidies to graduates, we prefer to prioritise provision for under-fives. Those are the real foundations of a fair and successful society. The Liberal Democrats are opportunists; we face up to the real challenges and choices facing our country. I am content for the British people to decide which approach is appropriate for a responsible political party.

Mr. Challen: I welcome my hon. Friend's statement, which shows that the Government are committed to getting more young people into higher education. That is essential for the country's economic future.

Maths and physics are two key subjects. Since the publication of Professor Adrian Smith's report on post-14 mathematics education, what progress has been made in persuading more young people—at an early age, when they are choosing school subjects—to take up maths and physics? When the Government respond to the report from the Qualifications and Curriculum Authority, will Ministers involve people from the private sector—it has happened before: for instance, in March we met members of Pintronics plc—in encouraging young people to take up those subjects?

Mr. Lewis: I entirely agree. It is important for us to engage employers in inspiring and enthusing young people about science. We have made it absolutely clear that we intend to implement the Smith inquiry's recommendations. As my hon. Friend knows, there are no quick-fix solutions, but we think it is essential to apply our strategy to inspire young people about maths and physics early in their school careers.

Mr. James Clappison (Hertsmere) (Con): Is not the system that the Government are introducing placing substantial extra costs and indebtedness on families with quite modest means? Should we not consider the effects of it? Whether or not there is an effect on the number of people applying to universities, will the system not result in years of extra indebtedness for young people from modest backgrounds? Whatever else may be the case, is it not a fact that the Government hardly led those people to expect this at the last general election?

Mr. Lewis: It was the hon. Member for Wantage (Mr. Jackson), a former higher education Minister, who

described the policies announced this week by the Conservative party as regressive—almost as regressive as the return of the right hon. Member for Wokingham (Mr. Redwood) to the Shadow Cabinet.

If we want dividing lines, we should bear in mind that those on the lowest earnings take the longest to repay and therefore, under the Conservatives' proposals, will pay the most. The worst effect is on those taking a career break, for example to start a family. The hon. Gentleman should speak to his Front Bench more often, because he is, I believe, one of the more sensible members of his party. Let me give him an example. A medium earner, such as a teacher, with a loan of £10,000 would repay something approaching £30,000, whereas a higher earner working in the City—*[Interruption.]*

Mr. Speaker: Order. I will stop the Minister.

The Minister should stop now, and he should refrain from referring to Conservative policy. [HON. MEMBERS: "Why?"] I will tell the House why. The Minister should give an account of his stewardship, not the stewardship of the Opposition. We will leave it at that.

Chris Grayling (Epsom and Ewell) (Con): May I begin by associating myself with the Secretary of State's earlier remarks about the right hon. Member for Hull, West and Hessle (Alan Johnson)? He has been a good-humoured opponent and we wish him well in his new role.

I look forward to campaigning on the doorstep in the next general election to abolish tuition fees, but as I listen to the Government covering themselves with plaudits about the education system, I ask myself one question, to which I shall be very interested to hear the Minister's response. Can he explain why, during the summer recess, almost eight years into a Labour Government, the leading and eminent historian Dr. David Starkey warned that some students need remedial teaching in basic literacy, and that there is a growing need for four-year degrees to make up for the poor quality of first-year undergraduates?

Mr. Lewis: I can explain. None of the young people at university or in the labour market today benefited from this Government's literacy and numeracy strategy in primary schools, none benefited from the key stage 3 strategy in secondary schools, and none benefited from the 14 to 19 reforms that are already under way. But all experienced cuts, cuts and more cuts to school budgets, and neglect of the most disadvantaged in our communities. Nor was there a programme for the millions of adults in this country who lack basic numeracy and literacy skills. I am pleased to report to the House today that 750,000 of the adults who did not have such qualifications before this Government came to power have now achieved them. Those are the dividing lines on which we will campaign on the doorstep at the general election.

Schools Admissions Policy

8. **Miss Anne McIntosh** (Vale of York) (Con): What recent representations he has received on schools admissions policy; and if he will make a statement.

[187701]

The Minister for School Standards (Mr. David Miliband): The Education and Skills Select Committee has recently published a report into secondary school admission arrangements. It is under consideration and we will issue our response in due course.

Miss McIntosh: Is the Minister not embarrassed at the fact that appeals by parents who did not secure their first choice of school for their children against such decisions have recently risen by 50 per cent.? Does he not agree that it should be left to head teachers, governors and parents to decide which school should accept which child?

Mr. Miliband: If I understand the hon. Lady correctly, she is suggesting that every school in the country should have its own admissions policy, with no possibility of appeal against it. Indeed, that is a further development. Last term, we heard that the Conservative party believes that there should be no distance criterion for admission to schools; that would throw into chaos the whole admissions system. Now, the hon. Lady says that every school should be able to invent its own admissions policy without an appeal system; that would be much worse than the current system. The latest research shows that approximately nine out of 10 youngsters get their first choice, and the best way to increase that number is to have more good schools. I would have expected the hon. Lady to applaud the rising attainment levels, especially in previously weak schools that have struggled to get first choice preferences. That is what this Government have pledged to do.

Jonathan Shaw (Chatham and Aylesford) (Lab): Does my hon. Friend accept that, as evidence from the Education and Skills Committee shows, appeals processes and admissions systems work most smoothly when there is a single, local authority-based admissions authority? So rather than prescribing myriad different admissions authorities, we should consider the Committee's evidence, which shows that when there is a single admissions authority, everyone, including parents, understands the rules. Such a system creates fairness and leaves parents feeling more satisfied than the alternative, which leads to great frustration.

Mr. Miliband: I was able to discuss this issue with the Education and Skills Committee when it questioned me in July. It is important to note that the co-ordinated admissions system that is being introduced means that no longer will parents send different forms to different schools in different authorities; rather, there will be a single admissions process. Schools will continue to have rights over their admissions where appropriate—Church schools are an example—but there will be a co-ordinated process. Early evidence from the work in Enfield and elsewhere shows that a co-ordinated admissions process makes a big difference to the satisfaction felt by parents, and brings greater clarity to the system. I hope that my hon. Friend recognises that.

Ann Winterton (Congleton) (Con): Has the Minister noted the conclusions of recent research showing that very bright pupils will do well in any secondary school, whether grammar or comprehensive, but that children at the margins—those who have only just passed the

11-plus achieve considerably more in grammar schools than their equivalent cohorts in comprehensive schools? Does the Minister believe that there are any lessons to be learned about the ethos of those schools and the sort of teaching carried out in them, and will he learn some of those lessons and apply them to the whole of the secondary sector?

Mr. Miliband: There are some lessons to be learned from the evidence. Unfortunately, we disagree about what those lessons are. On this side of the House, we do not believe that selection at five and 11 provides the right way forward. Conservative Members are proposing that every school, primary and secondary, should be able to have its own selection criteria for admissions, but we do not believe, as I said, that having a five-plus or an 11-plus is the best way forward for this country. Over the past 30 years, since the introduction of mass comprehensive schooling, there has been a doubling of GCSE performance, especially among girls. I would have thought that that would be a source of pride and, indeed, a source of evidence that the hon. Lady should take into account.

Angela Watkinson (Upminster) (Con): Will the Minister acknowledge the importance of admissions interviews in denominational schools? Such interviews not only enable schools to assess the credibility of references, but have a pastoral benefit in enabling those schools that wish to continue with interviews to gain a better understanding of the child's needs and personal circumstances. Under the co-ordinated system, schools have to rely solely on the local education authority to relay information to parents about the ethos of each school, how it differs from other schools and whether it offers what they want for their child. With the banning of admissions interviews, that valuable link between schools and prospective parents and pupils has been lost.

Mr. Miliband: The House really needs to understand the extraordinary spectacle that we are seeing this morning. The hon. Lady has divorced her party from the position of the Churches on this issue. Both the Church of England and the Catholic Education Service made strong representations that the old mechanisms were not the right ones to use and that the testing of religious affiliation should not be done by interview, but on an objective basis. I am very sorry that the hon. Lady has decided that now is the time for a split between her position and that of the Churches on this matter. We have followed the strong representations made by the Churches and introduced an objective approach—not based on an interview. The hon. Lady would do well to follow the Churches and us in that respect.

Higher Education Act

9. **Mrs. Anne Campbell** (Cambridge) (Lab): What assessment he has made of the effects on the current cohort of university students of the Higher Education Act 2004. [187702]

The Secretary of State for Education and Skills (Mr. Charles Clarke): The current cohort of students will not pay the new variable fees, but will benefit from the abolition of up-front fees in 2006, from an improved system for student complaints and from better arrangements for research in arts and humanities. The current cohort of students will also benefit from the introduction of the higher education grant of up to £1,000 this year and from the increase in the repayment threshold to £15,000 in 2005.

Mrs. Campbell: I thank my right hon. Friend for that reply. I add that the current cohort of students will continue to benefit from the high standards offered by the university system in the UK. I hope that he will take the opportunity to congratulate Cambridge university on coming third in the world league of universities, as well as coming first in the world league of teaching excellence. Will the Secretary of State ensure that he publicises the changes and effects of the Higher Education Act 2004 for the present cohort of students, most of whom are completely oblivious to the advantages that it will bring?

Mr. Clarke: First, I am happy to congratulate Cambridge university on its achievement. I took the opportunity of having a conversation with the vice-chancellor yesterday in which we discussed what had led to the university's great success. I am indeed happy to place on record my congratulations on its achievement. I also agree with my hon. Friend's point that publicity about the precise meaning of the changes as they affect each individual is very important, and it will continue to be important as people consider applying for university education in the future. We have a substantial programme of public information to get that across. It has already started to be rolled out, but will be rolled out more fully in order to meet the point that my hon. Friend has raised.

Hugh Bayley (City of York) (Lab): When the Higher Education Funding Council considers bids from universities to expand their student numbers, will it have regard to whether a particular institution meets the Government's access requirements? Will it give favoured consideration to high-performing universities, such as the university of York, that meet the Government's requirements on access to people from all walks of life?

Mr. Clarke: I cannot commit myself on the university of York's bid, although before the recess my hon. Friend arranged for me to visit the university to discuss with senior people there the meaning of their bid. However, I can tell him that, when it makes such decisions, HEFC must take into full account the contribution made by particular universities to the policies on improving access to higher education that both it and the Government espouse.

Paul Farrelly (Newcastle-under-Lyme) (Lab): My right hon. Friend will recall that, during the debate on the Higher Education Act 2004, we were on opposite sides of the argument about variable fees. However, we were on exactly the same side when it came to the importance of improving financial support for poorer students. Will he therefore remind the House why, in his reforms, he quite rightly ruled out charging a commercial rate of interest on student loans? Was it

because that policy would have been regressive and unfair in its effects on poorer students and lower-earning graduates?

Mr. Clarke: My hon. Friend is entirely right. In 2002, for the benefit of the Select Committee on Education and Skills, we set out our detailed analysis of the impact of real rates of interest. Unlike the Opposition, we rejected the possibility of charging a commercial rate of interest on student loans. First, that was because we did not want people to be penalised if they decided on a career—for example, with a charity or a Church—that was low paid. We thought that ability to pay was important. Secondly, we did not want to penalise women who decided not to work for a period of time after university so that they could bring up a family, as they could find that they would be hit by a real rate of interest of 8 per cent. Thirdly, we did not want people to have to pay back up to £60,000 on a loan of £10,000, which is what a real interest rate of 8 per cent. would add up to.

Those issues arose during our stewardship of education, and those were the decisions that we took. We need to see how others would seek to conduct their stewardship.

Mathematics Inquiry Report

10. **Patrick Mercer** (Newark) (Con): If he will make a statement on progress in implementing his Department's response to the mathematics inquiry report published by Professor Adrian Smith. [187704]

The Minister for School Standards (Mr. David Miliband): Since publication of the Government response to the Smith inquiry on 28 June, the Qualifications and Curriculum Authority has begun work on curriculum and qualification reforms. The School Teachers Review Body has been asked to advise on pay for senior mathematics teachers. The hon. Gentleman will know that the Government have announced increased training bursaries, and that golden hello incentives for mathematics teachers will also be introduced.

Patrick Mercer: I am grateful to the Minister for that reply. From what I have seen in schools across my constituency—in Newark, Retford, Tuxford and Southwell—it is clear that technical qualifications are falling off sharply, especially in maths. That is despite the excellence being achieved in many other fields. The Smith report suggests that there is a shortage of 3,500 specialist teachers. May I emphasise to the Minister how important it is that we get those specialist teachers into the classroom? In that way, children from north-east Nottinghamshire can take their places in the hi-tech industry that is springing up in that part of the world.

Mr. Miliband: I completely share the hon. Gentleman's commitment to making that a priority. He will be pleased, as I am, that more youngsters did GCSE maths this year, and did well in it. That is an important building block for the future, as the Smith inquiry noted. He will be pleased also that there are now 152 specialist schools with a specialism in maths and computing. That is also important.

However, the hon. Gentleman can take direct comfort, and a sense that things are moving in the right direction, from the startling figures on the numbers of people being recruited into teacher training who want to teach maths, and who then go on to work in schools. I shall write to the hon. Gentleman with the figures on maths teacher recruitment both in initial teacher training and as a result of the graduate teacher programme, which brings people in mid-career into teaching. The problem has not been cracked fully, but I think that he will be very impressed by the direction in which the figures are going.

Mr. Kelvin Hopkins (Luton, North) (Lab): I congratulate the Government on being the first in generations to take mathematics education seriously. Does my hon. Friend agree that we are still suffering a hangover from the years of Tory neglect of mathematics education?

Mr. Miliband: I am tempted to blame my grades in maths and further maths on the previous Government, but I might be pushing my luck a bit too far. I tried to take maths seriously at school, but found that it was not quite my forte. I hope that it can be a source of cross-party commitment that maths and technical studies are essential to the future of the country, and that the recruitment of teachers and the development of the right curricula are critical to that.

Sports Facilities

11. **Mr. Michael Jack** (Fylde) (Con): In what ways his Department is assisting schools to develop their sports facilities. [187705]

The Parliamentary Under-Secretary of State for Education and Skills (Mr. Stephen Twigg): We are investing £686 million in school sports facilities in England. More than 3,000 schools are benefiting from those programmes. The Department is also supporting capital investment in schools of £4.5 billion this year and more than £5 billion in 2005–06, much of which will be directly allocated to local authorities and schools for them to address their priority needs, including sport facilities.

Mr. Jack: The Minister has indicated that substantial sums in capital funds are available for schools that wish to develop their sports facilities. Sadly, however, following an Ofsted recommendation, St. Bede's school in my constituency was unsuccessful in bidding for money under the targeted capital fund arrangements and, although it wishes to reapply under that scheme, it has been told that it cannot. Will the Minister look carefully at the school's case to see whether St. Bede's could reapply under the fund, or, if that route to capital funding is not available, can he recommend another route, given that the school has already raised £250,000 of its own money to put towards its much-needed sports facilities?

Mr. Twigg: I am aware of the situation at St. Bede's. It received a good Ofsted report, and Ofsted made a recommendation about sports facilities. The target capital fund was heavily over-subscribed and the next

round is also very highly subscribed. If St. Bede's is unsuccessful in that round, there will be a further round early next year. It may also be possible to secure a grant from the formulaic capital programme allocated through the Lancashire local education authority. It is possible that there could be scope for progress by St. Bede's under the building schools for the future programme. I will write to the right hon. Gentleman setting that out in detail.

Judy Mallaber (Amber Valley) (Lab): Will my hon. Friend look at the success achieved in Amber Valley by developing the key sports facility of having hundreds of young people acting as sports leaders through the community sports programme, which is working with schools, Connexions and the Learning and Skills Council? Because that programme promotes sport and good health and also gives confidence to young people to be engaged in such activities, including their education, will he also consider the associated NEET programme, which brings in and re-engages in sports 16 to 19-year-olds who are "not in employment, education or training"?

Mr. Twigg: I am happy to commend those programmes in my hon. Friend's Amber Valley constituency. She will be aware that my right hon. Friend the Secretary of State for Education and Skills launched the healthy living blueprint earlier this week, setting out some of the challenges for schools and the wider community in promoting healthy living. Good quality physical education and sport is at the heart of our efforts to ensure that children and young people have the healthiest lifestyles possible.

Charles Hendry (Wealden) (Con): Does the Minister agree that it is not just sports facilities in school that are important, but how students are encouraged to use them in the wider community? Is he aware that in other European countries, particularly France and Holland, where there is a much higher involvement of young people in sport, sports facilities tend to be located in local clubs, rather than attached to schools, and are properly co-ordinated to bring a range of sports together on one site? What discussion is the Minister having with UK Sport and Sport England to ensure that sports facilities are developed in a way that will be of the greatest overall community benefit?

Mr. Twigg: The hon. Gentleman raises a reasonable point. We work closely with our colleagues in the Department for Culture, Media and Sport to ensure that our efforts are coherent. It works in both directions. It is, as the hon. Gentleman rightly says, about ensuring that we have facilities in the community for young people, but it is also about facilities in schools being accessible to the community outside traditional school hours, including for young people. We need to do both. A lot of money is going into that and I am sure that the hon. Gentleman will welcome those additional resources. We want to ensure that they have maximum impact on young people from all backgrounds in all our communities.

Andy Burnham (Leigh) (Lab): Does the Minister agree that the British state school system has traditionally undervalued the role of after-school competitive sport between schools, particularly its value in raising the self-esteem of young people who may lack confidence in the classroom? To ensure that we get maximum benefit from the new facilities that the Government are putting in, will he consider a proper system of rewarding teachers who take after-school or weekend sport and work with the governing bodies to get an extensive league structure for schools in all the main sports?

Mr. Twigg: I pay tribute to my hon. Friend, who has campaigned on these issues for some time. Competitive sports are an important aspect of our work on physical education and sport in schools. I am happy to look into the specific suggestion that he has made today and to write to him. We have said that we want every school to be part of a school sports partnership by 2006. More than half are now in such partnerships, and competitive sports will be an important element in the work of those partnerships.

SOLICITOR-GENERAL

The Solicitor-General was asked—

Guantanamo Bay

18. Mr. Gordon Prentice (Pendle) (Lab): If the Attorney-General will act for the four UK citizens held in Guantanamo Bay in challenging the legality of their continued detention in the US courts. [187719]

The Solicitor-General (Ms Harriet Harman): No. Those holding the office of Attorney-General gave up the practice of acting as private counsel in the early 19th century. Since then, Law Officers' duties have been exclusively to act as advocates and legal advisers to the Crown, Government and Parliament.

Mr. Prentice: This is very dispiriting indeed. We have four British citizens who have been in legal limbo for years now. Ten months after the Prime Minister said that the matter would be resolved soon, we are no further forward. It is just not satisfactory, and we need to do something about it. May I press my right hon. and learned Friend on this point? The Foreign Secretary has intervened on behalf of Kenny Richie, a British citizen who has been in prison in Ohio for the past 17 years. He is on death row for a crime that he says he did not commit and the British Government are standing behind him. Will the British Government do the same for the four British citizens in Guantanamo Bay?

The Solicitor-General: We have strongly stood behind the rights of those detainees either to have a fair trial or be brought home. We have made that position clear. That is why the military commissions that were proposed by the US authorities in respect of those particular UK detainees have been suspended. I ask my hon. Friend to distinguish between whether, as he requests, the Attorney-General should represent those detainees in the habeas corpus applications and whether we are making all efforts to ensure that they either have a fair trial or are brought home. In addition the Foreign Office is considering a request by the detainees'

representatives to put in an amicus brief at the hearings of the habeas corpus applications, and that is still under consideration.

Mr. David Heath (Somerton and Frome) (LD): I am glad it is under consideration, but when the original case was put before the US Supreme Court, it was supported by lawyers, Members of this Parliament and others, and the Government did not lift a finger to help. The fact is that the detainees are seeing a lawyer for the first time in two years. Their lawyer and Government officials are apparently not allowed to tell the detainees' families of the treatment that those detainees have received, which we believe to be similar to that handed out in the prison in Baghdad. The families have been told that the information cannot be divulged because of, variously, consular confidentiality or the Data Protection Act. Is it not the case that American justice is besmirched by this episode, and that there is a real danger that British justice is also besmirched by the fact that the British Government are prepared to allow this to happen to British citizens and will not lift a finger in their support?

The Solicitor-General: It is not the case that we have not lifted a finger in support of the detainees; such has been the pressure of our representations that five of them have been returned. We have made clear our concerns about the circumstances in which the detainees have been held, including the question of legal advice and the fact of their detention. Discussions are under way. The Prime Minister has made it clear that he thinks that the detainees should either be brought back to this country or given a fair trial. We have said that a trial before a military commission is not one that we would consider fair. We are therefore pressing forward with arrangements for them to be returned home. I ask the House to understand the important efforts that have been made by the Attorney-General, the Foreign Secretary and the Prime Minister on behalf of those detained.

Mr. Douglas Hogg (Sleaford and North Hykeham) (Con): If the Solicitor-General will not agree to the proposition that the Attorney-General should represent the four detainees, what about seeking to persuade the American Government to accept an amicus before the military tribunal so as to ensure that the constitutional rights of the detainees are properly respected?

The Solicitor-General: The right hon. and learned Gentleman suggests an amicus brief before the military commission. We are not appearing in any form before the military commission, and nor are the detainees who are UK nationals, because we do not believe that the commission guarantees a fair trial. In respect of appearance before the district court in Washington DC, which is set to hear the applications for habeas corpus, an application has been made by the detainees' representatives for the UK to put in an amicus brief. As I have told the House, that is under consideration. However, the right hon. and learned Gentleman says that the problem is that I will not agree that we should represent the detainees. I would remind him that not since 1830, when there was a row about the Attorney-General and the Law Officers acting for private clients, have they acted for anyone other than the Crown, Parliament and the Government.

Mr. Dominic Grieve (Beaconsfield) (Con): I wish to return to the important issue of the amicus brief in front of the district court. I appreciate that the Government are considering their position, but time is moving on. The question of possible representation on the amicus brief has been around for six or seven weeks, if not longer. When will the Government give us a definite lead on the matter? It is important, and many hon. Members will have been approached individually to lend their names to such a brief. On the basis of what the Government have said about the importance of observing proper constitutional proprieties in the United States, there would seem to be overwhelming reasons why it should be signed.

The Solicitor-General: The hon. Gentleman is right. It is important that we give serious consideration to the question whether to proceed with an amicus brief. He is right that time is moving on, and we are acting as expeditiously as we can. Although the request was made some time ago for us to put in the brief, we did not receive the papers until recently. We will inform the House as soon as a decision has been made.

Domestic Violence

19. **Linda Gilroy** (Plymouth, Sutton) (Lab): What discussions she has held with Cabinet colleagues on improving the way in which the Crown Prosecution Service deals with court cases involving domestic violence. [187720]

The Solicitor-General: I am in continuous discussions with ministerial colleagues about improving the way in which the CPS deals with court cases involving domestic violence, principally through the interministerial group on domestic violence chaired by the Home Office Minister, Baroness Scotland.

Linda Gilroy: I thank my right hon. and learned Friend for that reply. It will not surprise her to learn that, at a seminar I chaired for people working to support those facing domestic violence in Plymouth this time last year, one of the key concerns was the delays in bringing cases to court. It is vital to speed things up. Will she continue her drive to join up government to achieve that and will she remind Baroness Scotland, who will visit my constituency next week, of the importance of doing everything we can to do so?

The Solicitor-General: I certainly will and I pay tribute to the work that my hon. Friend has done in her city of Plymouth on the issue of domestic violence, not least conducting a survey that has highlighted existing concerns. It is important that all the agencies work together and that cases are brought to court as swiftly as possible. However, protective orders should be made in the meantime, so that women can know that they and their children are safe before cases come to court.

Chris Bryant (Rhondda) (Lab): My right hon. and learned Friend will know that on average two women are killed every week in this country by their spouse or partner. Indeed, in the Rhondda in the past two years, we have had five domestic murders. Is it not vital that the CPS acts as sensitively as possible as early as possible in cases of domestic violence, so that they do not lead to domestic murder?

The Solicitor-General: It certainly is, and one of the objectives of the Domestic Violence, Crime and Victims

Bill, which is going through the House at present, is to enable early intervention. If early intervention does not take place, domestic violence can escalate and end up in homicide. In addition to early intervention, we have set up homicide reviews so that we learn the lessons when agencies have not been able to prevent homicides. The Law Commission has recently reported on homicides in cases of domestic violence, and we are considering what further action to take.

Corruption (Prosecutions)

20. **Mr. Andrew Turner** (Isle of Wight) (Con): What steps she is taking to ensure consistency of decision making in prosecutions for corruption. [187721]

The Solicitor-General (Ms Harriet Harman): Consistency of decision making in prosecutions for corruption is ensured by the Crown Prosecution Service following the code for Crown prosecutors, which requires them to consider the sufficiency of evidence and whether a prosecution would be in the public interest, and, secondly, by the requirement in all cases of corruption that a Law Officer consent to the prosecution.

Mr. Turner: I understand that the common law offences of corruption and that of abuse of public office are more or less a dead letter and that it is very difficult to secure a successful prosecution under the Prevention of Corruption Act 1916. Are Ministers looking at how effective that legislation is and at whether it should be more effective?

The Solicitor-General: The hon. Gentleman puts his concerns well and we agree with those views. There are great difficulties in prosecuting and that is one of the reasons why the Government have been considering new laws on corruption. There has been pre-legislative scrutiny based on a draft Bill produced by the Law Commission in 1998, and in due course a new Bill will be brought forward to deal with the important issue of tackling corruption that the hon. Gentleman rightly raises.

Business of the House

12.30 pm

Mr. Oliver Heald (North-East Hertfordshire) (Con): Will the Leader of the House please give us the business for next week?

The Leader of the House of Commons (Mr. Peter Hain): The business for next week will be as follows:

MONDAY 13 SEPTEMBER—Second Reading of the Children Bill *[Lords]*.

TUESDAY 14 SEPTEMBER—Opposition Day [17th Allotted Day]. There will be a debate on higher education, followed by a debate on pensions. Both debates will arise on motions in the name of the Liberal Democrats.

WEDNESDAY 15 SEPTEMBER—Procedure motion relating to the Hunting Bill, followed by proceedings on the Hunting Bill—[HON. MEMBERS: "Hear, hear"]. I think it would assist the House if I gave notice that we will be sitting later than usual in order to complete those proceedings.

THURSDAY 16 SEPTEMBER—Second Reading of the Civil Partnership Bill *[Lords]*.

FRIDAY 17 SEPTEMBER—The House will not be sitting.

The provisional business for the week following the conference recess will be as follows:

MONDAY 11 OCTOBER—Second Reading of the Mental Capacity Bill.

TUESDAY 12 OCTOBER—Remaining stages of the Domestic Violence, Crime and Victims Bill *[Lords]*.

WEDNESDAY 13 OCTOBER—Opposition Day [18th Allotted Day]. There will be a debate on an Opposition motion. Subject to be announced.

THURSDAY 14 OCTOBER—Motion to take note of a European document relating to justice and home affairs work programme, followed by consideration of Lords amendments to the Horserace Betting and Olympic Lottery Bill.

FRIDAY 15 OCTOBER—Private Members Bills.

The House will wish to know that the date of the state opening of Parliament will be Tuesday 23 November.

Mr. Heald: The Leader of the House will recall that I have been pressing him for a debate on the draft Regional Assemblies Bill. He knows our views about the referendum in the north-east, but surely he would acknowledge that the details of the regional assembly to be approved by the referendum—

Mr. Andrew Turner (Isle of Wight) (Con): Or not.

Mr. Heald: Or not. The details should be debated before the ballot papers go out, so may we have a debate in Government time, either next week or the first week back, so that Ministers can explain their plans before the electors receive their ballot papers?

The Leader of the House will realise—as was apparent when he announced the business—that there are differing emotions in all parts of the House and in the country about his announcement on the Hunting Bill, but may I press him on a number of matters? Surely, a Bill of that kind needs more than one day's consideration—[HON. MEMBERS: "Hear, hear"]. Will he think again about the time allowed?

When the Bill was sent to the other place last time, there were outstanding issues concerning compensation and the breadth of the offence. Can the Leader of the House assure us that the procedural motion next Wednesday will allow us to debate amendments on those issues? He may say that under the Parliament Act the Bill has to leave this place in the same form as last time and that a Committee stage is therefore inappropriate, but is not it correct that the House is able to put forward suggestions for amendments to the Bill in a separate motion to accompany it to the other place even under that procedure? Can he confirm that after the Second Reading debate there will either be a Committee stage or that more time will be allowed before Third Reading for suggested motions to be considered—and not just Government motions? Can he also explain how much time is to be allowed for each stage of the Bill?

Finally, will the Leader of the House accept that there are concerns about the way in which he is proposing to deal with this matter? The Government have been up hill and down dale over hunting for seven years, yet now we are being told that it is so urgent that the Parliament Acts have to be invoked, but at the same time that the ban can be delayed for more than two years.

The Bill involves taking away an aspect of liberty from people in rural areas. Surely time must be made available for proper debate of the issues involved. Will the right hon. Gentleman think again about the use of the Parliament Acts? It is wrong to use what is, in parliamentary terms, the nuclear option when it is not necessary and there is plenty of time available.

Mr. Hain: I am delighted that the hon. Gentleman survived his reshuffle—or his leader's reshuffle—yesterday. I see that he now has an expanded portfolio, as shadow Secretary of State for Constitutional Affairs; I congratulate him on that, but I notice that even with that expanded portfolio he has still not been able to get into the shadow Cabinet. So the Leader of the House of Commons is in the Cabinet, but the Conservative party treats the House with such derision that it will not even appoint the shadow Leader of the House of Commons, with his expanded portfolio, to the shadow Cabinet.

On the hon. Gentleman's specific points, I had hoped, and I had been promising him, to publish the draft Regional Assemblies Bill by now. We will publish it just as soon as we can. The referendum is some weeks off—just under two months away—so there is plenty of time for that. On Monday, there will be a statement by the Minister for Local and Regional Government about this referendum, in which he will specifically address the issue of postal voting as well as other issues, and the hon. Gentleman will have an opportunity to put his questions to him then.

I accept that there are differing emotions on hunting; there is no question about that. Within the hon. Gentleman's own party there were Members who voted for the ban on hunting, and the same applied on the Labour Benches. On the question whether there should be more than one day for debate, may I remind the hon.

[Mr. Hain]

Gentleman how many times the issue of hunting has been debated in the House? The Bill, which is about to come before us again next week, was debated fully, in detail—in the House, in Committee, on the Floor of the House—and if we look back over the past seven years of Labour Governments, and indeed throughout the 1990s and the last phase of the Conservative Government, we see that this issue came up time and again. Time and again the House expressed its absolutely clear view that there should be an end to cruelty to animals through such a ban, and that view has been thwarted and denied by the House of Lords, which filibustered on the Bill in the last Session.

At issue is how we take this matter forward and how the will of the House of Commons to implement a policy that has been agreed on overwhelmingly by the House of Commons can be exerted. I should have thought that the hon. Gentleman, as shadow Leader of the House of Commons, would be standing up for the rights of the House of Commons in this matter.

May I first deal with the timetable and then deal with the specific points that the hon. Gentleman raised? I am sorry to take so much time to answer this question, but I know that the issue is very much on Members' minds. The intention next Wednesday would be to move the business motion at half-past 12. That could run till any hour—unless a closure motion is moved and you accept a closure motion earlier, Mr. Speaker. The Second Reading debate will run for five hours from half-past 12, so a vote would be expected at around half-past 5. Then the debate on the motion on the suggested amendments that the Government will be tabling early next week, to postpone commencement of the legislation in respect of hunting, will run for three hours. I accept that if other amendments to the Government's motion are tabled and are in order, they could be taken at that time too, so we would expect votes on that motion at around 8.45—certainly before 9 o'clock. Then debate on Third Reading can run for half an hour following a Division, and it would then be possible to send the Bill through to the House of Lords, accompanied by a message hopefully suggesting the amendments, and the Bill would then get its First Reading in the Lords probably next Thursday. That is the procedure that we have suggested.

There are three common-sense reasons for a delay in the commencement of the legislation, which I should have thought everybody would understand.

First, all of us are concerned with animal welfare, and we should all wish to do all that we can to provide time for the re-homing of dogs used in hunts or their humane dispersal if that is required. The Royal Society for the Prevention of Cruelty to Animals has offered—*[Interruption.]* The hon. Member for North-East Hertfordshire (Mr. Heald) asked me these questions; I am giving him the answers. The RSPCA has offered to help, based on its experience of re-homing greyhounds, and we hope that hunts will be able to work with it to achieve that.

Secondly—*[Interruption.]*

Mr. Speaker: Order. Let the Leader of the House reply.

Mr. Hain: The RSPCA is the expert authority on this matter. [HON. MEMBERS: "No, it is not."] Oh, I see. *[Interruption.]*

Mr. Speaker: Order. Let the Leader of the House reply.

Mr. Hain: Conservative Members are arrogating expertise over that of the RSPCA.

Secondly—I should have thought that the House would want to understand this reason and support it—the delay in the commencement will give those involved in hunting time to cease the activities that are to be banned and to refocus any business activities on alternatives, such as drag hunting, or finding alternative employment. For example, the horse industry in the country is buoyant, with increasing activity in a variety of leisure and sporting activities.

Thirdly—this is my final point—the Government condemn the threats of illegal action by some supporters of hunting. We believe that most of those involved in hunting are law-abiding people who are prepared to respect the will of Parliament. Extra time for implementation will make it even clearer that illegal actions and threats of intimidation are totally unjustified. Of course, in the meantime, there will be a general election, and the supporters of hunting are free to vote for Conservative candidates, if that is what they want, and the opponents of hunting are free to vote for Labour candidates to ensure that the commencement date goes ahead as decided. So a general election will finally decide this matter, and the will of Parliament will be upheld.

Mr. Paul Tyler (North Cornwall) (LD): May I turn to an issue that is of real and urgent significance to the countryside and rural communities, in contrast to hunting? May I ask the Leader of the House whether we can have an early statement—preferably next week, but if not, when we return in October—on the Bellwin formula for providing funds to areas devastated by flooding and other natural disasters? I have in mind, of course, particularly the floods that hit Boscastle and the immediate area in north Cornwall just a few weeks ago, but there is a general national issue, which I think that the Leader of the House will agree is of importance and urgent significance to other areas that might be similarly affected at any time.

I pay tribute to the Deputy Prime Minister and his Department for their prompt and very positive response to the calamity that hit us in Cornwall, but there are issues that affect other areas. For example, York, some three and half years after the flooding, still cannot be absolutely certain how the Bellwin formula will operate in its case. As the Leader of the House will know, the Bellwin formula is the way in which central Government assist local government in such circumstances, but there is real difficulty with its complexity, with the very long-winded, slow processing of its bureaucracy and, indeed, with its exclusions. We need an urgent statement to clarify those matters.

I shall give a couple of quick examples. Local authorities are reasonably clear about how eligible they are, but the Environment Agency is not at all clear about how it can satisfy the requirements of the Bellwin formula. Business support is unclear, particularly in case of loss of income. Car parks have been swept away in Cornwall, and people are finding it extremely difficult to restore their businesses. That is not covered by the Bellwin formula. In particular, the general issue of capital expenditure is extremely important.

We need such a statement. The Cornish example is just one of many: it could happen to any constituency at any time, and anyone could be affected similarly. The Bellwin formula needs to be updated; it needs to be very clear; and people's confidence in that system needs to be restored. I hope that we can have such a statement.

Mr. Hain: I will certainly carefully consider the hon. Gentleman's request, and the Secretary of State for Environment, Food and Rural Affairs and the Deputy Prime Minister will want to study very carefully what he has said. I acknowledge the tremendous amount of work that he has done on flood protection measures, especially in Cornwall. I understand that he recently opened the flood prevention project in Bude. I also acknowledge the terrible suffering and hardship that his constituents have suffered in Boscastle. We all watched those pictures on television with absolute horror. As he said, although there were special circumstances in which he is well versed, with climate change, such flooding could happen elsewhere in the country. That is why his point is very pertinent.

I was grateful that the hon. Gentleman paid tribute to the Deputy Prime Minister—he generously did so in the media, which was appreciated—and his Department, which acted speedily on the matter. He will be pleased that York Members have met the Deputy Prime Minister regarding the situation there, so his concerns are being addressed. Government spending on flood defence has increased significantly over recent years, as the hon. Gentleman knows. Total annual expenditure is expected to be £478 million in 2004–05 and at least £564 million in the following year, so we recognise that the issue is serious.

Mr. Dennis Skinner (Bolsover) (Lab): Is the Leader of the House aware that many Labour Members welcome the fact that we will deal with hunting next week, albeit some of us are not too happy about the two-year delay? There might be a special delight in seeing Tory MPs encouraging lawbreakers in mining communities and elsewhere in the middle of a general election campaign, so that is another side of the argument just in case he wants to change his mind. We have debated this thing ad nauseam and as many as 400 MPs have voted for it time and time again. The third way was tried, but it did not get anywhere. We have seen a massive majority again, and that shows the democratic will. We should take no notice of the House of Lords at the other end, but get on with dealing with the matter because at the end of the day we made a promise and now we must keep it.

Mr. Hain: I agree with my hon. Friend that we made a promise and now we are indeed keeping it. The will of the House can prevail through the Parliament Acts, if necessary, although I hope that the House of Lords will act reasonably. On the delay to the commencement date, the sport is inhumane, but it is important for us to deal with it in a humane way. The decision to delay commencement will allow those businesses involved to adjust and the re-homing and dispersal of dogs to be done sensibly. I should have thought that everyone would see that as a common-sense approach. It shows that the Government are acting in a reasonable fashion to uphold the will of the House of Commons. It is the outright opponents, including many Conservative Members, who are the unreasonable extremists on the matter, to the extent that they seem willing to countenance lawbreaking.

Sir Patrick Cormack (South Staffordshire) (Con): Is the Leader of the House aware that he has demonstrated today his ignorance of rural affairs and intolerance of the legitimate activities of minorities? Will he tell the House when the Parliament Act was last invoked in respect of a Bill that had not completed its passage through the House of Lords in the previous year?

Mr. Hain: I have a great deal of respect for the hon. Gentleman and his role as a senior parliamentarian, but I cannot accept that I have displayed ignorance of rural affairs. All the opinion polls show that there is majority support in countryside areas for such a ban, as there is throughout the country. We would hope to avoid using the Parliament Acts by the House of Lords taking its responsibilities seriously as a revising and improving Chamber, rather than a vetoing Chamber, which is what it was during the past Session, thus bringing us into this predicament. We are acting to fulfil a manifesto commitment and the will of the House of Commons, which is why we are on a track that could end in the Parliament Acts being used, as they have been used before.

David Taylor (North-West Leicestershire) (Lab/Co-op): There will be some weeping and gnashing of teeth on these Benches and great joy in other areas, not least the City of London, at the decision of the right hon. Member for Darlington (Mr. Milburn) to spend more time with his Government. Does the Leader of the House plan to insert into the parliamentary timetable an opportunity for the Chancellor of the Duchy of Lancaster—not unlike that of the Chancellor of the rest of the country—to describe and explain his policies and activities, not least his touching belief that great amounts of private money and influence are necessary to drive up standards in public services?

Mr. Hain: I am grateful for that constructive question, but not sure that I can help my hon. Friend.

Mr. Edward Garnier (Harborough) (Con): As someone who has served on every Standing Committee to consider hunting Bills since 1992—when I was first elected—I do not think that I am going to persuade the Leader of the House to change his mind about the procedures that he wishes to adopt next week. May I follow the hon. Member for North-West Leicestershire (David Taylor) by asking a question about the new Chancellor of the Duchy of Lancaster? It is apparent that he will be performing a Labour party function, so who will be paying his salary?

Mr. Hain: The position is a Crown appointment, and my right hon. Friend has been given important

[Mr. Hain]

responsibilities in co-ordinating the strategy unit and the No. 10 policy unit. That is important to make sure that the Government can meet future challenges facing the country, whether competitive threats from the likes of China, issues arising from climate change, or the problem of antisocial behaviour. My right hon. Friend will be pivotal to those operations, and will work on behalf of the Government.

Julie Morgan (Cardiff, North) (Lab): I welcome my right hon. Friend's statement about hunting, but I, too, regret the two-year delay. However, my question is about the Children Bill. I am pleased that that important Bill is coming back to the House on Monday, but will my right hon. Friend do his best to ensure that there is a free vote during its passage on any proposal to change the law on the corporal punishment of children, which is a matter of conscience? If there is a proposal to change it, we should be allowed a free vote.

Mr. Hain: I will certainly look at my hon. Friend's request. I acknowledge her expertise and her admirable persistence in making sure that children's rights are constantly defended and, where they are not, exposing that. I therefore take particular note of what she said.

Briefly, on her reference to the commencement delay, I am sure that Labour Members and others will understand the practical reasons for that delay, which is needed to deal with the re-homing and dispersal of the hounds, as well as the business consequences for people involved in the industry. It is also needed to give people time to adjust, so it is a reasonable position for the Government to adopt, and I should have thought that on reflection she would want to support it.

Mr. Adrian Sanders (Torbay) (LD): On 2 September, the European Commission responded to a submission from the Department for Environment, Food and Rural Affairs to close the sea bass fishery this winter to reduce the by-catch of dolphins and other cetaceans. DEFRA claims that the EU Commission said that the evidence was not sufficient. There is not much time before the winter sea bass fishery begins, so there is an urgent need to debate what the lack of evidence was and what other mechanisms exist for achieving a closure of that sea fishery, and to confirm whether the UK Government will close the fishery for the part of the waters over which it still has rights.

Mr. Hain: I acknowledge the hon. Gentleman's evident expertise, which is far superior to mine. He has raised an important issue, and the Secretary of State for Environment, Food and Rural Affairs will wish to take close note of what he said and respond accordingly.

David Winnick (Walsall, North) (Lab): I warmly welcome my right hon. Friend's statement on hunting, but is he aware that if there is any criticism by most people in the country it is simply about why we have taken so long to do this. Is not a constitutional point involved, as the decisions of the House of Commons, certainly on a free vote, cannot be treated with contempt time and again by the unelected Chamber? If the Tories are in such fury about such an important issue we can conclude that we are doing right at long last.

Mr. Hain: I very much agree with my hon. Friend, and am pleased that his constant harrying of me at the Dispatch Box has properly produced the result that he wanted.

Mr. Richard Shepherd (Aldridge-Brownhills) (Con): The Under-Secretary of State for Trade and Industry, the hon. Member for Edinburgh, South (Nigel Griffiths), told the House on 11 February that there would be a debate in Parliament on any final proposal to remove from the public domain information about claims registered in employment tribunals. The Employment Tribunals (Constitution and Rules of Procedure) Regulations 2004, which were laid before the House on 20 July, remove all such information from the public record. As they come into force on 1 October, when will the right hon. Gentleman honour the Government's undertaking to give the House time to debate them? There is one week to go, but an announcement has not been made about such a debate.

Mr. Hain: I apologise to the hon. Gentleman for being unsighted on this matter. However, I shall certainly make sure that it is followed up speedily, and that he receives a response as quickly as possible, as he has raised an important issue.

Mr. Tam Dalyell (Linlithgow) (Lab): Has the Leader of the House reflected on early-day motion 1627, in the name of my hon. Friend the Member for Islington, North (Jeremy Corbyn)?

[That this House expresses grave concern at the decision of the Iraqi Interim Government to ban Al Jazeera from reporting in Iraq; and calls upon the Foreign Secretary to express this concern.]

What would our reaction be if the "Today" programme, the "World at One" and "The World Tonight" were all closed down by an occupying power?

Mr. Hain: It is very tempting to give an answer to that question, but on the serious issue of al-Jazeera, I believe in free media and their operations. Iraq and the Interim Government are in a difficult position, as they face constant terrorist attacks. I understand that al-Jazeera—I have been interviewed on the channel a number of times, and was happy to appear, as it was fair and straight coverage—broadcast proceedings from the Republican convention, apparently including extracts from President Bush's speech, so it seems to have a liberal attitude on these things.

Mr. Andrew Mackay (Bracknell) (Con): Returning to the new Chancellor of the Duchy of Lancaster, surely we should have a debate on his role in the House? A precedent has been set by a number of people who have held that position and done mostly party work that was paid for by the party, not the taxpayer. I am afraid that the answer given by the Leader of the House to my hon. and learned Friend the Member for Harborough (Mr. Garnier) did not offset our concerns that most of the work that the right hon. Member for Darlington (Mr.

Milburn) will do is entirely party work for the forthcoming election, so should not be paid for by taxpayers.

Mr. Hain: If someone undertakes party functions—this applies to myself as a Cabinet Minister as well as any other Minister, as the right hon. Gentleman will know from his days in government—the normal ministerial support does not apply. My right hon. Friend the Chancellor of the Duchy of Lancaster, however, is undertaking important forward co-ordinating policy work for the Government, with responsibility for the strategy unit which, as I can attest from my experience of working with it, consists of a group of very bright people who are looking ahead to the challenges facing the country, as well as the Downing street policy unit. That is an extremely important task.

Mr. Mike Wood (Batley and Spen) (Lab): During the recess, yet another authoritative report was produced pointing to the dangers of the use of CS gas spray, which is currently used by all but three police forces in the country. It seems that the health not just of people who are sprayed but of police officers using the equipment is under considerable threat, so could we have a statement?

Mr. Hain: The Home Secretary will obviously look closely at what my hon. Friend said. However, he will be aware that CS spray has been available to the police as self-defence equipment since 1996. The physical effects of the spray are unpleasant, but it has been used in circumstances where there might otherwise have been serious injury to the police or the public. Work is continuing to identify suitable alternative solvents.

Adam Price (East Carmarthen and Dinefwr) (PC): When the Leader of the House chaired the Young Liberals he supported a campaign to impeach the then Lord Advocate of Scotland. Does he still believe that impeachment is a sanction available to the House when seeking to hold Ministers to account, or will he oppose any moves to introduce a motion for debate under that procedure?

Mr. Hain: The hon. Gentleman is an admirable researcher who digs up all sorts of facts, some of which are uncomfortable for the Government. I cannot for the life of me recall that campaign, which was over 30 years ago. However, he has dug it up from a file somewhere, so I acknowledge his research expertise.

The House of Commons has already voted overwhelmingly to back the Government's position on Iraq. That was the House's clear decision. For the first time, the Government brought to the House a motion on a decision to go to war, and gave it an opportunity to authorise it or not. That decision was made, but the hon. Gentleman is seeking to circumvent it.

I am advised by the Clerk of the House that impeachment effectively died with the advent of full responsible parliamentary government, perhaps to be dated from the second Reform Act of 1867, and a motion of no confidence would be the appropriate modern equivalent. The Joint Committee on Parliamentary Privilege in 1999 concluded that

"The circumstances in which impeachment has taken place are now so remote from the present that the procedure may be considered obsolete."

Perhaps the hon. Gentleman should research the matter more carefully.

Mr. Gwyn Prosser (Dover) (Lab): The investigation into the way that the NHS in east Kent handled allegations against the disgraced general practitioner, Dr. Ayling, was published this morning. In the absence of any oral statement to the House about the failings that were found in the system, and given the failure of the Department to hold any press launch on that document, my constituents and others who were victims of Dr. Ayling are holding their own press conference today in east Kent. Does my right hon. Friend think that a matter of such importance should be aired on the Floor of the House? Will he look for time to hold a debate on the subject?

Mr. Hain: Having visited my hon. Friend's constituency with him, I know how much his constituents admire him and how hard he works on their behalf. This is another example. He will have the opportunity at questions to the Secretary of State for Health on Tuesday to raise the matter. It being an important local issue, no doubt he will take the opportunity to catch Mr. Speaker's eye.

Sir Nicholas Winterton (Macclesfield) (Con): I must express sadness to the Leader of the House that prejudice and the denial of the rights of rural communities are being given such priority by the Government in parliamentary time. Will he give some priority to the two reports of the Procedure Committee which were published more than 10 months ago, and to which the Government, I am pleased to say, have replied? They are of considerable importance to the House because they deal with procedures, the role of the Speaker, private Members' Bills, and Sessional Orders and resolutions, which have a direct connection to the security of the Palace. Will the right hon. Gentleman please indicate that before the end of this Session of Parliament, those two reports will be debated on the Floor of the House?

Mr. Hain: As soon as I can, I intend to announce dates for the debate on that issue, on which the hon. Gentleman has quite properly pressed me repeatedly, as it has been delayed for some time. It is intended to have a debate before this Session of Parliament ends. I can give him that assurance.

I always admire the way in which the hon. Gentleman upholds the sovereignty of the House. What I am doing in the role of the Leader of the House by bringing back the Hunting Bill next Wednesday is precisely that. To do otherwise would be a denial of the sovereignty of the House and the decision of the House. It is not a question of giving the matter priority over other issues that are more important in a daily sense. It is a statement that the will of the House ought to be respected and that, when the House votes overwhelmingly and repeatedly on a matter, it should have an opportunity to resolve the matter. That is what we intend to do now.

Mr. Harry Barnes (North-East Derbyshire) (Lab): The main reason for the House returning for two weeks

[Mr. Harry Barnes]

in September is so that constituents' concerns during the summer can be raised with the Government, as the spokesperson for the Lib Dems did by raising the matter of the floods in Cornwall. We need such an opportunity, but should we not make these two weeks more user-friendly? At least the business of the House will pick up next week with some dramatic discussions, but the initial week has been dull, with too many Adjournment and Opposition day debates, rather than debates that get to the meat of issues. Then there is the problem that we are working in a building site, so the power is out in certain MPs' rooms, I cannot get access to my computer and I cannot get into the Library to get access to the computer there. How on earth can I be a moderniser if I cannot get to modern technology?

Mr. Hain: My hon. Friend makes a powerful point. There will be a vote early next year on the sitting times of the House and September sittings will be for the decision of the House. There are arguments to and fro on that. My hon. Friend properly pointed to the opportunity that Members now have to raise issues in September as a result of the sittings. I note that the ritual demands for the recall of Parliament that always happen in the summer have not occurred this time, for the obvious reason that we are meeting. On the work that we are undertaking, there are three Second Readings next week. That is serious business. There is serious business this week as well, including consideration on proceedings of Bills, and this afternoon we have a European Union policy debate, as we promised. These are all important matters and our time is being used effectively.

Gregory Barker (Bexhill and Battle) (Con): Will the Leader of the House admit that, far from a ban on hunting being the overwhelming view of the House or of this Parliament, when the vote was last taken in the Chamber the majority of the 659 Members of Parliament were either absent or voted against? There was no absolute majority of Members for a ban. Does he accept that only a minority voted for a ban, and that there is substantial opposition in the second Chamber, so to speak of it being the will of Parliament is nonsense?

Mr. Hain: This is a new constitutional convention—that when there is a clear majority in Parliament, there must be a threshold or quorum in order to satisfy the hon. Gentleman. The truth is that, if the House of Commons votes clearly for a particular policy, as it has repeatedly done—overwhelmingly, as happened earlier this year—the will of the House of Commons ought to be respected. That is an elementary democratic principle. Or are the Conservatives inventing new rules for Parliament on the hoof to satisfy their own prejudices on the issue?

Huw Irranca-Davies (Ogmore) (Lab): Like me, my right hon. Friend will be aware of the importance of the miners' compensation scheme to constituencies such as ours. In Ogmore, more than £40 million has been paid out in vibration white finger and chest disease payments. Although I appreciate that time for a debate is tight, will he find time for a statement at least on the effect of the abolition of the Department of Trade and Industry on industrial injuries schemes and miners' compensation?

Mr. Hain: I was hoping that the Liberals might table an Opposition motion on the subject to have their policy tested. It is an extraordinary policy, as the Prime Minister pointed out yesterday, and would lead to the abolition of the science budget and other things, including the miners' compensation fund, which has brought hundreds of millions of pounds—£2 billion across the country—to my hon. Friend's constituency, to sick miners in my constituency, that of my hon. Friend the Member for Bolsover (Mr. Skinner) and those of scores of hon. Members right across the nation. If the DTI were abolished, that fund would become insolvent, along with many other functions including the protection of women, the Low Pay Commission, promoting exports and inward investment, and the Small Business Service. All those vital supports for our economy and for the pursuit of justice would disappear as a result of a cack-handed Liberal Democrat policy, of which we see so many.

Alistair Burt (North-East Bedfordshire) (Con): May I remind the Leader of the House that it is now two years, seven months and 26 days since the fire at Yarl's Wood detention centre in my constituency, which almost cost scores of lives and cost more than £100 million? It had profound implications for the conduct of the Home Office and the immigration service and for the Group 4 custody protection team that was in charge of Yarl's Wood at the time, yet we still have no report to the House of the inquiry that was promised by the Home Secretary the day after the incident. Can the Leader of the House explain why the Government are not pursuing the prisons ombudsman Stephen Shaw, to get the report out to the House as quickly as possible, and will he arrange for the Home Secretary to explain to the House why the Government are not seeking to bring the results of the inquiry here as soon as possible? The delay seems like an insult to all those who were concerned by the implications of the fire.

Mr. Hain: The hon. Gentleman has a well-deserved reputation in the House for raising issues seriously, and not in a flippant or causal fashion. The fact that he has chosen to do that on this issue underlines the seriousness of the point that he raises on behalf of his constituents about the Yarl's Wood report and when it will be published. I will makes sure that the Home Secretary is aware of the matter that so that he may have a proper response.

Ian Lucas (Wrexham) (Lab): At a time when British manufacturing is, thankfully, performing increasingly strongly, does my right hon. Friend know about this particular area of concern for an important industry for the future? Renewable energy manufacturers are waiting for a decision by the DTI on the future grant funding for products such as solar cells because the present regime ends next spring. Will he have a word with his ministerial colleagues in the DTI about making an announcement on that long-term investment programme as soon as possible?

Mr. Hain: I will speak to my right hon. Friend the Secretary of State for Trade and Industry. I share a

passion for renewable energy with my hon. Friend the Member for Wrexham (Ian Lucas), who was kind enough to invite me to the opening of Sharp's wonderful new plant in Wrexham, which builds photovoltaic panels. Unfortunately, most of those panels are exported to Germany and elsewhere in Europe, but I would like to see them included in new build and installed on roofs right across the country. His point about grant funding for solar cells is important, and I am sure that the Secretary of State will want to respond to it positively.

Mr. Owen Paterson (North Shropshire) (Con): Last Wednesday, the Prime Minister said that every policy decision must pass this key test:

"Does it, in practical terms, advance and improve the lives of Britain's hardworking families in the future?"

A hunting ban in Shropshire will cause people to lose their jobs, damage businesses, do nothing for animal welfare and place intolerable pressure on an already stretched police force. Will the Leader of the House stand up and give us three areas of daily activity in which, in practical terms, a hunting ban will advance and improve the lives of Britain's hard-working families?

Mr. Speaker: Order. The Leader of the House should not stand up and do that because he has announced that a debate will occur on Wednesday, when the hon. Member for North Shropshire (Mr. Paterson) should put such questions to the Minister responsible.

Mrs. Anne Campbell (Cambridge) (Lab): My right hon. Friend the Leader of the House knows that research is an important activity in my constituency. Has he assessed the effect of the abolition of the DTI on business, universities and my constituency?

Mr. Speaker: Order. Once again, that question is not about next week's business.

Richard Younger-Ross (Teignbridge) (LD): Can the Leader of the House find time for a statement on the so-called urban regeneration of post offices, which seems to be the urban closure programme? Two post offices in Teignbridge and nine post offices in the adjoining area of Torbay are under threat, and the consultation closed on 8 September. Rural post offices can claim money for social need, but urban post offices cannot. I chaired a public meeting in Decoy about the closure of the post office, the clear social need for which was demonstrated by the elderly people, mothers, teachers and local businesses who attended. Can we have an explanation why no social need programme exists for urban post offices?

Mr. Hain: Given the nature of the hon. Gentleman's constituency, he understands the importance of small post offices in rural areas and villages, which is why they take priority for support. The Government have made several hundred million pounds available to support local post offices, despite the fact that people's changing lifestyles and shopping habits mean that they are depriving local post offices of their traditional custom. The Government and I want as many local post offices as possible to survive and the Minister with responsibility for the matter will take note of the hon. Gentleman's point.

Mr. Gordon Prentice (Pendle) (Lab): My right hon. Friend mentioned the Royal Society for the Prevention of Cruelty to Animals, which is against deferring the implementation of the Hunting Bill, as are all other animal welfare organisations. We will have a free vote on the Hunting Bill, but will we have a free vote on the accompanying motion that deals with the commencement of the Act? Many people believe, as I do, that we cannot afford to hang around for two years before implementing the Act.

Mr. Hain: My hon. Friend and I take the same position on the matter and always have done. We want to see the Bill go into law and the banning of that inhumane sport. I hope that he supports the Government's position of seeking to allow a reasonable interval between Royal Assent and commencement, so those involved in hunting can adjust their lifestyles and the dogs can be re-homed and dispersed humanely. It would be wrong if an inhumane sport were followed by the hounds involved being dealt with inhumanely, and I hope that my hon. Friend changes his mind and supports the Government.

Several hon. Members *rose*—

Mr. Speaker: Order.

Points of Order

1.15 pm

David Davis (Haltemprice and Howden) (Con): On a point of order, Mr. Speaker. I want to raise the matter of the writ laid today for the Hartlepool by-election. From the issuing of the writ until 30 September, the political broadcast coverage is governed by a series of Acts of Parliament, including the Representation of the People Acts, a number of broadcast codes and the responsibilities laid on the BBC and Ofcom to ensure the impartiality of broadcast coverage. Between now and 30 September, two of the three major political parties will hold their party conferences, normal coverage of which will make it impossible for the BBC and Ofcom to meet their responsibilities for fair and impartial coverage. Have you received any indication that the Secretary of State for Culture, Media and Sport or the Home Secretary will come to the House to explain how the broadcasters can meet their legal and moral responsibilities?

Mr. Speaker: That is a matter of law, and it is not for me to rule on it from the Chair.

Mr. James Gray (North Wiltshire) (Con): On a point of order, Mr. Speaker. I raised a point of order in the House last night on the two-year delay in implementation the Hunting Bill and was informed that a written answer outlining it would be available today in

[Mr. James Gray]

Hansard. However, I have checked *Hansard* and the information is not available, presumably because of a printing glitch.

The complex procedures that we will use next Wednesday are available in the Table Office this afternoon, but they will not be available to hon. Members until the next Order Paper is printed on Monday, which means that hon. Members who seek to take part in next Wednesday's debate will not be aware of the complex nature of the procedures until Monday. On this occasion, can hon. Members be given a copy of the procedural order, which is complex and abstruse?

Mr. Speaker: Any hon. Member can visit the Table Office—I used to enjoy going there myself when I was a Back Bencher. On his other point, the hon. Gentleman should be patient because the written answer will be printed in *Hansard* in due course in the next edition. *Hansard* is available in the Vote Office too, so it is good news all round for the hon. Gentleman.

BILL PRESENTED

Hunting Bill

Mr. Alun Michael, supported by the Prime Minister, Mr. Secretary Prescott, Mr. Secretary Blunkett, Secretary Margaret Beckett, and Peter Hain, presented a Bill to make provision about hunting wild mammals with dogs; to prohibit hare coursing; and for connected purposes: And the same was read the First time; and ordered to be read a Second time on Monday 13 September, and to be printed. Explanatory notes to be printed.

DEREGULATION

Motion made, and Question put forthwith, pursuant to Standing Order No. 18(1)(a)(Consideration of draft deregulation orders),

Local Government (Wales)

That the draft Regulatory Reform (Local Commissioner for Wales) Order 2004, which was laid before the House on 24th June be approved.—*[Vernon Coaker.]*

Question agreed to.

DELEGATED LEGISLATION

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6)(Standing Committees on Delegated Legislation),

Criminal Law

That the draft Penalties for Disorderly Behaviour (Amendment of Minimum Age) Order 2004, which was laid before this House on 14th July, be approved.—*[Vernon Coaker.]*

Question agreed to.

European Constitution

Motion made, and Question proposed, That this House do now adjourn.—*[Vernon Coaker.]*

1.19 pm

The Secretary of State for Foreign and Commonwealth Affairs (Mr. Jack Straw): The subject of this afternoon's Adjournment debate is the draft constitutional treaty. Before I come to that, I should like to place on record, on behalf of the House as well as the Government, our abhorrence at the latest terrorist attack, which took place this morning in Jakarta in Indonesia, where a car bomb went off outside the building housing the Australian embassy and the Greek embassy, leading to at least eight people being killed and a large number of casualties, including diplomatic staff from Australia and Greece. Of course, we in this House remember how terrible it was when a car bomb went off inside the compound of the consulate general in Istanbul on 20 November last year. Whenever they go off, they are terrible.

I am sure that I speak for the whole House in expressing our outrage at this atrocity and in sending our condolences to the families of those who were killed and our sympathy to those who are injured. That message should go to the Government of Australia.

With this debate and to assist the House, I have today published Cmd. 6309, a White Paper on the treaty establishing a constitution for Europe.

Today is the first opportunity that the House has had for a full debate on the treaty since it was agreed at a political level at the European Council summit on 17 and 18 June. The origins of the constitution lie in the European Union's expansion with 10 new members, which was completed on 1 May. EU enlargement was an historic success and the fulfilment of a goal pursued by successive British Governments. It has created a single market of 450 million consumers, helped to entrench democracy and stability across the continent and given us new partners in the fight against drugs, illegal immigration and crime. However, it has been clear for a long time that the EU had to reform its institutions and procedures, for those were originally designed for just six members, but now have to work and to become effective with 25. In our judgment, the European constitution is a necessary counterpart to the enlargement of the European Union.

I remind my hon. Friends and Conservative Members that that is also the view of the chairman of the new European People's party group in the European Parliament, to which the Conservative party has just signed up. One of its vice-chairmen is the MEP and former Member of this House, Timothy Kirkhope. As is so often the case, there is an internal argument among the Conservatives about whether they have really joined that body, because they have not agreed to its terms. Mr. Roger Helmer, a Conservative MEP who is four-square at the centre of opinion so far as the Conservative party is concerned, has said, on whether they have to accept the terms for joining the EPP, that "HGP"—Hans-Gert Poettering, the chairman of the EPP—is right and Conservative central office is wrong.

In June last year, the Convention on the Future of Europe produced proposals for discussion by the EU's member states. Four Members of this House and of the

other place were members of the Convention—the right hon. Member for Wells (Mr. Heathcoat-Amory), my hon. Friend the Member for Birmingham, Edgbaston (Ms Stuart), and two of their noble lordships.

Last September, I published a White Paper analysing the Convention's proposals and setting out the Government's objectives and negotiating position for the intergovernmental conference that followed. Throughout the IGC, just as during the discussions in the Convention, the Government benefited from an unprecedented level of parliamentary and public debate and discussion. Altogether, we have had 24 debates and statements in both Houses and in Westminster Hall since the beginning of the IGC last October, and Ministers have attended 15 Committee sittings in both Houses. Britain's negotiating position was greatly strengthened by that parliamentary discussion and involvement.

The EU's Heads of Government reached agreement on the new treaty at the European Council on 17 and 18 June. The provisional text was put before the House as Cmd. 6289 on 19 July. The final texts in all the EU's 21 official languages are being prepared for the signature of the treaty in Rome on 29 October.

To assist this debate and wider discussion in the country I published earlier today a White Paper that sets out the main elements of the new treaty and analyses how the Government delivered on the negotiating objectives that we outlined here in September last year.

As today's White Paper makes clear, we achieved an excellent result. The new treaty incorporates all those proposals from the Convention that we welcomed, such as a clear definition of the EU's competences, but modifies the Convention's draft text in 80 areas. Thirty-nine of those 80 areas involved amendments that were advocated by the United Kingdom—a measure of the impact that we made on the negotiations. On 38 more areas, we were neutral on amendments proposed by others that were of no substantive concern to us. On the remaining three of the 80 areas amended, we secured changes at the European Council that made the proposed amendments acceptable to us. The details of all those amendments are set out in an annexe to the White Paper.

We now have a new treaty that achieves the objectives that we set out from the very beginning of the process. It gives us a European Union that is more coherent and logical in structure; that is more effective and efficient; that is a union of nations, not a federal superstate; that is more accountable and more flexible; and in which we have the right results on policy areas of particular importance to the UK, including in respect of the charter of fundamental rights and the veto on areas such as foreign policy, defence, tax, social security, criminal law and treaty revision.

Let me take those points in turn. First, the new treaty will clarify the EU's organisation, which has grown in complexity over time. It brings together successive EU treaties into a single, coherent text. The so-called three pillars of the EU, which had no basis within the treaties, will be replaced with a single framework that makes rational provision for the separate arrangements in respect of, for example, common foreign and security policy. The treaty reduces the number of legal instruments that the EU can use. It was rightly a criticism of the existing overlay of treaties that we ended up with 10 different legislative methods—now, they are reduced to three. Next, the treaty will make the process of decision making more effective and efficient by adapting procedures originally designed for six members so that they work effectively with 25 or more.

One of the many charges made by the Conservatives against the new constitution and our approach to it is that—shock, horror—there is going to be a president of the European Council. I hope that the right hon. and learned Member for Devizes (Mr. Ancram) has by now realised that there has been a president of the European Council ever since the European Union and its predecessors were formed. We have sought a full-time president of the European Council in order to ensure that the opinions and decisions of member states are better effected through the institutions of the EU than they have been up until now. At 25, each member state can hold the presidency only every 12 and a half years. That is a totally different situation from when the EU was formed—then, with six countries, the rotation took only three years. The Conservatives have rightly complained that as the EU has grown there has been a shift, in terms of the implementation of decisions, from the presidency and the European Council to the Commission. We are pulling that influence back. For the life of me, I cannot understand why the Conservatives object to that, unless, as seems to be their position, it is because they want to keep the old system with its increasingly bureaucratic approach.

Mrs. Angela Browning (Tiverton and Honiton) (Con): The Foreign Secretary mentioned the charter of fundamental rights. Will that be legally binding?

Mr. Straw: The legal position of the charter of fundamental rights is set out very clearly in articles 52 and 53 and in the explanations. In certain circumstances it will be legally binding, but in most circumstances it is simply a restatement of what is in existing EU law. As a result of our negotiations, the extent to which it can be legally binding in practice is very limited indeed.

The change that I have outlined in respect of the presidency illustrates a third point: this is a treaty for an effective European Union of freely co-operating nations, with national Governments firmly in control. We have heard all sorts of rants from Conservative Members, including those who have been accepted again on to the Front Bench, not only about the consequences of the treaty that we are considering but about those of previous treaties.

The right hon. Member for Wokingham (Mr. Redwood), for whom I have great personal affection, but who is slightly off the wall even by Conservative party standards on EU matters, has been taken back into the shadow Cabinet. I therefore presume that the leader of the Conservative party and the deputy leader, who speaks on foreign policy, find the right hon. Gentleman's views on all subjects comfortable. Seven years ago, in May 1997, he said in *The Times*:

"If we sign the Amsterdam treaty, we will abolish our country."

We signed the Amsterdam treaty, which has been implemented, yet there has been no sign of the nation of the United Kingdom being abolished. The right hon. Gentleman said in April 2000:

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"The proposed Nice treaty would do what Guy Fawkes failed to do—blow up parliamentary government in Britain."

We signed the Nice treaty, which was ratified, and it has done nothing of the kind.

The new constitution clarifies the nature of the EU and states explicitly that it is an organisation that exercises only those powers that its member states have chosen to confer on it. It is an end to the nonsense about drifting towards a federal superstate. For the first time, it states in terms that the basis of the EU's powers is conferral by member states on the EU. The EU can act only on those matters for which powers are conferred. In addition, there are arrangements for shared powers to be transferred back.

Mr. Michael Ancram (Devizes) (Con): The Foreign Secretary spoke about our views on the presidency. He knows that we were against having a president for five years because we believed that that was a centralising feature of the constitution at a time when we should be trying to restore confidence to the citizens of Europe in their institutions by moving power in the other direction. We proposed team presidencies, which the Foreign Secretary mocked and described as unworkable. He said that they could not answer the needs of Europe. Why, then, does the White Paper highlight with great praise, and the constitution provide for, team presidencies of three nations, just as we suggested, in all the Councils other than the Foreign Council? We are grateful to the right hon. Gentleman for taking up at least that suggestion.

Mr. Straw: Although it would be wholly inaccurate to do so, the right hon. and learned Gentleman is welcome, if he wishes, to claim authorship of the idea of team presidencies. We have proposed it on many occasions. However, he fails to grasp that, although there is a need for team presidencies because of the difficulty of running the existing sixth-monthly presidencies—in a sense, he accepts our point on that—in addition, there is a profound need for the appointment by the European Council of a single individual to represent nation states in Europe for five years, to ensure that they, rather than the permanent Administration in Brussels or the Commission, direct the EU's agenda. I remain astonished that Conservative Members resist that idea, because it ensures not centralisation, as the right hon. and learned Gentleman suggests, but that the 25 nation states exercise power, as is proper.

Mr. Tam Dalyell (Linlithgow) (Lab): Years ago, when I was a member of the indirectly elected European Parliament, a talented Frenchman called Emile Noel was its secretary. He said that it was crucial to overcome the problem of having to balance out nationalities rather than select talent. If the President's office is set up, will he be able to choose on the basis of talent rather than nationality the key people serving the presidency?

Mr. Straw: Yes, I believe so. I am pleased to report to my hon. Friend that one of the other changes that the constitution, once approved, would effect is that each individual state will no longer have its national representative in the Commission. The Commission will be two thirds the size of the total number of states. That means that any member state will have two out of three college periods of five years with a Commissioner. As my hon. Friend says, it is important to get away from having people there simply because they represent some sort of national quota.

Mrs. Gwyneth Dunwoody (Crewe and Nantwich) (Lab): Will the Home Secretary—sorry, Foreign Secretary—give way?

Mr. Straw: I have changed jobs but I shall give way.

Mrs. Dunwoody: I beg his pardon. Are we to assume that the rule will apply throughout the Commission and that the existing practice of not only appointing people on a national basis but parcelling out the jobs in suitable levels of seniority will not continue?

Mr. Straw: It will take time before such reforms to existing arrangements are effected. If my hon. Friend wants the winds of reform to blow through Brussels, we are more likely to achieve that through the constitution than the alternative. If we do not get the constitution through, the only alternative for this country is the existing ramshackle arrangement under the current treaties, which overlay treaties of the EU and those of the European Community in a less than satisfactory manner.

The treaty also makes the EU more accountable. It establishes, for the first time, a practical mechanism for involving national Parliaments in EU decision making. To ensure that the EU respects the principle of subsidiarity in practice—in other words, that it acts only where it can add value to national or regional action—national Parliaments will gain the power to send legislative proposals back for review, if one third of them object. It is, of course, for Parliament, not the Government, to decide how it will make use of the new power and I greatly welcome the Modernisation Committee's review of the scrutiny of EU business and the discussion in the scrutiny Committees on how the new provisions can be made to work effectively, in consultation with the devolved Parliaments and Assemblies.

Last night, sadly with little notice, the Conservative party published an alternative to our White Paper. It is entitled "The Truth about the European Constitution". We shall consider some aspects of the truth as Conservative Members perceive it later, but the document includes some proposals under which a future Conservative Government would try to change the EU's constitution. One proposal is not to tie in the yellow card procedure for national Parliaments to a change in voting systems, as we proposed: 55 per cent. of member states and 65 per cent. by population before new regulations or laws can be agreed. Conservatives propose that if only five national Parliaments object to any new or existing European legislation on the grounds of subsidiarity or proportionality, it should be withdrawn or repealed immediately. That is a good example of the Conservative party's incoherence.

Currently, one third of member states—nine—can exercise the yellow card. The Conservatives propose almost to halve that to five. They then decide that,

instead of providing national Parliaments with a yellow card, thereby forcing the Commission and the Council to think again, they will give five member states, with no population quota, a total veto not only over proposed but over existing legislation.

The Conservative party claims to be in favour of the single market and reform of the common agricultural policy. Yet such an approach, which the right hon. and learned Gentleman has set out and approved, would prevent any further move towards opening up the single market and any further attempts, which we are leading, to implement the Lisbon agenda. He prattles on about the need for reform of the CAP, but his proposal would prevent any possibility of that. The Conservative party proposes that only five member states—Poland, France and two or three other small member states—could block any change. I see that the right hon. Gentleman is now trying to get hold of the document—he is reading it for the first time. I look forward to taking the debate to the country.

At least I have read the document properly—all of it—which is more than can be said of the right hon. and learned Gentleman.

The new treaty will make the European Union more flexible. In some areas, such as the single market, we obviously need common rules applying to all; but in others, such as the euro or the development of a European crisis management capacity, it makes sense to allow member states that want to co-operate more closely to do so. However—and here is the difference between what we want and the free-for-all Europe advocated by Conservative Members—we must also ensure that such co-operation works fairly, under agreed rules that protect every member's interests. The new treaty will give us that.

The enhanced co-operation will require the participation of at least a third of member states, which will need to work towards the EU's objectives in a way that does not undermine the single market. That, too, would be impossible to achieve if the right hon. and learned Gentleman's proposals for a veto to be given to any five member states, regardless of size, were implemented. It will be open to others wishing to join, but in foreign policy and defence such co-operation can begin only if all member states agree. That is one of the many beneficial changes that we have made to the draft constitution.

Mr. David Heathcoat-Amory (Wells) (Con): The Foreign Secretary mentioned flexibility. One of the "red lines" of which the Government made so much in last year's White Paper was exclusion of the compulsory co-ordination of employment policy. In evidence to the European Scrutiny Committee, the Foreign Secretary described that article as "unacceptable". Why, then, is it unaltered in the final draft, and why does the White Paper that the Foreign Secretary published today make no reference to the red lines? Is it because it is an unfair and incomplete record of what actually happened in the final negotiations?

Mr. Straw: It is an entirely fair record of what happened. What we were able to achieve, which is spelled out in annexe 2 of the White Paper, is a fundamental change in the structure of what was—I speak from recollection—article I-11, which originally stated that it was for the Union to co-ordinate economic and employment policies. The new treaty says that it is for member states to do so. If the right hon. Gentleman feels quizzical about this, let me say that the Government as a whole were entirely satisfied with the result as a whole.

Mr. Heathcoat-Amory *rose—*

Mr. Straw: I have already given way to the right hon. Gentleman.

Mr. Heathcoat-Amory: On a point of information—

Mr. Straw: No.

Mr. Heathcoat-Amory: On a point of order, Mr. Deputy Speaker. Surely it is against the rules of debate to claim the direct contrary to what is in black and white. Article I-14.2 of the constitution clearly states that employment policies shall be co-ordinated by the Union, not by member states. Does it not breach every rule of this place to mislead the House in such a way?

Mr. Deputy Speaker (Sir Michael Lord): Order. I understand what the right hon. Gentleman is saying, but I think that such matters are more for debate than for the Chair.

Mr. Straw: I know what the article says. That part of it must be seen in the context of the rest, which says that member states have the power to co-ordinate. As the right hon. Gentleman is so worried, let me promise him that this will not affect the competences of the European Union, or the balance of powers between it and member states.

The new text delivers on the commitments that we set out in last September's White Paper in respect of certain specific policy areas. We have fulfilled our commitment to maintaining the veto for treaty change, for the system of own resources including the United Kingdom's rebate, and for the areas of vital national interest that we identified in paragraph 66 of that White Paper: tax, social security, defence, and key areas of criminal procedural law.

This time last year the right hon. and learned Member for Devizes was worried about that. He said that it would constitute a key test, deciding whether or not the Conservatives would approve the proposed treaty. The so-called Passerelle clause—I think it was I-24—was completely unacceptable to us. It would have allowed elements of treaty change in part 3, the detailed part, to proceed without the approval of national Parliaments. That has been changed altogether. The treaty also carries over provisions on immigration, asylum and civil justice issues which allow the UK to decide, case by case, whether to opt into individual measures.

Ms Gisela Stuart (Birmingham, Edgbaston) (Lab): The Foreign Secretary mentioned what used to be clause 24–4 and is now contained in article IV-7(a). It refers to what happens if a national Parliament objects. What if,

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in a bicameral Parliament like this, the two Chambers do not agree? There is no mechanism for defining what "Parliament" means in that context.

Mr. Straw: In this case the House of Commons would decide, but I take my hon. Friend's point, which may need to be sorted out. That could be done by means of a detailed declaration by the Council, or EU legislation. I do not foresee any difficulty; all national Parliaments have arrangements for dealing with differences between their two Chambers. Every Parliament has two Chambers. I suspect that there will be no such difficulty as my hon. Friend anticipates, but I shall certainly come back to it if there is.

Sir Menzies Campbell (North-East Fife) (LD): It would be a simple matter, would it not, to provide in the legislation which is generally expected that in the circumstances referred to by the hon. Lady, the House of Commons should be the determining Parliament.

Mr. Straw: We intend to make such provision. I thought that my hon. Friend was referring to the position across the EU, but if draft legislation applying to this Parliament and this country is unsatisfactory, she and every other Member will have plenty of opportunities to change it.

On common security and defence policy, the constitution fulfils our objectives by ensuring that co-operation is flexible, inclusive and complementary to NATO, and is focused on the development of military capabilities. It keeps unanimity as the rule for launching operations and determining policy, and—again, as a direct result of changes led by us—states that NATO is

"the foundation for collective defence"

of its members.

The treaty includes safeguards to ensure that the charter of fundamental rights creates no new EU powers, alters no existing powers, and applies to member states only when they are implementing EU law. Given that change, we were content to see the charter incorporated in the treaty text. At the back of Cmnd. 6289, Members can find explanations of the full background of the charter provisions. The changes must now be taken into account by the European Court of Justice, as is set out in full.

Mr. Robert Walter (North Dorset) (Con): If, as the Foreign Secretary says, the charter applies only to the relationship between the EU and its member states, and if, as the treaty states, the EU will accede to the convention on human rights—and all the member states are party to the convention—why do we need a separate charter of fundamental rights?

Mr. Straw: That was a matter for debate when it was first proposed, five or six years ago, that a charter of rights should be part of the EU constitution. We accepted the principle in the end, although we had reservations at the beginning, because we thought it sensible to set down in black and white a statement about the rights that anyone in Europe should be entitled to enjoy. I have no difficulty with that, especially given that most of the statements involved are the most obvious of all. In all cases, if there is a clash between the interpretation of the rather bald statements of rights in the EU charter and the convention on human rights, and the Council of Europe and its jurisprudence, the jurisprudence of the convention will apply.

The hon. Gentleman's question gives me an opportunity to ask a question of the right hon. and learned Member for Devizes. I read "The Truth about the European Constitution" with exceptional care. On page 16, the authors express concern about the new European charter of fundamental rights, saying that some of the key articles have ramifications for business, as shown in the table that follows. The first is equality. Article 23 states—I ask my hon. Friends to listen carefully to these shocking words—

"Equality between men and women must be ensured in all areas, including employment, work and pay."

I read that with incredulity. What is the point that the right hon. and learned Member for Devizes is trying to make? Are the Conservatives in favour of this part of the charter or not?

At the bottom of the Conservative pamphlet, it says that, of course, some of the articles are fine, but we know what the Conservatives are up to: they are trying to raise the concern that the charter will somehow undermine Britain as a nation state. If certain elements of it are acceptable, why does the right hon. and learned Gentleman not say, "We believe in the equality of men and women in terms of employment, work and pay. We think that an exceptionally good idea, and it should be proclaimed across Europe, rather than shrunk away from." Why the devil did he not say that? Indeed, there are many other such elements, including health care, and dignity and the right to life.

Several hon. Members *rose—*

Mr. Straw: I give way to my hon. Friend the Member for Rhondda (Chris Bryant).

Chris Bryant (Rhondda) (Lab): I am grateful to the Foreign Secretary. Is there not also the most extraordinary objection on the part of the Conservatives to the prohibition of child labour and the protection of young people at work?

Mr. Straw: This is another example of the Conservatives adopting a position without reading the text. They claim that the charter will somehow undermine the right to strike, but that is complete and utter nonsense. They should know that the right to strike has long been a matter for national Governments under existing European Union acquis, and it is unaffected by the charter of fundamental rights.

Mr. Ancram: Perhaps the right hon. Gentleman should return to wearing spectacles, because he is obviously not reading our pamphlet very carefully. If he does, he will see that we are talking about the way in which this charter, under the constitution, will inevitably influence the European Court of Justice's adjudications on employment law. It will mark a significant transfer of power from elected national politicians to unelected judges, who will sit in the ECJ in

Luxembourg. We also give examples of the powers that will be subject to that jurisdiction. The right hon. Gentleman knows that that is so, but he is trying to distort matters in order to avoid the fact that the Government have broken their word that this provision would not be legally enforceable.

Mr. Straw: To the extent that the ECJ does take into account the principle of equality between men and women in all areas—including employment, work and pay—I say, "Hurrah!" That seems to me like a very good idea. What is wrong with it? The right hon. and learned Gentleman is entirely wrong, however, to pretend that the charter will extend the European Union's and the ECJ's existing jurisdiction. Article II-52 makes it absolutely clear that the provisions apply only in respect of European Union laws. It states:

"The provisions of this Charter which contain principles may be implemented by legislative and executive acts taken by Institutions and bodies of the Union, and by acts of Member States when they are implementing Union law, in the exercise of their respective powers. They shall be judicially cognisable only in the interpretation of such acts and in ruling on their legality . . . Full account shall be taken of national laws and practices as specified in this Charter."

Mr. Peter Lilley (Hitchin and Harpenden) (Con): Will the Foreign Secretary give way?

Mr. Straw: No, I want to make some progress.

In the new treaty, we have agreed the framework for a reformed, more effective European Union of freely co-operating nations, in which Britain can prosper and increase our influence in the world. The Government have been more open than in any previous treaty negotiation about our objectives and what we cannot accept. By engaging with our partners and shaping the debate in our interests, we have delivered on those commitments.

But there is another important achievement of this treaty: the demolition of the myths put about by the Conservative party. Few issues over recent years have produced so much deliberate misinformation as the EU constitution. We have heard that it would mean giving up control of our armed forces; that border controls would be dismantled; that we would lose our rebate; that fundamental aspects of our criminal law, such as trial by jury and habeas corpus, would be surrendered; that the UK would lose its permanent seat on the UN Security Council; and that Brussels would be able to seize Britain's oil and gas supplies. All of that, as always, is complete and utter nonsense.

Indeed, when the right hon. and learned Member for Devizes responds, perhaps he can explain why, if the EU nations are about to lose their right to sit on the Security Council, Federal Germany is campaigning so hard for a permanent seat for itself. Perhaps he can also explain why the constitution, which he called "irreversible" during the equivalent debate on 16 September last year, is in fact the first EU treaty to include specific procedures for repatriating powers to the member states, or for withdrawal from the EU by any member state that wishes to leave. Even more bizarre is the fact that the Conservative party reserves its fiercest attacks for those aspects of the constitution that have been accepted elements of the way the EU operates for decades. We in this House have been told time without number that the treaty is the end of civilisation as we know it, because it includes the notion that EU law has primacy over domestic law. Yet primacy has been an accepted principle of British membership of the EU and of British law since a Conservative Government took us into the Common Market in 1973.

Mr. William Cash (Stone) (Con) *rose*—

Mr. Straw: The hon. Gentleman always stands up on cue, and I am always happy to give way to him.

Mr. Cash: I am grateful to the Foreign Secretary. On primacy, he is of course referring to article I-5a. I note that the word "constitution" was eliminated from the previous text. The text now makes it clear that

"the Constitution and law adopted by the Union's institutions in exercising competencies conferred on it, shall have primacy over the law of the Member States".

Does the Foreign Secretary deny that the expression

"the law of the Member States"

includes the constitution of the United Kingdom?

Mr. Straw: Of course it does, in so far as laws of this Parliament lay down our constitution; but part of our constitution—like the primacy of Parliament itself—is not laid down by any law of the constitution. Because we are a sovereign nation, Parliament itself will have the final right to decide, at any stage, whether it wishes us to remain a member of this treaty-based organisation. If the hon. Gentleman wants to persuade his party to propose that we leave the European Union as a whole, he is entitled to do so; and under the new constitution, there is good provision through which countries will be able to leave the EU.

As part of the wittering nonsense of the "alternative White Paper" that was published yesterday, the hon. Gentleman is trying to argue that the new primacy arrangements can somehow change other countries' constitutions. In any event, we do not have a written constitution that is superior to our law passed in Parliament. I should point out that there has been a long argument in Germany—the "Kompetenz-Kompetenz" argument—about whether the supreme court of Germany, the constitutional court in Karlsruhe or the ECJ takes precedence. It is irresolvable at the moment, and I suspect that it will remain so. No one on either side of the argument in Germany has said that this change will affect that situation.

The House of Lords European Union Select Committee, which includes many Conservative members, observed:

"It is not surprising that . . . the Constitutional Treaty includes a statement of the primacy of Union law. The doctrine is a well established and key element of the Community's legal order".

We are told that qualified majority voting is a fundamental dilution of our national sovereignty, yet it was a Conservative Government, under Margaret Thatcher, who provided for the first widespread use of QMV and extended it to major parts of national life that were previously the domain of member states alone. We are told that a statement of loyal co-operation with our European allies and the operation of a common foreign and security policy would prevent us from engaging in

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military action without the agreement of Brussels; yet it was a Conservative Government who signed up to both of these provisions, at Maastricht. They are virtually unamended in those particulars, and we remain able to decide where and how to deploy our troops at any time. That situation will remain under the new treaty.

Mr. Richard Shepherd (Aldridge-Brownhills) (Con): A cardinal principle of debate and of our constitution is, "That was then, this is now." *[Interruption.]* Well, it is the truth. For the Government to rest their case on past events—events that I fiercely opposed, as did Members of the current Government, in some instances—is an absurdity. We are considering the constitution before us, so we should not try to score silly points about the past. We are in the here and now, and this issue is of vital importance to most of us, and to the future of this country.

Mr. Straw: I am deeply grateful to the hon. Gentleman, who makes the point that I was about to make. Essentially, most of the arguments that the Conservatives are now seeking to fight concern not what is in the new treaty, which includes some sensible organisational changes to how the European Union operates, but Maastricht.

The hon. Gentleman is right to say that he has been consistent in opposing Maastricht, as he was in opposing the Single European Act and our membership of the Common Market before it. However, he cannot say, "That was then; this is now" with any degree of seriousness.

What we are debating here is whether or not the new draft treaty is an improvement on the existing arrangements. In the real world inhabited by the rest of us, I predict that if the new draft constitution does not go through, there will be no appetite in the UK for leaving or withdrawing from the EU. Instead, we would have to fall back on the existing treaties, including those Maastricht provisions to which the hon. Gentleman takes such objection. They—the objectionable bits—would still be in place, and those parts of the new treaty that even the hon. Gentleman would probably support, including stronger powers for national parliaments and a more accountable presidency, would be lost. That would be a bad bargain for the British people and the House.

Mr. Dalyell *rose—*

Mr. Straw: If my hon. Friend will excuse me, I am about to wind up.

Logically, the new constitutional treaty is one that the Conservatives should support. As the noble Lord Heseltine has said—*[Interruption.]* I note the mocking laughter with which the name of Lord Heseltine is now treated by Conservative Members in the House. I have my arguments with Lord Heseltine, but I would say on his behalf that he was a damned sight more successful at winning elections for the Conservative party than the current rabble have been, so it would be wise for the hon. Member for Tiverton and Honiton (Mrs. Browning) to bear his record in mind. Lord Heseltine rightly said that

"any Conservative Prime Minister since Harold Macmillan would have signed"

this EU constitution.

The Conservatives say that they want a Europe of nations, not a superstate. So do we, and that is what the treaty sets out. They say that they want a more flexible Europe and again that is in the treaty, without being in the existing arrangements. They say that they want more efficient and effective European institutions. That is what the treaty will deliver. They are unhappy with having negotiated Maastricht a decade ago and now they are opposing a treaty that in many ways reforms the EU of Maastricht for the better. What the Conservatives cannot bring themselves to engage with are the issues or serious debate about Britain's future within the EU. The Conservative party is being forced ever further into more and more extreme positions that would marginalise and weaken this country's influence.

The European elections painted a dismal picture of a Leader of the Opposition desperate to pander to those who would betray our national interests by taking Britain out of the EU, but if that campaign teaches the Conservative party anything, it is that the hard-line rejectionists can never be appeased.

Mr. Ancram: Before the Foreign Secretary sits down, will he clarify what his Government's policy will be if the British people do, as we expect, vote no?

Mr. Straw: We are going into the referendum campaign in order to win, so our policy is to gain a yes vote, and I very strongly believe that we will gain it. If there is a no vote, it is perfectly obvious what the circumstances will be—and the existing treaties will apply. What the right hon. and learned Gentleman should apply himself to is why the existing ramshackle treaties, which give European nation states less power than the new treaty, will somehow be beneficial for Britain.

Now that the final text of the draft treaty is agreed, Parliament and the British people can debate it on the basis of facts, not the myths and scare stories of the party opposite. *[Interruption.]* In Parliament and to the British people, who will have the final say on its ratification in a referendum, the Government will make their case on the basis of the result that we have achieved—not by some stroke of chance, but because the Government have put Britain at the heart of European decision-making and shaped the debate in our favour.

Engagement in Europe pays. It was by engaging with our partners that the Government delivered what we set out to do with the new constitution. It was by building alliances and winning the arguments that we got the right choice for the new European Commission President—José Manuel Barroso, who has the stature, drive and global outlook to drive through reform in the EU—and with our former right hon. Friend Peter Mandelson, we have an outstanding British appointment who has now acquired the key trade portfolio. *[Interruption.]* That will benefit this country and the EU as a whole.

We will need the same engagement in the months ahead as we work to push through economic reform, to complete the single market in services and to build the EU's capacity to act globally against the threats from conflict, proliferation and terrorism. Britain cannot afford to retreat to the sidelines, as the Conservative party would have us do. The Government will continue to engage in Europe to shape the debate and get the right results for Britain, and we will continue to make the case for this new treaty on the basis of fact, not myth. It is a treaty that sets out our kind of Europe, an effective, flexible and reforming EU of nations in which Britain is more prosperous and more secure.

2.5 pm

Mr. Michael Ancram (Devizes) (Con): I think that it was Sir Winston Churchill who once wrote a note alongside the text of his speech saying, "Argument weak; must shout." The last five minutes of the Foreign Secretary's speech fits very well into that category. I am delighted and relieved, however, to see him here today after the poisonous briefings against him that we have seen in the newspapers. We were all concerned that there might have been a career move on his part, so we are all pleased that he is in his place today.

I begin by associating myself with the remarks that the Foreign Secretary made about the terrorist incident in Jakarta. We join him in sending our condolences and sympathies to those who were injured.

I welcome this debate on the European constitution—

Sir Teddy Taylor (Rochford and Southend, East) (Con) *rose*—

Mr. Ancram: I could hardly fail to give way to my hon. Friend after our many years of friendship.

Sir Teddy Taylor: My right hon. and learned Friend is courteous, as always. I want to make a serious point. Is it not absolutely disgraceful that the Foreign Secretary gave a speech that was full of propaganda, but failed to make one reference to the appointment of a new European Foreign Minister as one of the fundamental parts of the new treaty? That will affect this and other countries. It is a matter of real significance and massive cost, yet he did not make a single reference to it in his speech. Would it not be better if we talked about the real issues instead of exchanging propaganda?

Mr. Ancram: I am grateful to my hon. Friend, who has taken the words out of my mouth. I was going to refer to the fact that the Foreign Secretary spends more time attacking what he thinks is our policy but is not, rather than explaining his own policy. I asked him what would happen if the people of this country voted no, and he said that we would simply go back to the existing treaties. If he had bothered to read his own White Paper, he would see that it states on page 11 that, in those circumstances,

"the Union would obviously be faced with a considerable political crisis. The member states have agreed that . . . there would need to be further European Council discussion."

We want to know what that discussion will be about. Once again, the right hon. Gentleman, who always talks in terms of black and white—that we are either in or out of Europe—has to face up to his own words in his own White Paper. I hope that before the debate is over, the Minister for Europe will offer us some explanation.

Mr. Ian Davidson (Glasgow, Pollock) (Lab/Co-op): Does the right hon. and learned Gentleman agree that the statement in the White Paper means that if the constitution is rejected, as I hope it will be, there will be no question of losing British jobs associated with trade in the EU or the even greater number of EU jobs associated with trade with Britain, because there would be no adverse economic impact resulting from the rejection of the constitution?

Mr. Ancram: The hon. Gentleman is absolutely right and, funnily enough, that was the position adopted by his own Government when the constitution seemed to have run into the buffers last December. We were then suddenly told that it was not necessary and that we could manage without it. The hon. Gentleman therefore makes a valid and valuable point.

Unlike the Foreign Secretary, most hon. Members have not had much time to study the White Paper in detail. It was certainly not available in Portcullis House until 11.30 this morning. I will want to read it in greater detail before dealing analytically with all the points in it. At first glance, it carries assertions that are at best questionable and in some cases plain wrong. I will come on to those points in due course. Once again, it mixes fact with spin, though I suppose that that is not surprising from the present Government.

I shall give an example of how extraordinary this document is. On page 27, it describes the energy chapter as "a good outcome". The truth is that the Government tried at the Convention to delete the whole of that chapter, but failed. If this defeat is a good outcome, what on earth is a bad one?

To my surprise, the White Paper deals with the question of a European constitution. I welcome that, and am delighted that the Government are at last prepared to accept that that is what we are talking about. There have been months of studious attempts to avoid the C-word. The document has been called a constitutional treaty, a tidying-up exercise, and a consolidation of existing treaties. All along, we have said that we could not have a proper debate on the matter until it was accepted that this was a constitution for the EU. That is what this document is, what it now says that it is, and what the Government now admit that it is. We are talking about a constitution of primacy and integration, and of a political entity in its own right.

Article I-5a says, not that European law shall have primacy over the law of member states, but that the constitution—this document—shall have that primacy. What is remarkable about the Government's attitude is that nowhere else in Europe are people, let alone

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politicians, in such denial about the fact that this constitution is a hugely important part of the European integration process.

Mr. Straw: Does the right hon. and learned Gentleman accept that, in international law, this document is a treaty like any other, and that it can be revoked by this country, if that is what we wish?

Mr. Ancram: This is a treaty that sets up a constitution. We are debating the constitution that it seeks to set up, and the effect that it will have on this country's sovereignty. The Foreign Secretary is playing with words. We are talking about a constitution that will operate as such if it goes through. Unless he accepts that, we are in danger of misleading the people of this country.

Mr. Cash: My right hon. and learned Friend is making some sensible remarks but, in respect of primacy, will he accept that, if and when the UK Parliament implements this constitution, it will confer on the European Court of Justice powers to acquire jurisdiction over our constitution? In effect, through conferral, it will be asking Parliament to abdicate.

Mr. Ancram: Article I-5a states that the constitution

"shall have primacy over the law of member states."

I think that what my hon. Friend says must follow from that.

I was talking about the integrationist nature of the constitution. The Foreign Secretary recently has begun to try to argue the opposite: the other day, he talked about the constitution returning powers from the EU to nation states, and he repeated that assertion today. In fact, the constitution refers once, and obliquely, to the possibility that, in certain rare circumstances at the dispensation of the EU, shared powers might be transferred back to member states. That is all: no mechanism is provided to return powers to member states, and no powers are so returned.

If the Foreign Secretary wants a less integrationist Europe, the White Paper gives no idea of the powers that he would want to be returned. That would be the great test of his sincerity, but he is again merely playing with words because he knows that the British people are frightened of integration. He is trying to persuade them that this constitution is what it is not.

Keith Vaz (Leicester, East) (Lab): Will the right hon. and learned Gentleman give way?

Mr. Ancram: In a moment.

This is not only an integrating constitution, it is an unnecessary one. We do not need or want it. Constitutions of this nature are not for partnerships or associations, but for countries. This document is the gateway to a country called Europe, as I have said before, and we do not want to be part of that.

That it creates such a country is not just my view. It is the considered view of many leading Europeans. Romano Prodi described the constitution as

"a big change from the basic concept of nation states. It is a change of centuries of history."

The Belgian Prime Minister Guy Verhofstadt said:

"Those who are afraid do not appear to have grasped what is happening at the moment. We are creating a political union."

In case there was any doubt, he later added:

"The European Union acquires all the instruments of a federal state. The capstone is the constitutional treaty."

That is what the leaders of Europe believe. That is the truth, and the Foreign Secretary should have the courage to come forward and argue his case on that basis.

Keith Vaz: The original position of the Conservative party was to block enlargement. The Opposition wanted a referendum on the Nice treaty, but changed their position subsequently and supported the accession of the applicant countries. How does the right hon. and learned Gentleman expect a Europe of 25 nations to cope with an organisational structure created to deal with only six member states?

Mr. Ancram: First, I remind the hon. Gentleman that it was my party that first backed the idea of enlargement in 1991. We have always backed enlargement, and the countries that acceded to the EU this year recognised that. Secondly, he is using the normal argument and asking whether we need changes as a result of enlargement. The answer is yes, we need changes, as we have always accepted. Some of our proposals are contained in our pamphlet. However, the argument for change is not one for creating something totally different—an integrated constitution as described by Guy Verhofstadt.

This constitution creates a legal personality, a President, and a Foreign Secretary. It creates a European diplomatic service, fundamental rights that will be legally enforceable, and a more coercive foreign and security policy. It creates the more explicit primacy of European law, and gives it an increasing role in criminal law, including new powers in criminal investigation. It gives the EU powers in transport and energy. It is the constitution of the European superpower that the Prime Minister has declared twice—in Warsaw, and in Cardiff in November 2002—that it is his intention to create. We want to have no part of that type of Europe.

Mr. Mark Hendrick (Preston) (Lab/Co-op): The right hon. and learned Gentleman claims that the constitution will turn the EU into a superstate. Why does he not consider that the UN constitution makes that organisation into a global superstate? If he was opposed to the ratification of the Nice treaty—as he was—why did he push for a referendum if he was in favour of enlargement? Enlargement would not have taken place without the Nice treaty.

Mr. Ancram: The hon. Gentleman is avoiding the issue. This is a constitution of a particular type. I have just set out what it includes. I repeat that it will deliver a European superpower. I did not use the phrase "European superstate". I used the word "superpower", as that is the word that the Prime Minister used deliberately on the two occasions to which I referred

earlier. Since then, the Government have tried to back away from that position because they know that it offends the British people.

As I said, I do not believe that the constitution was necessary to deal with enlargement. The Government now say that it is, but they have not always said that. In 1999, the then Foreign Secretary said:

"For the record, we are not proposing a constitution of Europe."—[*Official Report*, 25 May 1999; Vol. 332, c. 184.]

The following year, the Prime Minister said that the EU did not need a constitution, so what has changed? We were told that Nice was needed to make enlargement work. After that, the Prime Minister suddenly told us that the constitution was

"necessary to make accession work."—[*Official Report*, 14 May 2003; Vol. 405, c. 306.]

However, when the constitution appeared to hit the buffers last December, it apparently was not necessary after all. Consistency has not been the Government's strongest weapon in their battle for the constitution.

Nor has consistency been the Government's strongest card in relation to a referendum on the constitution. Last year, the Leader of the House announced that

"those who are starting off on a campaign for a referendum might as well put their placards away and stop wasting their money—because we are not going to do it."

In several debates in the House, the Foreign Secretary castigated me for supporting and promoting the concept of a referendum. In March, the Prime Minister flip-flopped and conceded one. That was not the Government's only flip-flop—nor even the greatest—on the way to this wretched constitution. Before it came to power, the Labour party said that it would keep home and foreign affairs intergovernmental and preserve the three-pillar structure on which the previous Conservative Government had insisted at Maastricht.

Today, we are told, almost with pride, that that three-pillar structure has been removed with the connivance of this Government; certainly, the constitution puts an end to it. The Prime Minister said that the charter of fundamental rights would be only a political declaration. A former Minister for Europe, sitting in his place as usual, said that it would have the legal weight of the *Beano*. I do not know whether he has consulted the lawyers of the *Beano* since then to find out how much legal weight it has in comparison to the charter of fundamental rights. Now the charter forms part II of the constitution and will be legally binding. It will have full legal status and will be enforced through the European Court of Justice.

EU lawyers have already made it clear that they intend to use the charter to change national laws. The Foreign Secretary tells us that we do not have to worry, and that the constitution covers all that. However, Vassilios Skourios, the president of the European Court of Justice, said that the constitution

"will bring new areas and new subjects under the court's jurisdiction."

He refused to confirm that the charter would not change national laws. Despite the assertions in the White Paper, the Minister for Europe boasted in *Le Monde* recently—I think it was last week—that the charter would strengthen British trade union rights, which is a view that is, surprisingly, supported by Professor Brian Burcusson of King's college. That is not so much trade union power by the back door, or even through Parliament, but through the pages of the European constitution. In 1997 the Prime Minister boasted that he had seen off a proposal to give the EU its own legal personality; he called it potentially damaging. Now, under the constitution, the EU has been given a legal personality.

Those are not the only flip-flops. During the constitution negotiations, the Leader of the House of Commons tabled 275 amendments and the Government succeeded in only 27. The Foreign Secretary laughs as usual at that, but those amendments were not trivial. The Government called for the deletion of the new EU power to ensure the co-ordination of member states' employment policies. The amendment was ignored, and the Government caved in, arguing that it was undemocratic for member states to keep power only in those areas where the EU did not want it. They called that the "worst of all worlds". They were ignored, and once again they caved in. The Government opposed making the charter of fundamental rights legally binding and, as we have seen, they caved in on that, too. That is not so much flip-flopping as straightforward surrender, which is why they are so keen to disguise the reality of this constitution in a thicket of weasel words and good, old-fashioned bluster.

Chris Bryant: I am deeply grateful to the right hon. and learned Gentleman for giving way. On every occasion that there has been any discussion about the constitution, he has used the argument that the Government tabled lots of amendments and only some were successful. The truth is that his party tabled more than 400 amendments to the Communications Bill, but ended up voting for it—does that mean that the Conservatives flip-flopped, or is it true that amendments are sometimes also tabled by others, and theirs get through?

Mr. Ancram: I wish that the Prime Minister would give the hon. Gentleman a job and put him out of his misery, because he tries so hard on behalf of his party. Even he cannot believe that an amendment to an existing provision that the Government themselves call the worst of all worlds is trivial and, once you fail in that amendment, it suddenly does not matter any more. The Government were defeated on serious amendments and, having been defeated, they caved in. Now we have the constitution, which will do so much damage to this country.

We opposed the constitution in principle and in practice. Let us consider the constitution and what it will mean in terms of the economy and jobs, and the way that we have traditionally regulated ourselves. It has provision for more regulations. We have already talked about the meddlesome charter of fundamental rights, but there will be more EU powers over social security and co-ordination of employment policy. There will be more powers on competition policy, and to co-ordinate our economic policy. There will be more powers in trade policy, more powers over energy and greater EU control over asylum and immigration and criminal justice.

Under article I-15 the constitution seeks to enshrine the principle of a common foreign and security policy, including

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"the progressive framing of a common defence policy, which might lead to a common defence."

The breach of that policy will be justiciable, whatever the Foreign Secretary says. These are some of the practical reasons why we oppose the constitution. In doing so, we are looking for a better Europe—one that is more suited to the challenges of the 21st century.

Mr. Straw: Does the right hon. and learned Gentleman accept that in every material particular, the articles relating to common foreign and security policy in the new treaty are a replication of those in Maastricht?

Mr. Ancram: Can I refer the Foreign Secretary—*[Interruption.]*

Mr. Straw: Answer.

Mr. Ancram: I will. I refer the right hon. Gentleman to the written evidence from Professor Arnull's submission to the Lords Constitution Committee in October 2003.

Mr. Straw: Answer.

Mr. Ancram: This is the answer. The professor points out the differences between those two clauses and says:

"The power of the Court of Justice to review compliance by Member States with the second subparagraph of that provision is particularly significant. It may lead the Court to be called upon to consider whether action by a Member State complies with an act adopted by the Union in this area or is contrary to the Union's interests or likely to impair its effectiveness. The Court would be likely to regard at least some of these issues as justiciable."

That is a significant point. It could allow the ECJ to impose penalties on a member state for its foreign policy actions. A similar passage in the Maastricht treaty was not under the ECJ's remit—the professor mentions it and shows why that is so. If the right hon. Gentleman wants to challenge that opinion, I would like him to do so on that basis.

Mr. Straw: It is palpable nonsense for whoever that person was to claim that, because the right of the ECJ to have any power over operations and policies determined under the European foreign and security policy is specifically excluded by the draft treaty.

Mr. Ancram: The right hon. Gentleman should read this serious opinion given by a serious academic.

Mr. Heathcoat-Amory: Perhaps I can assist my right hon. and learned Friend. What he said was right. The Foreign Secretary is wrong, yet again, because article III-282, which purports to rule out the jurisdiction of the ECJ over foreign policy, does not cover article I-15, which says clearly:

"Member States shall actively and unreservedly support the Union's common foreign and security policy in a spirit of loyalty and mutual solidarity".

Therefore, if we deviate from that part in any respect, that would be justiciable by the European Court of Justice under the final text.

Mr. Ancram: I am grateful to my right hon. Friend, who supports what Professor Arnull said. The Foreign Secretary can continue to make claims from the Dispatch Box, but he really should check his facts before he makes that type of statement.

Mr. Straw: An old saw has been running around, saying that because article III-282 does not specifically refer to article I-15, the whole common foreign and security policy is justiciable. It is not. There is nothing about that in article I-15.

Mr. Cash *indicated dissent.*

Mr. Straw: No. That is not just my opinion. It is also the opinion of the head of the Council legal secretariat, which whom we have discussed the matter on many occasions. Article III-282 spells out that the European Court of Justice shall not have jurisdiction with respect to articles I-39 and I-40 and the provisions of chapter 2 of title V concerning common foreign and security policy, and article III-194 in so far as it concerns common foreign and security policy.

Mr. Lilley: What about article I-15?

Mr. Straw: The court does not have jurisdiction over common foreign and security policy; it is not necessary because the operational articles are I-39 and I-40 and those referred to in part III. It is a canard—*[Interruption.]*

Mr. Deputy Speaker: Order. I am getting rather confused about who is addressing the House. I think that it is probably Michael Ancram.

Mr. Ancram: I am grateful, Mr. Deputy Speaker. I was wondering whether the Foreign Secretary was trying to make a second speech. This is an important point, and I hope that he will go back and check it, because although he has told us what articles are not justiciable, the one to which I referred was I-15. That is the one that Professor Arnull talks about, saying:

"It could allow"—

although not in every case—

"the ECJ to impose penalties on a member state for its foreign policy actions."

That is a very serious assertion that flies in the face of what we have been told again and again is one of the triumphs of this Government's negotiation—a claim that is, at best, highly questionable.

As I was saying, we are looking for a better Europe, one which is more suited to the challenges of the 21st century. It will not happen of its own accord. It will take a no vote in any of the forthcoming referendums to send the leaders of Europe back to the drawing board—what in the White Paper is described as

"a meeting of the Council of Ministers for further discussions."

A no vote will allow them, I hope, to return to the sidelined principles of the Laeken declaration of 2001, which actually recognised some of the real problems that the EU faces and asked some of the right questions. That declaration recognised that the EU was too distant from its peoples. It rightly said that the EU should not intervene too much in the details of national lives. It said that the EU was too bureaucratic. It asked both whether

some powers currently held by the EU should be returned to the nation states and whether some powers still held by member states should be given to the EU. Sadly, the only suggestion that the constitution took up was that more power should be given to the EU.

This time, there will be a real chance—in many ways, the first chance for a generation—to move towards a healthier, more flexible, more decentralising Europe. The EU needs real reform. Europe's member states need to recognise that not all countries want the same things from the EU or want to go in the same direction. Some member states want deeper integration; some do not. Our view is that we should let those who want to pool ever more sovereignty do so. We should not stand in their way. But in return, they should not expect those who do not want to follow them to do so either. Schengen and the euro are good examples of how this can be achieved without breaking the European Union. Experience tells us that there are powers that are currently held by the European Union that would be better exercised by national Governments. We want to see the current ratchet reversed and powers returned from Brussels to Britain.

Of course there are some powers that all countries must sign up to—the single market being the most obvious. The single market was intended by Britain to be a vehicle for liberalisation that would benefit business. It has brought real benefits to countries across Europe, but it has also been used to justify unnecessary rules and regulations. This is partly what has caused the recent steep decline in support for the EU among British business.

So we need to look closely at how the single market is working in practice. We need a simple set of rules that will facilitate and stimulate trade within the European Union. A reformed single market must be the bedrock of a transformed EU. It would deliver the great gains in productivity and growth that Europe so desperately needs. It would end the steady creep of bureaucratic power. Perhaps most important, it would re-engage public support for the European Union.

The Minister for Europe (Mr. Denis MacShane): Will the right hon. and learned Gentleman give way?

Mr. Ancram: No, I will not give way again. I have given way too many times.

Mrs. Browning: Will my right hon. and learned Friend give way?

Mr. Ancram: I give way to my hon. Friend. [HON. MEMBERS: "Ah."]

Mrs. Browning: My right hon. and learned Friend is generous. Does he care to reflect on the fact that if we had gone down the route of mutual recognition of goods and services rather than harmonisation when we entered the single market we would not have the problems that we have today? It is of course on that basis that the EU trades in quite a harmonious way with many countries outside the EU.

Mr. Ancram: Obviously this is a matter of debate, but one of the main problems facing the single market has been the failure to implement the Lisbon criteria, which largely related to deregulation. The French were less keen to deregulate some of their industries and businesses in a way that would have helped the single market. I hope that that is one of the things on which we can make progress.

Mr. MacShane: Will the right hon. and learned Gentleman give way? We are in a debate.

Mr. Ancram: I have given way an awful lot; at least as many times as the Foreign Secretary. The last time that I gave way to him I was in a seated position for some time thereafter while he tried to make his second speech.

Mr. Straw: Will the right hon. and learned Gentleman give way?

Mr. Ancram: As long as he is not going to make his third speech, I will give way to the Foreign Secretary once more.

Mr. Straw: The right hon. Gentleman speaks about the importance of pursuing the Lisbon reforms. How would the change in the constitution that he proposes, by which any five member states—however small—could veto existing reforms as well as block all changes, ensure progress towards a really well-functioning internal market?

Mr. Ancram: Again, if the right hon. Gentleman is going to use something, he must read it correctly. What we are talking about is legislation where subsidiarity is at stake. In our manifesto, on which we fought the European elections successfully, we made it clear that the single market would have to be treated in a different way due to the need for uniformity in that market.

Allied to the need to reform the single market, we also need to look frankly and sincerely at what is done well at the European level and what is done badly. The common fisheries policy has been a total failure. Jobs have been slashed, our fisheries have been plundered, and our fishermen find that there is little that national politicians can do about it. That is the European democratic deficit in action. That is why we intend to restore our fisheries to local and national control. It is also why we want to restore our opt-out from the social chapter, so that we here in this Parliament, not the European Council or Commission, can decide what is and is not right for our country and our employment laws.

I want Europe to succeed, but as a partnership of sovereign nations, not as an emerging superpower. I want Europe to be reformed so that it delivers better what the people of Europe want from it—peace and prosperity. That is another reason why we reject this constitution. Its provisions are rooted in an outdated concept of a social Europe that will damage Europe's prospects for prosperity. That is why the director of the Confederation of British Industry has said that:

"this constitution does nothing to make Europe more globally competitive."

That is why the director of the Institute of Directors said of the charter that

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"far from clarifying employment rights, this leaves business facing worrying uncertainty".

That is why the Federation of Small Businesses has said:

"we are concerned that the constitution may lead to a surge in red tape."

Now that we will have a referendum—I am grateful for that—the people of Britain will decide. I believe that the constitution speaks for itself. I therefore challenge the Government in the run-up to the referendum not to write propagandist White Papers but to send every household in Britain a full copy of the constitution so that people can read it for themselves. [*Laughter.*] Labour Members laugh, but that is what the French did when they held a referendum on the Maastricht treaty. They obviously take the view that French people are better able to comprehend constitutional treaties than the British. I do not take that view because I believe that if the British people read the constitution they would see clearly where the truth of this issue lies, which is why I suspect that the Government will duck my challenge.

Nor can I see any merit in delaying the promised referendum. The information is now all there. We will fight this constitution tooth and nail. The Conservatives are ready to accept the Prime Minister's challenge. Let us get on with it and let battle be joined now.

Several hon. Members *rose—*

Mr. Deputy Speaker: Order. Before I call the next hon. Member, I remind the House that Mr. Speaker has placed a 10-minute limit on all Back-Bench speeches, and that starts from now.

2.38 pm

Ms Gisela Stuart (Birmingham, Edgbaston) (Lab): We now for the first time have an actual text, so theoretically the debate that everyone has been calling for—one free of myth and distortions—can start to take place. From what we have heard so far, I do not think it has quite started yet. Both sides seem to be creating their own fantasy world, which they then defend. If our debates are to be enlightened, it is incumbent on us all to support any assertion as to what is in the treaty by making a reference to where it is in the text.

In that context, I hope that, in his winding-up speech, the Minister for Europe will point to two areas about which I have been puzzled in the last hour or so. One is where the treaty specifies that if there is a conflict between a European Court of Human Rights judgment and the charter, the ECHR will take precedent. It is my clear recollection that one of the arguments employed as to why it was not sufficient for the European Union once it had acquired single legal personality simply to sign up to that convention was that the charter of fundamental rights was creating a new kind of human rights which went beyond what we had before. I shall be happy and grateful to accept the argument that that has been settled, but I have not found it in the document.

The second matter, which again I hear repeated time and time again, was not in the White Paper, although the Foreign Secretary referred to it in his speech. He referred to a specific procedure for repatriation of competences. There is a chink that would allow for that to happen, as I read it, but I have not yet found a specific procedure. I would have expected it to be at least a separate article. Because of the sequence in which we have been called, I shall also be interested at some stage to know the view of the Liberal Democrats, who as I understand it are now in favour of the possibility that competences might, if appropriate, be repatriated to member states. Are they happy with the provisions in the constitution?

Konrad Adenauer, a great European, was once challenged about something that he had said in the past. He told the journalist that he was not the slightest bit interested in what he had said last week. We could go on for weeks reminding each other about what we have said in the past, but that is not the point. We now have one document that brings together the past in a new form, and we need to look at the merits of what is in front of us. All sides have changed their mind at some time in the past 50 years, because the facts have changed, so we should focus on what is now before us.

I shall examine the specific issue of the role of national Parliaments. The language in the White Paper is modest and appropriate. It refers to involving national Parliaments much more in EU debate. That is a neutral statement, but I keep hearing that it has been strengthened. I wonder whether that has happened and, more to the point, whether we are capable of rising to the challenge as our institution stands. I chaired a working group on the role of national Parliaments and I gave evidence in France, Portugal and Scandinavia. I also attended the Western European Union. I have given considerable thought to the issue.

Let us consider what the constitution says. Article I-9 says that national Parliaments shall "ensure compliance" with the principles of subsidiarity and proportionality. Article I-17 is a flexibility clause that requires that the European Commission

"shall draw Member States' national Parliaments' attention to proposals".

Article I-57, on applications for membership by states, says that national Parliaments shall be "notified of this application". Article III-161 states that national Parliaments

"shall be informed of the content and results of the evaluation".

The language is important. However, information and notification do not amount to power or a strengthening of the position of national Parliaments unless we are capable of using that power. There is some very good news for national Parliaments. For example, article I-23 requires that the

"Council shall meet in public when it deliberates and votes on Union legislative and non-legislative activities."

That is important because for the first time we will know what positions Ministers have taken.

Article IV-7 looks at simplified ratification procedures. That was the old 24(4) clause to which I violently objected. On its own, it would have been sufficient to cause me to reject the constitution. It has been strengthened, but it means that the move from unanimity to qualified majority voting can only happen provided that national Parliaments do not disagree. I tried to make the point when I intervened in the speech

by my right hon. Friend the Foreign Secretary that we must be much more precise about the mechanism that this House will use to form an opinion.

Mr. Straw: I agree with my hon. Friend. Bearing in mind this debate, I hope that we can come forward with proposals in the new Bill that will take account of her remarks.

Ms Stuart: I am grateful to my right hon. Friend. The heart of the decision that the House has to make is whether it seeks simply to receive more information so that it can then play a part in explaining to the public what other institutions in the European Union are doing on our behalf. That is an honourable way of proceeding, but we need to be clear about it if that is what we are doing. Or does the House seek to find a way of having a voice that may at times be independent of Government? That would be unusual, in terms of parliamentary procedure, but if that is what we wish to achieve we would have to be clear about what would be required in order to do so. We would be fooling ourselves if we claimed that our role had been strengthened by the requirement that we should receive more information and pass it on. We will open ourselves to accusations such as that made by Digby Jones recently, when he said that Parliament was asleep on the job because 40 per cent. of domestic legislation that emanates from the EU is not discussed or debated here. Depending on the choice that Parliament makes, we need to look at our procedures.

The constitution also contains a provision that will be bad for national Parliaments and will undermine them. Article I-46, under the heading "Principles of participatory democracy", allows for a European law to be created that gives the right of petition. If more than 1 million citizens across a significant number of member states request the Commission to initiate legislation, it will do so. In itself, that provision is innocuous, but the principle means that we will concede a right of initiative that circumvents national Parliaments and Governments. We were not prepared to give that right to national Parliaments, and that troubles me. People need to know the totality of the provisions in relation to the role of national Parliaments.

Mr. Cash: I agree entirely with the hon. Lady's problem about this place merely being provided with information. However, the underlying question is not merely a procedural question. It is about the sovereignty of Parliament. Will we be able to do anything about the legislation presented to us if we do not like it?

Ms Stuart: Let us work on the assumption that Parliament wishes to form a view independent of the Government. What would we require, on top of what is in the constitution, to enable us to do that? My argument is that what is in the constitution would not be sufficient to enable us to exercise such a power. For a start, we would require a much clearer framework for passing legislation in the EU and Commission proposals that would allow the House to take part in those debates. A Commission proposal can go on for years, sometimes for 10 years, before becoming law. The House of Commons lacks what one might call a collective memory to enable it to key into the making of such decisions. A fundamental change would be for a Commission proposal to have a delete button, as we have in the form of the end of a parliamentary Session or the calling of a general election.

We also need—and I know that my right hon. Friend the Foreign Secretary will not like this proposal—much stronger co-ordination of domestic policy that is decided at a European level. I strongly advocate the introduction into the Cabinet of a Minister for Europe—of the status of a Deputy Prime Minister—who has that function.

Mr. Quentin Davies (Grantham and Stamford) (Con): Does the hon. Lady agree that it has always been assumed at European level that Ministers at Council of Ministers meetings have the authority of their Parliaments and are accountable to them? In practice, it has always been open to us to exert more influence over the line taken by Ministers at Council of Ministers meetings. It has been a great failure on our parts that we have not done so. It has happened over many years and is nothing to do with the new constitution. There is no point in protesting about the new constitution if we are not prepared to exert effectively the authority that we already have. Other countries, such as Denmark, have succeeded in doing so and we should learn lessons from them, irrespective of our views on the constitution.

Ms Stuart: Within the constraints of the time available, I shall give one example of the problem. As a Health Minister I had to give evidence on new regulations for abattoirs at the time we wanted the beef ban to be lifted after BSE. Agriculture and Health Ministers had negotiated a whole package. By the time it came to the House and before the Special Committee, it could not be unravelled. The House was unaware of the package as it was being put together, and it came before the House as a fait accompli. That is why I argue that we need a Minister at Cabinet level to co-ordinate the process when various Departments are involved. I cannot give a single example of an occasion on which the current process of scrutiny has changed Government policy. When I challenged the Commission, I could not find one example of it changing a legislative proposal because it was a breach of the principle of subsidiarity.

Let us look at what is in the constitution on the basis of what powers we will have and what changes we would have to make here if we really wanted to exercise them. The fundamental mistake, which we must not make, is to mistake activity for achievement. Nor should we confuse having more information with having more power. There are choices to be made, and the House must decide which route it wishes to take.

2.50 pm

Sir Menzies Campbell (North-East Fife) (LD): Both the Foreign Secretary and the right hon. and learned Member for Devizes (Mr. Ancram) began by making proper reference to the horrific events that have taken place in Jakarta. If those events represent some change of tactics on the part of terrorists, to seek to influence the domestic elections of Governments who have been prominent in the campaign against terrorism, it is a most sinister change of tactics and one that we must be concerned, anxious and indeed determined to resist. On behalf of my right hon. and hon. Friends I associate

[Sir Menzies Campbell]

myself with the expressions of sympathy given by both the Foreign Secretary and the right hon. and learned Gentleman.

The Foreign Secretary and I are now in substantial agreement on the topic of this debate. For a long time, we agreed about the substance but not about the process. We were at odds on the question of a referendum, but common sense has prevailed and I look forward—perhaps with the right hon. Lord Heseltine—to campaigning in the country on behalf of the constitutional treaty, as I believe that it is a campaign that can be won. In due course, I shall say a little more about how it should be conducted in order to be won.

Our debate today has contained more than a few echoes of the several debates that we have held on the topic in the course of this parliamentary Session. I have the feeling that we are to some extent engaged in the preliminary skirmishing that goes before the legislation that we anticipate in the Queen's Speech. I shall come back to the question of the constitution, but another White Paper was issued recently, Command 6310, on the prospects for the EU for 2004. I do not think that it has been referred to so far, so I should like to make some observations about it.

I note with some pleasure, as indeed must the whole House, that Commissioner Mandelson, as we must now learn to call him—it will not be difficult; the words have a certain ring to them—has been invested with responsibility for trade and the international dimension of competitiveness. In that role, I hope he will fulfil two important and pressing responsibilities. First, I hope that he will ensure that there is sufficient vigilance to prevent an enlarged European Union from being prejudiced by anti-competitive practices wherever and from whomever they may arise. Secondly, I hope that he will ensure that genuine progress is made on access to the EU for developing countries, particularly for agricultural products.

The White Paper refers to enlargement. I certainly share the Government's hopes that Bulgaria and Romania will continue to make progress towards accession in January 2007. I certainly support the contention that the closer integration of Turkey into Europe would enhance our security and prosperity. I hope, too—as the White Paper records—that negotiations for Croatia can open in early 2005. I want to enter a caveat, however: there must be no compromise either on economic standards or on standards of good governance, democracy, the rule of law and human rights—all as laid down by the Copenhagen criteria.

The United States in particular has pressed the case for Turkey. I assert as strongly as I can that accession must depend on the standards reached, not upon the calibre or vehemence of support. Many people will be dismayed by the proposal, apparently emanating from the Turkish Government, to criminalise adultery. It will serve only to encourage those in the European Union who are opposed to Turkish entry.

In relation to Romania, it is right to draw attention to the report released in January by the European Parliament, of which Baroness Nicholson was the author, which was critical of corruption, the violation of human rights and the failure to observe the rule of law. To those who wish to accede to the European Union and who have a programme of reform to meet, we are entitled to say that cosmetic reform will not do; it must be reform in substance.

Chris Bryant: Before the right hon. and learned Gentleman moves on from the issue of Turkey joining the EU, will he also reject the opinion voiced in some European countries that there should be a principled objection to Turkey joining the EU because that would increase the Islamicisation of Europe?

Sir Menzies Campbell: I agree entirely. Some people—as the negotiations over the Convention gave some indication—wanted to assert that the European Union be based on Christian principles and, by inference, to exclude the possibility of Turkey's accession. I was certainly resistant to that and am glad that the issue was resolved so as to allow for the accession of Turkey.

Mr. Hendrick: I thank the right hon. and learned Gentleman for giving way, but I feel that he was rather harsh on the Romanian Government. Yesterday, I was fortunate enough to speak to the Romanian President, who told me a great deal about the work that is going on in that country to stamp out corruption. Indeed, the report written by the right hon. and learned Gentleman's colleague in the European Parliament—a former Member of the House, Miss Emma Nicholson—was quite a harsh one and was seen in the context of Romanian national elections this year, in which his sister party will be looking to do well.

Sir Menzies Campbell: The hon. Gentleman should pay some regard to the conduct of those elections and the extent to which opposition parties are being allowed the sort of opportunities that he and I would think a necessary part of a fully democratic system.

The White Paper also refers to external issues and I certainly welcome the fact that the European Union is to assume responsibility for the military mission in Bosnia. That is an opportunity for the EU but it is also a test, and the EU must neither squander the opportunity nor fail the test. If the treaty provisions on common foreign and security policy are to mean anything, there must be far greater acceptance than there has so far been of the need to provide capability in the EU.

Finally, the White Paper talks about future financial arrangements. Here, I believe that the Government are perfectly correct to take the view that 1 per cent. of EU gross national income is a suitable budget ceiling. What is notable is that support for that position comes from France and, more particularly, from Germany. German support is of considerable significance because of Germany's history as a substantial net contributor to the European Union.

Let me turn to the question of the constitution. I have followed the debate about the primacy of law, and thought that for my own better understanding I would try to set out some propositions. The first is that Parliament is sovereign. A sovereign Parliament passes legislation to give effect to the obligations that are imposed on us by entering into a treaty. A sovereign

Parliament can repeal that legislation and, as a consequence of doing so, can revoke the terms of the treaty, so arguments about where the constitution lies in relation to our domestic law seem capable of resolution on first principles. We enter into a treaty. We effect legislation, such as the legislation that followed the Maastricht treaty, but at any time this Parliament, which, by our constitutional doctrine, cannot bind its successors, can withdraw from those obligations and repeal the legislation.

Against that background, it seems that many of the anxieties and apprehensions are simply not justified in the way in which they are being expressed—as if they constituted some enormous break, hindrance or, indeed, derogation from the essential sovereignty of this place.

Mr. Heathcoat-Amory: The right hon. and learned Gentleman is aware, however, that that is not the view of the European Court of Justice, which has stated explicitly that EU law has primacy over national constitutions and national laws.

In the document to which we are being invited to sign up, we are putting into a European constitution that case law of the European Court of Justice. If this Parliament voluntarily assents to a primacy clearly stated in a different document—a European constitution—does that not create a quite unnecessary conflict between our understanding of our constitution and what we shall be agreeing to?

Sir Menzies Campbell: If I may say so, I think the right hon. Gentleman, who I freely acknowledge has spent a lot of time on this subject and is very knowledgeable, is over-complicating the issue. That is why I tried to set it out in a series of simple propositions. We accepted, by the Act of 1972, that European law had primacy. This House, subject to its own procedures, could repeal that provision tomorrow and that would be the end of the matter.

There are arguments about this. The right hon. and learned Member for Devizes and I had an argument earlier in the process about whether sovereignty rested with the people or with Parliament, but we need not retrace our steps in that regard. There is, and need be, no confusion. A sovereign Parliament can repeal legislation, can act to withdraw from treaties, and—if I may be forgiven a colloquialism—the European Court of Justice can go hang. That is the position. We have agreed by virtue of the 1972 Act that for so long as that Act is in force, European law should have primacy, but that is something that we have within our power to withdraw, and nothing contained in this treaty detracts or departs from that fundamental principle.

Mr. Quentin Davies: Will the right hon. and learned Gentleman give way?

Sir Menzies Campbell: I will make some progress, if the hon. Gentleman will allow me.

It is unfortunate that the White Paper was not published a couple of days earlier, to allow us the opportunity for a more detailed look. I hope to spend some time examining it in detail. I also want to get my own personal copy—perhaps even autographed—of the Devizes document, which looks as though it will prove to have some political significance in the future.

My message to the Foreign Secretary is that documents will not win this referendum. What is necessary, if the referendum is to be won, is a campaign to inform and persuade the people of the United Kingdom. One thing is certain: the campaign against has begun. The campaign for has not, however, and those of us who think that an affirmative voice of the British people is essential must accept that we have given away rather a lot of ground so far, and that that ground will have to be made up.

I have what I suppose amounts to a compulsion to remind myself and the House on such occasions that the founding principles of the European Union, as set out in the preamble to this document, are a commitment to peace and prosperity, to building a common future and to burying the differences of the past, in particular the two world wars. We must never allow ourselves to forget that twice within 30 years, the continent of Europe was riven by wars, which caused enormous loss of life and enormous adverse economic effect, and part of the success of the European Union and of NATO has been the fact that is now inconceivable that the hostilities that characterised that period in the history of Europe would ever be reopened. That is of enormous value to us and we must not allow our natural anxiety about the common agricultural policy or things of that nature to deflect us from the understanding of the enormous importance that first the European Community and now the European Union have in preserving that peace, and also the extraordinary enthusiasm of those formerly part of the Warsaw pact for joining the European Union and for becoming part of all that it signifies.

Mrs. Browning: I am grateful to the right hon. and learned Gentleman for giving way, and I know that many people share his view that the EU was somehow responsible for peace in mainland Europe in the last century. Does he not concede that it was not the EU that stopped France and Germany tearing themselves apart as they had done in previous wars and centuries; it was the new threat, the cold war, of Russia and the Warsaw pact, and the combination of the US, through NATO, with western Europe that kept the peace in the last century? It was nothing to do with the EU.

Sir Menzies Campbell: Well, it is a pretty strong proposition to say that it was nothing to do with the EU. I think that the ghosts of Monnet, Schuman, Spaak and many others will be circling a little if they hear the hon. Lady's confident assertion.

I mentioned NATO. I am in no doubt that the contributions to the peace I described came from more than one source, but I am firmly of the view that the fact that the French and the Germans managed, in the immediate aftermath of the second world war, to form the European Coal and Steel Community was at the time regarded as the most extraordinary political development of that century.

Mr. Davidson: Will the right hon. and learned Gentleman give way?

Sir Menzies Campbell: I shall move on, if I may.

[Sir Menzies Campbell]

On subsidiarity, I am one of those who is supportive of the so-called yellow card—the early warning mechanism. Here the Foreign Secretary and I may part company. I am not convinced that five countries is necessarily the basis upon which to have a red card, but I do think that that principle would have been worth exploring a little further. Indeed, on a previous occasion I may have put forward the suggestion that two thirds of the Parliaments, if they took the view that what was being proposed was unacceptable, ought to have the ability not just to hold up their hand and issue a warning but to say, "This is legislation emanating from the European Union, which should be stopped in its tracks".

Mr. Straw: The right hon. and learned Gentleman is making an important point. I have thought long and hard about this. There is a point where the formula for the intervention of national Parliaments collides with the arrangements for qualified majority voting or indeed for the veto, and if there were a formula by which two thirds of national Parliaments could prevent a move, that would actually change the nature of majority voting.

Mr. Cash: Make it democratic.

Mr. Straw: No, because under these proposals, 46 per cent. of national Governments will be able to block a proposal in any event. I happen to think that that is a satisfactory way of proceeding.

Sir Menzies Campbell: There has been some emphasis on the role of Parliaments rather than the role of Governments, and I am one of those who in such matters rather believes that the more national Parliaments have responsibilities in this area, the better it will be. Here I to some extent agree with what the hon. Member for Birmingham, Edgbaston (Ms Stuart) said about the extent to which our enthusiasm for scrutiny, and our consciousness in this Parliament of what comes out of the European Union, falls a long way below the standard to which we should aspire. I do not for a moment excuse myself from that stricture. As a Parliament, we have certain mechanisms for scrutiny, but I doubt whether there is anyone in the House who imagines that they are as good as they might be, and I think the suggestions that the hon. Lady made for their enhancement are entirely sensible. Perhaps, as the Foreign Secretary has agreed, it will be possible to consider the matter when we come to the legislation that we are all anticipating with so much enthusiasm.

Certainly, as far as the proposals relate to the running of the European Union, fewer Commissioners, clearer legislation and freedom of information must all be regarded as positive measures.

On competences, the treaty contains a definition of the limits of competences, and the stipulation that competences not conferred remain with the member states is a necessary, helpful and welcome clarification. Previously there was a presumption in favour of member state competence, but now there is an express statement.

On a common asylum policy, we in the United Kingdom have opted out of the Schengen agreement, and therefore we maintain control of our own borders. However, it is in no way against our interests—indeed, one can argue that it is most certainly part of our interests—to seek common standards and rules for asylum seekers to achieve two things: first, to prevent asylum shopping and, secondly, to enable greater burden sharing between member states.

On the common foreign and security policy, the reform proposals in the constitution are entirely sensible and much needed—not all hon. Members would necessarily agree—in the wake of Iraq and the circumstances in which military action was taken, and as a recognition of the fact that the United States is increasingly willing to adopt independent action in foreign affairs. I do not think that anyone can challenge the proposition that the United Kingdom, acting with other nations, is likely to achieve more. I believe that a dedicated foreign representative, combining the roles of the external relations commissioner and foreign envoy, is needed. I always thought the distinction between Mr. Solana and Chris Patten was artificial. Indeed, that was demonstrated on many occasions because it seemed necessary for both of them to have some part in the activities carried on by the European Union.

Also on the common foreign and security policy, not only is the United States more anxious and more willing to take independent, even pre-emptive action, but as President Bush's announcement on the withdrawal of troops shows, perhaps the United States will not in future regard providing men, women and matériel on the European continent as an overwhelming obligation to deal with any security issue or action of that kind.

Of course, a number of myths are attached to all this. One of the most extraordinary myths is the idea that the United Kingdom seat on the Security Council is somehow at risk. The Foreign Secretary cited the example of Germany, which is running a most robust and vigorous campaign for its own seat, but of course, he might have cited the example of France. Can one envisage President Chirac voluntarily saying that, as part of the necessary reforms to the United Nations, France is willing to step aside to ensure that the EU has a permanent seat on the Security Council? There is not a hope in hell of that, frankly. Therefore, the notion that the United Kingdom's seat would be at risk is wholly unfounded, not least, of course, since we are talking about constitutions, because the UK's seat is a product of the constitution of the UN—a product of the charter. Whatever responsibilities the EU, or even the European Court of Justice, may be thought to have, modifying the charter of the UN, so far, is not one of them.

Ms Stuart: We must be really careful when we try to predict the future. An equally good argument can be made that serious reform of the UN is on the books and that America may decide on such a reform to give Europe a seat and India or China a seat. It is easy to dismiss such things as nonsense, but the world is changing and such changes are possible.

Sir Menzies Campbell: I guess that all hon. Members would subscribe to reform of the UN, but people will remember that, for a long time, discussions about reform were stalled on whether the Security Council

should have 23 or 24 members. The likelihood of early reform is pretty remote, even though Kofi Annan, as we all know, has established a high-level group of senior and experienced politicians and diplomats, all of whom are due to report by the end of the year. However, one thing is certain, and let me put it in the framework of this document: the idea that the constitutional document puts at risk Britain's permanent membership of the UN simply does not ring true; it holds no water whatsoever.

Let me deal quickly with defence. No European army will result from what is proposed. There is no suggestion that we cannot do other than deploy our own forces according to our own determination of what constitutes our own interests, but greater co-operation in defence matters is obviously of advantage for the countries of the EU. As I have said, the proposed operations that provide the EU with both an opportunity and a test are a clear illustration of what can be achieved.

As I have said, I find little with which to disagree with the Foreign Secretary on. I do not think it likely that we will have a referendum before the general election, which, although not fixed finally, may come in May or the spring of next year.

Mr. Straw: In 2006.

Sir Menzies Campbell: It need not come until 2006, but I doubt whether some of those who have found themselves called back to the colours have taken on their new responsibilities on the understanding that they will be co-ordinating a general election campaign between now and 2006. It would have been interesting for a whole variety of reasons—not least the date—to be party to those discussions.

Mr. MacShane: Hear, hear.

Sir Menzies Campbell: That is a cri de coeur.

When the document is finally put before the people of the United Kingdom, I hope it will be done on a properly informed basis. I am not sure whether we can send everyone a copy of the constitution, but I recall the referendum of 1975 when proper arrangements were made for documents illustrating both sides of the argument, and it certainly would be incumbent on any Government who seek an affirmative vote in such a referendum, as we understand that this Government will, to ensure that the principles of fairness, proper understanding and information about what is proposed are applied during the referendum.

I suspect that the issue will be not about the detail of those matters that concern us, such as the terms of titles and the role the European Court of Justice. I suspect that the debate will be about whether people are for Europe or against Europe.

Mr. Davidson: No.

Sir Menzies Campbell: I hope that the hon. Gentleman is successful in achieving the degree of detail that he thinks he will impose on the debate, but I find it difficult to believe that the capacity of the British people in these matters is so unlimited that, for example, the kind of discussions that we have had today and on previous occasions will be the sort of discussion that they have in their own minds before they come to cast their votes.

Mr. Davidson: Will the right hon. and learned Gentleman give way?

Sir Menzies Campbell: No. I am about to finish.

The choice will be pretty clear: to stay in the EU and be part of its modernisation, or alternatively, to take a step that would ultimately result in leaving it. My belief is that the people of the United Kingdom can be persuaded that the former course of action is in their interests, and it is that course that I will be happy to urge on them, particularly in the company of the Foreign Secretary.

3.18 pm

Mr. Tam Dalyell (Linlithgow) (Lab): I will be succinct and address questions to the Minister for Europe, who will respond to the debate.

I am the last in the House of Commons of the so-called Jenkinsites, although that is not the term that we would have chosen for ourselves: the 69 Labour MPs who voted to go into the Common Market in October 1971. I am also, with my right hon. Friend the Deputy Prime Minister, the last of the first Labour European delegation that went to Strasbourg and Luxembourg. I say that because I am very interested in a question that I raised with the Foreign Secretary, and I hope that my hon. Friend the Minister for Europe will address it. With the new set-up, will we really get away from the sort of nation-state Buggins's turn that so plagued the Community at various stages?

I shall never forget—this is partly why I set out the background—that when we arrived under the leadership of Michael Stewart, one of our Dutch colleagues, Schelto Patijn, later to become mayor of Amsterdam said, "Of course, things were so much easier before you British arrived." I do not think that the difficulty was caused wholly by the British, although we were difficult enough, but because of the increase in numbers.

I could not agree more strongly with the Foreign Secretary that the idea of having presidencies every 12.5 years is absolutely preposterous. That might be agreed, but we would like to know a little more about how the presidency will actually work, especially in terms of official back-up, the authority that it will have and the basis on which it will be chosen. Managing 25 is difficult enough, let alone when one considers the real problems of translation. I know that there is not a question of translating Latvian into Portuguese, but if people are going to get on pedestals and talk about the rights of their own languages, there will certainly be difficulties.

Is the White Paper right to emphasise, as it does on page 15, that there will be no powers over defence and the Army? I cannot resist saying that some of us would have liked far greater co-operation with our European colleagues in the lead-up to the Iraq war, so it might be better if there were closer relations, rather than putting an emphasis on keeping things separate.

There is a problem with having a truncated debate that ends at 6 o'clock because a lot of people want to speak, so I ask the Minister for Europe a final question

[Mr. Tam Dalyell]

of which I have given him rather short notice about the specific matter of the Baltic states. Incidentally, the all-party group on arts and heritage is going to Lithuania, Latvia and Estonia at the end of the month. I ask for guidance on what the Community's attitude should be—constitution or not—towards the real problem of those countries' relations with the Russians, given that there are serious problems involving Russian minorities in Latvia and Estonia. I leave it at that, and hope that I will receive some answers in the Minister's winding-up speech.

3.22 pm

Sir Teddy Taylor (Rochford and Southend, East) (Con): Like the hon. Member for Linlithgow (Mr. Dalyell), whom I greatly respect, I have been around for a long time and have heard all the debates on European affairs, including the treaty of Rome, the Single European Act and the others. I am worried that every single debate seems to have the same characteristics. In the case of every treaty, we are told that there is nothing much in it and nothing to worry about. If something is identified as a problem, we are always told that it is not new, but that it existed under previous legislation.

I think that the hon. Gentleman will agree that there is an additional problem. This is the first time that I have criticised the Foreign Secretary, but it is terrible when significant and important issues are not mentioned at all, which happened today. The creation of a European Foreign Minister is important because it could be costly and would lead to some loss of sovereignty, but the right hon. Gentleman did not mention it at all—that happens a great deal.

There are a few things about which the least we should do is to try to tell people what is going on. Is the Minister for Europe aware that there has been a substantial change to sovereignty? I mention that only because we had a visit from pensioners yesterday, and several told me that it was appalling that we were spending £10 million this year because the European Union had instructed us to pay pensioners' winter fuel payments to British residents in the overseas territories of Europe, including Guadelupe, Martinique and the Azores. Although those places have sunshine all the time, we must pay people there the winter fuel allowance of £200, yet people living in Iceland or north Canada, where it is cold, do not get it. The pensioners said, "Isn't that shocking and terrible?" and I said, "Of course, it's nuts". They asked what I could do about it, and my answer was, "Nothing."

I was also visited by retailers from Southend who complained that they were worried about breaking the law. They had heard that a new European law said that if they sold carrots of less than 1.9 cm at the thick end, they could get a penalty. They asked me to find out whether that was true and what the penalty was, so I tabled a question, which was answered on 4 February. In fact that is the new law, and people can be sent to prison for three months or fined £5,000. If such a law is wrong and foolish, what can we parliamentarians do about it? The answer is of course nothing, which is a big worry.

What is the right of Britain to withdraw from the European Union now, and what will be its right after the new treaty comes into effect? I felt so strongly about the matter that I wrote to the Prime Minister, who sent me a lovely letter on 26 April. He said:

"if Parliament were to repeal that Act and withdraw from the EU, the UK would be in breach of its community Treaty obligations"—

I hope that the Liberal party has noticed that—

"and the Government would therefore have to negotiate the terms of its departure. Nevertheless, withdrawal ... always has been legally possible".

The House of Commons Library is terribly good and by and large more reliable than some Departments, and it says:

"The Treaty of Rome ... is concluded for 'an unlimited period' ... and there is no provision for withdrawal."

There is no apparent legal provision for Britain to withdraw at present, and the only test case that we have is Greenland, which withdrew only with the permission of all member states, which had to pass appropriate legislation. However, the new, exciting treaty sets out a new arrangement on page 25, which I hope that all hon. Members have read. *[Interruption.]* It is introduced on page 25 and goes on to page 26. The heading "Voluntary withdrawal from the Union" is at the foot of page 25, so whether the arrangement is on page 25 or 26 is a matter of judgment.

The provision seems to imply that if a member state wishes to withdraw, it may enter into negotiations on that. With the agreement of the European Parliament and European Council, it may try to get agreement to withdraw. If there is no agreement at the end of two years, however, things come to an end. Is the way in which I have set out the arrangement the case? If a country wishes to withdraw, which is a matter for its domestic Parliament, does it simply enter into negotiations and then, if there is an agreement, withdraw? If there is no agreement of any sort and the bodies say that they do not want a country to withdraw, is it possible to withdraw after two years? I ask whether that is the truth because one problem with such treaties is that we can sometimes find that what we think is the law is not the law at all.

I should be grateful if the Minister could provide guidance on something terribly important on page 29—the way in which legally we deal with people who have got into trouble. At present, under the Convention, Britain has the power to decide not to implement certain proposals. On the problems in Northern Ireland, for example, we said that we did not like what was proposed and wanted to keep certain powers for ourselves. However, the inclusion of things in a treaty makes them sovereign law, which could affect alleged criminals, vagabonds, rogues, terrorists and murderers from abroad in this country. The American Government, for example, could phone the Foreign Secretary or the Minister to say that they believe that two people responsible for the appalling attack on the twin towers and the 9/11 massacre have been seen in Birmingham or Manchester. However, according to page 25, we cannot send them to America if the death penalty is in force there. Is that the truth or not? I have read the treaty several times, and my understanding is that we cannot extradite terrible terrorists convicted of mass murder or

murdering children if the country to which we have been asked to send them has the death penalty and there is a danger that they will be subjected to it. That is an appalling situation. If I am right—the Government may say I am wrong—what on earth do we do with those alleged terrorists? Do we simply allow them to stay here?

The Foreign Secretary said that there is nothing in the constitution that affects strike action. However, if the European Union believes that things in the United Kingdom are contrary to the statement on page 30 it could intervene and tell us to change our ways. In Britain, we have an arrangement whereby strikes usually take place after a vote. However, could a union go to the European Court under article II-28 and say that in its opinion British law contravenes its rights as a trade union, so the requirement to hold a ballot is unjust?

Page 32 outlines an unusual procedure on the severity of sentences and says:

"The severity of penalties must not be disproportionate to the criminal offence."

If a criminal were given a two-year prison sentence in Britain, and if he thought that the sentence was too severe, could he go to the European Court and argue that the penalty should be overturned? If the Minister says that he cannot, why on earth is that astonishing statement included in the treaty?

Page 15 says that we have an obligation to co-ordinate economic, employment and social policies. How far does that extend, and will we be obliged to go in the same direction in those three policy areas? Finally, page 19 says that

"the Court of Auditors ... shall ensure good financial management"

of the European Union. Is it true that the Court of Auditors has refused to sign the European Union's accounts for eight years?

Mr. Kelvin Hopkins (Luton, North) (Lab): Nine years.

Sir Teddy Taylor: I apologise for my mistake.

What can be done? If the Court of Auditors is being asked to do something—

Mr. Deputy Speaker: Order. The hon. Gentleman has had his time.

3.32 pm

Mr. Mark Hendrick (Preston) (Lab/Co-op): The Irish presidency inaugurated on 1 January strove to complete negotiations on the treaty by June 2004. On 1 May, the EU expanded to 25 member states—another major EU milestone. After heated negotiations the draft constitutional treaty or constitution was finally agreed on 18 June.

The aim is to sign the constitution on 29 October, and it is to be ratified in due course by all 25 member states. It will result in the largest ever recourse to citizens' opinions in open referendums across the European Union. The Prime Minister's announcement of the decision to consult British citizens has created widespread concern about a possible rejection of the constitution in the UK. As I have said in the House before, I do not believe that a referendum is necessary, but it is nevertheless important in the eyes of the public, particularly if the single currency is to be introduced here, that arguments about our role in Europe and the ratification of the constitution are settled, and a referendum is probably the best way of doing so.

Although, as I said, a referendum on the draft constitutional treaty may not be a necessity, we are where we are. The countries that have decided to hold a referendum are those like Belgium, France and the United Kingdom. Many more countries are undecided or have decided not to hold a referendum. In terms of UK traditions, many hon. Members—I am one of them—take the view that the general public elect politicians to make decisions on their behalf.

Much of the detail and the minutiae that are bread and butter to Members of the House are not of great interest to the general public. There has been a fall in turnout at successive elections and a general lack of interest in many of the issues that we discuss. Nevertheless, now that a referendum is to be called, we have a duty to try and reinvigorate debate and get the public interested in subjects that are very important to their future and which have had a huge impact on their lives over the past 50-odd years, although many of them may not have noticed it.

Belgium's referendum will be consultative, not binding. Perhaps we should introduce some sort of threshold for our referendum, so that if the turnout falls below a certain figure—for example, 50 or 51 per cent.—the outcome will not be seen to be binding. It is important that any serious changes that are made as a result of a referendum be carried out with the support of the majority of the British people.

On the need for a constitution, other speakers have alluded to the succession of treaties that we have seen. The draft constitution is a consolidation of existing treaties. Some have called it a rulebook. Colleagues have referred to it as a tidying-up exercise. It is indeed a very big tidying-up exercise. To consolidate all those treaties in a document of just over 100 pages is a huge achievement and a considerable simplification. For the life of me I cannot understand why the official Opposition should object to producing a document 100 pages long that will make the operation of a European Union of 25 member states far more efficient than do the existing rulebooks, which must constantly be cross-referenced.

Mr. Walter: I do not know whether the hon. Gentleman has a different copy of the treaty, but mine has 164 pages.

Mr. Hendrick: Including the protocols and so on would bring the number of pages to about 160, but as regards the substantive issues that will concern people in a referendum, we can safely say that not all 160-odd pages will be considered by the general public.

The simplification is extremely important. For an effective Union of 25 member states, it is essential that we get the treaty through. The campaign needs to reflect that. The constitution will make possible a far better division of Union and member state competences. We will see the attribution of a legal personality to the Union. The instruments of action will be greatly

[Mr. Hendrick]

simplified. There will be measures to increase EU democracy, transparency and efficiency. The contribution of national Parliaments will be extended, as those of us who were involved with the Scrutiny Committee appreciate. Opposition to the constitution seems strange, given that the constitution gives national Parliaments a greater role than ever before.

Improving the structure, enhancing the role of institutions and, in particular, taking into account the consequences of enlargement will be a huge boost to the EU's future operation.

Enlargement is important to the development of the EU, which is why the Nice treaty was negotiated. I shall reiterate the point that I made earlier to the right hon. and learned Member for Devizes (Mr. Ancram): holding a referendum on the Nice treaty, which the Conservative party proposed, with a view to voting down that treaty would not have been conducive to EU enlargement to 25 member states.

The constitution will bring the EU closer to the citizens. By its very nature, the single document is more understandable for those who want to take the time to read it before casting their vote in the referendum. A recent Eurobarometer poll shows falling support for EU membership—nowadays, support for EU membership is below 50 per cent.—and we must make the case for Europe, which has not happened in this country for nearly 30 years.

A YouGov poll for *The Sunday Times* on 20 June shows the widespread misconceptions about the constitution's meaning. For example, 51 per cent. of respondents thought that the constitution would give the EU the power to control UK taxes, which is not the case, and 47 per cent. thought that we would be forced to join the euro, which is also not the case. Some 58 per cent. thought that Britain could no longer have its own independent policy on asylum seekers under the constitution, but the Conservative party has not mentioned that that matter would be subject to majority voting by which Britain could effectively opt out, and the press have not caught that point either. In that poll, 61 per cent. thought that the constitution means that the UK must change its laws on trade unions and strikes, and 46 per cent. thought that Britain would need EU approval before fighting a war. We know that all those points are false.

The poll also shows that although the public are against the constitution—asked how they would vote if the referendum were held now, 23 per cent. of respondents said that they would vote in favour and 49 per cent. said that they would vote against—that view is clearly based on misinformation. As elected politicians, we have a duty to challenge and dispel those myths. Certain newspapers do not want to let the facts get in the way of a good story and to make sure that the constitution is defeated.

Mr. Hopkins: Is my hon. Friend not making light of the public's opinion and common sense? I shall vote no in the referendum, and I do not think that I am ill informed. Indeed, certain newspapers support my hon. Friend's view.

Mr. Hendrick: I am sure that my hon. Friend is well informed, and I hope that the public are well informed by the end of the campaign.

Returning to the YouGov poll, when the public were asked to identify the things that matter most about the constitution, 60 per cent. said deciding tax rates, 52 per cent. said not being forced to join the euro, 38 per cent. said deciding policy on asylum seekers, 33 per cent. said deciding on military action and 32 per cent. said the right to leave the EU. Although debating individual articles or clauses may be the bread and butter of our intercourse in this Chamber, what is said in the Dog and Duck is different from our discussion.

Once the debate begins among the general public, I want to see an informed discussion. One of my hon. Friends made the point that factual documents based on the arguments for and arguments against should be made available so that genuine criticism, rather than misinformation and myths, can be levelled against the constitution. The case against the constitution is weak and it should not win the argument, but it is our job to defeat it and not to let people peddle myths and lies.

3.45 pm

Mr. Robert Walter (North Dorset) (Con): Some of my right hon. and hon. Friends may be a little surprised by what I say in the next 10 minutes. However, they will not be surprised by my reasons for saying it, because they are the same as those that I advanced in favour of a referendum on the constitution.

I have been a great supporter of our membership of the European Union ever since we joined, but I am seriously concerned that in those 30 years we have failed to take the people with us on the journey that we have made in its development and evolution. We have now reached a stage where the people as a whole have little understanding and little confidence in what is being done in their name. That Euroscepticism is not unique to Britain—it exists right across Europe. The democratic deficit seems worse in some other European states because people feel that it is inevitable and that they can do nothing about it. With the draft constitution, they will have the opportunity to send a message to the political elites of Europe that they would like somebody to stop and explain what is going on and what has been done in their name over the past 30 years, in our case—somewhat longer in the case of some other member states.

For all the spin that the Foreign Secretary put on the draft treaty, neither it nor the 50 pages of the White Paper provide the answer. When I read the Laeken declaration in 2001, I thought that we were beginning to go in the right direction and to pose some of the right questions. When I read the treaty—all 164 pages of it—I remembered that the one phrase in the Laeken declaration that stands out is

"simplification of the Union's instruments".

There is no simplification in this document. It has so much detail that one could hardly describe it as a constitution—it is a management textbook. Section 2, on page 65, deals with policies on border checks, asylum

and immigration. It goes into great detail about "integrated management systems". I love this phrase about the European Parliament in article II-38:

"It shall meet, without requiring to be convened, on the second Tuesday in March."

That is not what one would expect in a simplifying treaty—it is the sort of minutiae of management detail that one would expect those who are responsible for looking after our interests to be able to come up with as a modus operandi.

Much of what is in this document could soon be out of date and we will be back in another intergovernmental conference debating yet another constitutional treaty to bring all the verbiage up to date. What we need is what Laeken talked about—to be able to create European institutions that

"must be brought closer to"

their

"citizens. Citizens undoubtedly support the Union's broad aims, but they do not always see a connection between those goals and the Union's everyday action."

We all know that Europe has changed and is changing. It now has 25 member states, with the 10 new countries that joined this year.

We all face new challenges, not least securing Europe's borders against terrorism, illegal immigration and international crime. However, in the spirit of the Laeken declaration, we need a treaty that will make the enlarged European Union of 25 countries more effective, thereby allowing us to achieve more together than we can alone, without giving up our independence. It should make the EU more democratic, put national Governments firmly in the driving seat and give national Parliaments more say over European decisions.

The enlarged Europe needs to be more effective and democratic and we therefore need a simple and transparent constitutional treaty. The constitution was supposed to consolidate the existing treaties into a single document, with the aim of clarifying the EU's rules and making them more accessible to voters.

I believe that an effective EU is in Britain's interest and that it is also in our national interest to be a member of the EU. We have many aims in common and can achieve more together than alone, making us all richer, safer and more influential. However, even before the recent enlargement, we were struggling to cope with the rules and institutions because, as has been said, they were those of the six. The EU desperately needs modernising and we desperately need a new treaty that simplifies matters and makes the EU more effective, without the sacrifice of our national independence.

A new treaty should spell out in black and white the powers of the various parties. It should explicitly state that the EU has only the powers that member states choose to grant it. It should clarify what the EU can and cannot do.

Mr. James Plaskitt (Warwick and Leamington) (Lab): Has the hon. Gentleman read and noted article 9, which would do exactly what he seeks?

Mr. Walter: Of course I have read and noted article 9 as well as all the other articles in the treaty. The problem is that it contains so many articles that it provides no clarification of what the EU can and cannot do. It complicates the decision-making processes between the institutions of the Union and the member states. The treaty should be crystal clear about countries' retention of the veto in key elements of national sovereignty such as tax, foreign policy and defence. That is not clear in the document. Although it goes some way towards removing the open-ended commitment to ever closer union, it does not make it absolutely clear.

I would support a treaty that made the EU more open and accountable. I pay tribute to my right hon. Friend the Member for Wells (Mr. Heathcoat-Amory) and the hon. Member for Birmingham, Edgbaston (Ms Stuart) for their work on the Convention and their subsequent comments. However, despite their efforts, we have not got that sort of treaty. As we move towards a referendum on ratifying the treaty, we should be clear that conveying a message to the leaders of Europe that the document is unacceptable in no way means that we are anti-European or that we do not want the European Union to succeed. I stress that we want it to succeed.

There is a danger of overreacting to the undoubted success of the UK Independence party in our recent European elections. We must make it clear that withdrawal is not an option and that rejection of the treaty does not imply any such action. The anti-Europeans often tout the examples of Norway or Switzerland as attractive alternatives. We must make it absolutely clear in the debate on the constitution that those alternatives are not acceptable to the British people. We must reject such a fantasy. To gain full access to the single market, Norway has to implement all the EU regulations that we must with no say in the way in which they are set. Norwegians often refer to their country as a fax democracy because the laws by which they live arrive on a fax machine from Brussels.

Switzerland is bound by the same laws. Recent figures from the European Commission show that Norway has a better record of implementing EU regulations than the United Kingdom—and, indeed, a better record than 14 member states. It has failed to implement only 0.7 per cent. of the regulations; the UK has failed to implement 1.5 per cent.

Mr. Hopkins *rose—*

Mr. Walter: I am sure that the hon. Gentleman will add to the list.

Mr. Hopkins: Is not the crucial point about Norway that it is free to choose its own economic and social policies, and need not abide by the rules of, for instance, economic and monetary union?

Mr. Walter: It need not abide by those rules, but when it comes to access to the single market—the most important aspect of the EU—it must comply with the rules and regulations laid down in Brussels. I consider one option suggested for the United Kingdom, whereby we would take a step back and adopt the same status as Norway or Switzerland, to be totally unacceptable.

Both Norway and Switzerland, moreover, must contribute to the EU budget. There is a myth about that as well. I think that the Norwegians are committed to

[Mr. Walter]

paying some €1.1 billion over the next five years, and in May the Swiss agreed to pay some €650 million over the same period. That too is not an option.

We need a tidying-up, simplifying treaty—a short document that merely lays down the competences and makes the institutions and processes of the EU both transparent and accountable. This constitution does not do that. I believe that it should be rejected by the people in a referendum, and that we should renegotiate to bring about something more in line with the Laeken declaration.

3.57 pm

Chris Bryant (Rhondda) (Lab): I am grateful for the opportunity to speak, and grateful for the debate itself. It marks an important moment in the EU's transition from one phase of its life to another.

The hon. Member for Rochford and Southend, East (Sir Teddy Taylor) referred to article 19 of the charter of fundamental rights. He asked for clarification of paragraph 1; as I am sure he will understand, it is self-evident. Paragraph 2 merely incorporates case law from the European Court of Human Rights dating from 1989 to 1996. I thought it obvious that for many years we in this country had pursued the policy of not extraditing people to countries in which they were likely to suffer the death penalty for crimes that they might or might not have committed.

Sir Teddy Taylor: What does the hon. Gentleman think we should do with, for instance, terrorists who have done some jobs in America—blown up 3,000 people, perhaps?

Chris Bryant: The hon. Gentleman said earlier that the charter of fundamental rights was bringing about a significant change, which would affect the UK. There is no such change, however: the provisions are already established in European law and, indeed, in our own law. The hon. Gentleman's point was poorly made.

We have reached an important moment, not least because by virtue of the constitution we have changed an ambition that until now the European Community—the European Union—has always claimed to have. I refer to ever-closer union. Article 1 of the original treaty stated that that was its aspiration, but the new article I of the constitution contains no such phrase. Indeed, it explicitly states what has never been stated before: that member states confer competences on the European Union to attain objectives that they have in common. In other words, it is not the European Union of itself that determines what competences it has.

Opposition Members have tried to suggest that this is a federalist document. How, in that case, could one of the leading federalists of Europe, Giuliano Amato, say on reading the final draft "I want to die"?

It is clear that the proposition before us flies in the face of anyone who wants a federalist agenda for Europe, so there is a changed ambition for Europe.

Of course, there is also a changed Union. We know that, by virtue of this year's enlargement—10 new members have joined the European Union, which marks a very significant change in the number of seats round the table, if not as significant a change to Europe's economic ability—we are no longer the gentlemen's club that we once were. When six members could all sit round a dining table and agree the future of Europe, the proposition was very different, and one needed a very different set of rules in order to make the Union operate effectively and efficiently.

It is not only the number of members that has changed; the international political environment has also changed radically in the years since the European Economic Community was founded. The collapse of communism has changed significantly the bipolar relationship into which Europe tried to fit itself; indeed, many of those who once fell under the shadow of communism have now entered the European Union. We must take seriously the rising tide of international terrorism, but we can do so only if we co-operate more fully. It is clear that countries that opposed the war in Iraq, such as France, and countries that supported it, such as Spain, are equally likely to face the wrath of international terrorism.

We also need to face down an argument advanced by many people since the constitution was published. Both Robert Kilroy-Silk and Tony Benn were arguing the other day that Britain has been lied to over the years. The argument is that when we originally joined the EEC we were told that it would be only a common market and an economic venture. But the truth is that, from the outset, the vision for the Common Market involved a political objective—not least, trying to ensure a peaceful continent for ever. I say to Conservative Members and others who argue that we should return to simply an economic union—a single market and nothing more—that the economy is never hermetically sealed. I do not believe in laissez-faire politics; I believe that the economic is political. One cannot split the two into a false dichotomy.

This is also an important moment because it marks a changed rulebook. The old amalgamation of treaties, which I knew to be an imponderable set of proposals when I worked for the BBC in Brussels—*[Interruption.]* That is all the bêtes noires of the hon. Member for Stone (Mr. Cash) combined into one. When working for the BBC in Brussels and trying to make sure that Rupert Murdoch did not win his fight against BBC News 24, I knew that the old amalgamations of treaties—the "TEC" and the "TEU", as people used to call them—with their layer upon layer of different obligations on member states and the Commission, were simply unworkable. Because of the complex arrangement of "pillars", they made no sense to the ordinary citizen—or, for that matter, to the ordinary lawyer, many of whom were making a very good living out of trying to explain the treaties to the various officials.

The old system offers no clear delineation of the Commission's powers, which is a major reason why we have witnessed Commission creep over the years. At one point, the Commission was trying to tell Europe what public service broadcasting should be like in every country in Europe. That was possible because given the treaties' current form, it can be argued that the Commission has a competence in that area. The new delineation of competences makes it extremely clear that the Commission does not have that power. The new structure, involving five areas of exclusive competence, is much better and will put an end to Commission creep.

Contrary to what the shadow Foreign Secretary said earlier, a constitution is a good thing. A constitution provides what many Conservative Members have clamoured for for years: some clarity about what the Commission does, what the Council does, what member states do and what the European Parliament does.

None of those things have been clear in the past and it is precisely such vagueness that will be abolished by the constitution. That is why I do not reject the idea of a constitution per se, as the Conservative party seems to do: indeed, I welcome it.

I believe that the status quo—what one is effectively arguing for in voting against the constitutional treaty—will simply not hold and that a no in the referendum would effectively be a yes to the vagueness, complexity and bureaucracy of the present system. In short, it will be a yes to Maastricht.

We have heard a lot from the Opposition over the last few weeks about why this particular constitutional treaty is not right and about how they might be enticed into voting for a different constitutional treaty. One of their arguments is that the present treaty is simply not flexible enough and does not allow for a flexible Europe. I want a flexible Europe and I would like, in the words of the Conservative party, a live-and-let-live Europe. That is why article I-43 provides an admirable way of allowing for enhanced co-operation, but I also believe that we need provisions to ensure that, when other countries co-operate, it does not worst the other members who are not taking part. Otherwise, it would be failing to allow live-and-let-live and allowing only live-and-let-die.

Another argument sometimes advanced relates to the primacy of EU law, particularly as expressed in article I-5. Of course there should be primacy of European law in certain areas where it is right for Europe to have the competence. European Court of Justice case law has applied since 1964, and I have to say that it is in our best interests. If something has been agreed around the table and it is within the competence of the Union to decide something, it is in our interest that all the other countries in Europe are signed up to it. Otherwise we would be cutting off our economic and trade noses. Many of this country's businesses have desperately wanted internal market provisions, for example, to be enforced effectively across the other European countries so that British businesses can do better business in Europe.

The truth is that Conservative opposition in that respect is contrary to the best interests of British business. That is undoubtedly why the Lords European Union Committee said that that doctrine was a "well established" and "key element" of the Union's legal order. The Conservatives are working against the interests of business in this matter and in favour of legal disorder in Europe. This is not a "new legal order", as the Conservatives state in their document published yesterday, and I have to tell them that hyperbole may make good campaign slogans, but it makes for poor politics and, even worse, poor government.

Much has been said about the co-ordination of economic and employment policies, where articles I-14 and I-11(3) are particularly relevant. In actual fact, contrary to what the shadow Foreign Secretary said earlier, there has been a change from the original document, because it is now the member states that

"shall coordinate their economic policies within the Union".

Paragraph 3 of article I-14 also states:

"The Union shall adopt measures to ensure coordination of the employment policies"

of the member states.

I hope that the UK will vote yes. The status quo is unsustainable and the present treaties are too complex and labyrinthine. The present structures of the EU with its pillars and its rotating presidency may be a good fairground attraction, but its cumbersome bureaucracy is not fit for the purpose

Madam Deputy Speaker (Sylvia Heal): Order. The hon. Gentleman's time is up.

4.8 pm

Mr. David Heathcoat-Amory (Wells) (Con): I was intrigued to learn that the hon. Member for Rhondda (Chris Bryant) used to work for the BBC in Brussels; I thought I had heard that speech before somewhere. His legacy lives on in some of our national broadcasting editorial departments. Unfortunately for them and for the hon. Gentleman, this matter is to be decided by the people, and I expect an entirely different outcome.

To start on a note of agreement, the coming of a written constitution is a big event for any country. We have not had a written constitution in this country since after the civil war, in 1653. It did not last for very long, but at least it was drawn up in this country, whereas the European constitution has been drawn up by others, in a contorted series of negotiations during which the Government conducted a long series of retreats.

The result is a document of truly fantastic complexity. Contrary to assertions made earlier, especially by the hon. Member for Preston (Mr. Hendrick), the result is longer than the treaties that it replaces. There are more pages, articles and protocols than in the existing treaty. Quite simply, the simplification drive has failed.

Mr. Hendrick: Will the right hon. Gentleman remind the House that he was one of this Parliament's representatives at the Convention? The right hon. and learned Member for Devizes (Mr. Ancram) said that only 10 per cent. of our amendments to the Convention were accepted, but will the right hon. Gentleman say how many amendments he put forward, as it is obvious that this document bears no relation to anything that he would want?

Mr. Heathcoat-Amory: I freely concede that the Convention failed utterly in its aims. It was told to create a simpler, more democratic Europe that was closer to its citizens, but it failed on each and every count. That is why I did not sign the final document. Instead, I submitted a four-page minority treaty, which was signed by a number of other conventioneers. I think the people of this country would far rather have that as their governing treaty in Europe.

The document's complexity does not disguise the awesome nature of the changes that it introduces. In this country, we are debating matters such as the future of the judiciary, the establishment of a supreme court and the future of the Lord Chancellor. However, the reality is that the supreme court in this country will be the

[Mr. Heathcoat-Amory]

European Court of Justice, as is made practically explicit in the document. That court, to which this there is no appeal, will decide on the interpretation of the constitution.

I was interested to note that the House of Lords report on the ECJ—which was compiled by a Committee dominated by those in favour of more European integration—pointed out that

"if the Court is the ultimate arbiter on the extent of the Union's competence, it follows that the Court also has the final say in defining the extent of Member States' powers."

We are therefore handing over, explicitly and formally, the powers of this House to another jurisdiction. No other interpretation is possible.

My hon. Friend the Member for North Dorset (Mr. Walter) mentioned the complexity and confusion of the provisions governing the allocation of powers. He is absolutely right: the concept of shared powers does not advance the distinction at all, especially given that the definition of sharing means that, when the EU legislates, member states lose altogether the right to do so themselves. However, the additional point is that, in any difference of view about exactly who does what, this House and any court in this country will be literally powerless. Such matters will be decided by the ECJ.

When we hand over more powers whose definition and enforcement are in the hands of another court, what will be the point of holding elections in this country? That is where the democratic imperative comes in. There is already widespread disillusionment about politics in this country. Fewer and fewer people vote in elections, and the turnout across Europe in the recent European Parliament elections fell for the fifth time running, reaching an all-time low. People do not see that Parliaments have any relevance when it comes to the political choices facing them.

A crisis will arise if the matters that we put before the people in general elections—all those policy issues that we debate and divide on in this House—are no longer for this House to decide because the constitution has transferred them to the EU. In many cases, those matters will be decided, and initiated, by those who cannot be voted for by the people of this country, and who certainly cannot be removed by them.

The Government are now trying to sell this wretched document to the public at large. They have repeated the rather stale hope, as we heard the Foreign Secretary do, that the House—the national Parliament—gains some addition leverage on subsidiarity. As the hon. Member for Birmingham, Edgbaston (Ms Stuart) said, that is not true. The Government tried to give additional powers, including a kind of veto power, to the national Parliament over measures that breach the subsidiarity principle, but they comprehensively failed in that, as they did in most of the rest of their amendments. We can do no more than raise the issue; the final decision will, as always, be with the European Commission and the European institutions.

I am afraid that the Government are resorting to cruder techniques with the public. I was disappointed to read during the recess that the Europe Minister, who is sitting on the Treasury Bench, was suggesting that those who criticised the constitution and the European Union were motivated by xenophobia and even racism. This is the same Europe Minister who called the President of Venezuela, Senor Chavez, "a ranting populist demagogue". The President has been reconfirmed in his position in a recent referendum. The new Foreign Office doctrine seems to be that it can be personally abusive and rude about the elected leaders of non-European countries, while at the same time criticising Members of Parliament who criticise the European Union and its institutions. If this is how they are to conduct the debate about the constitution, we have been warned.

I was further disappointed on reading—at least in outline—the White Paper published this morning, to see that there was no mention of the red lines. We all remember the red lines in last year's White Paper—issues on which the Government were absolutely not going to give way under any circumstances. Those red lines have been completely forgotten in this White Paper. Why are they not mentioned? Because the Government gave way on them.

Criminal justice procedures, including sensitive issues governing the rights of the accused and rules of evidence that form the basis of many criminal justice Bills going through the House, are now to be decided by qualified majority voting. That is why elections will not make any difference. If a shadow Home Secretary proposes a change in the law on criminal justice procedures and wins an election, he will not be able to do anything: decisions will be made over his veto, by the European Union and qualified majority voting. That was a red-line issue to be reversed, and the Government failed.

All we have now is an emergency brake, whereby if some measure fundamentally alters the entire legal system of the country, we can insist on a veto. However, that is not how the European Union works. I am a member of the European Scrutiny Committee. We considered 1,000 measures last year. An emergency brake cannot be pulled on each one. It is the incremental build-up of laws and directives that constitute the acquis communantaire—all 97,000 pages of it. An emergency brake, which may be used in some supreme eventuality, is irrelevant.

The red line on criminal justice was overridden. The same is true of social security, on which there is some emergency brake. Meanwhile, social security payments for migrant workers and the self-employed and their families, are to be decided by majority voting, which is contrary to all the assurances given to the House in the run-up to the final negotiations. The same is also true of the European public prosecutor and the compulsory co-ordination of employment policies. All those were promises that were given to us solemnly—and given to my Committee—in the run-up to the negotiations, but they were simply ignored.

What we require from the Government, and what we have not had today, is an explanation of how that advances democracy. How can it be that transferring more powers away from this House, upwards to the most remote tier of Government of all, in any sense brings those European decisions closer to the people, as we were instructed it would?

This document is an outrage. The only redemption is that we are to have a referendum on it: that is to say, we will if the Government do not do the same as they did with the referendums on the regional assemblies; it

looked as though they were losing in the north, and so now they will not be held. I would like an explicit undertaking and assurance from the Minister replying to this debate that we will have a referendum, because if we do, people will vote for self-government, not this document.

4.20 pm

Mr. James Plaskitt (Warwick and Leamington) (Lab): The constitution is undoubtedly seen by some of its opponents as part of a plot to create a European superstate or as part of some conspiracy. I know that not all of its opponents see it that way—there are some reasoned, perfectly respectable arguments to use against the constitution, or parts of it—but we have heard quite a bit this afternoon from the former category. I am surprised that the right hon. and learned Member for Devizes (Mr. Ancram) comes in that category. We certainly heard some more of the conspiracy arguments from the right hon. Member for Wells (Mr. Heathcoat-Amory), who seemed to think that the constitution was something driven by a sinister force in Brussels seeking to foist something terrible on the unsuspecting people of Europe. One certainly gains that impression from certain sections of the British media, who seem unable to say anything objective or truthful about the draft constitution.

The truth of the matter is that there is no plot here. There is nothing sinister going on at all. There is no stealthy move to impose some European superstate. This is a process. It is a process that is being driven by a simple and clear logic. It is being driven by what is happening inside the European Union, which is undergoing enormous change, partly or largely as a result of the expansion that has just taken place and the further expansion to come. Expansion fundamentally changes the nature of the Union. The process is also being driven by what is happening in the rest of the world, with the acceleration of the move towards a global economy. In the most fundamental sense, Europe is simply responding to those pressures.

It is important before going into the detail of the constitution to step back for a moment and look at the context and the EU's fundamental achievements since it was created almost 50 years ago. It has brought about a powerful grouping of nations that constitutes the world's largest trading bloc. It has brought about political stability not previously seen in Europe. It is worth reminding ourselves that three of its established members are pretty new democracies and eight of the members that have just joined are extremely new. Some of the countries on the applicant list will also be very new democracies. We should not disregard the EU's contribution to spreading and reinforcing the democratic guarantee in Europe.

The EU has also brought about a structure that delivers co-operation and joint working on a range of transnational issues which now dominate our age. How do we sort out global communications? How do we tackle environmental protection? How do we deal with mass migration? How do we organise trade flows? How do we tackle cross-border crime? How do we reinforce human rights? We have to address those issues not as separate nation states that never co-operate with each other. They are forceful issues to which countries and Governments must respond.

The European Union has also brought about an unprecedented period of economic stability and steadily growing prosperity in Europe. Let us consider for a moment rolling back the whole enterprise. Imagine that it was not there. Go back to before the treaty of Rome; to a Europe of 25, 30 or 35 totally autonomous separate nation states. It is inconceivable that that arrangement would be able to endure into today's world. There would be no instrument of authority on the scale required to deal with many of today's economic and political issues. We would have Balkanisation right across Europe, with impoverishment as the only result. I do not accept for one minute that some sort of loose basic trade association could possibly be a viable alternative.

As I said, the process is driven by simple logic, the real nature of economic activity and the transnational nature of the dominant issues of our time. If that is the case, why is there so much Euroscepticism, which we have heard in the debate and which we hear in our media? There is a fairly simple answer to that. The more the European Union acquires powers and influence, and the more its competence expands, which it unquestionably has, the greater demands are placed on it in relation to accountability, and the more questions are asked about its structures. Who is in control? Who is setting the course? Who takes the blame when things go wrong?

When we ask those questions of the European Union, its present structure is found seriously wanting. The EU's house is not in order.

The dominant fear is of a steady, continuous, unstoppable process of integration, with no defined finishing point. Because there is no defined finishing point, critics conclude that the only conceivable finishing point is a big, federated political union—a European superstate. Indeed, the EU's structure provides some support for such fears. Its rulebook is a maze of four treaties with three pillars. It has a bizarre executive structure, which gives a considerable degree of permanence to the motor—the Commission—but ensures constantly changing occupants of the driver's seat. It also has a peripatetic Parliament. If someone were designing a grouping of nations from scratch, they would not come up with the present design.

The constitution is proposed as a means of addressing the weaknesses in the EU's structure. Other hon. Members have mentioned the Laeken declaration, and I shall quote a short section of it. It says that people

"want the European institutions to be less unwieldy and rigid and, above all, more efficient and open. Many also feel that the Union should involve itself more with their particular concerns, instead of intervening, in every detail, in matters by their nature better left to member states' and regions' elected representatives. This is even perceived by some as a threat to their identity. More importantly, however, they feel that deals are all too often cut out of their sight and they want better democratic scrutiny."

Those observations do not come from a Eurosceptic document from a political party: they were made by the elected Heads of Government of the EU in December 2001.

The constitution fulfils the aspirations set out in the Laeken declaration. It will do away with the encyclopaedia of treaties and their supporting pillars and replace them with one simple rulebook, 80 per cent. of which is distilled from the existing treaties. The

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constitution also sets out clear rules about who does what, and puts a stop to the competence creep that has characterised recent EU history. It establishes for the first time in the EU's history who has which competence. Article 235 of the Rome treaty will be replaced by new article I-9, which inverts the assumption in the original treaty. New article I-9 states that

"the Union shall act within the limits of the competences conferred upon it by the Member States . . . Competences not conferred upon the Union . . . remain with the Member States."

In other words, that is a complete reversal of the principle enshrined in the Rome treaty. But I have not seen a single Eurosceptic newspaper in the UK report that fact. The constitution also corrects the imbalance in the Executive by creating a comparable permanence between the Council and the Commission. It strengthens the role of the member state Parliaments and gives them for the first time the right to send back proposals for rewriting.

The constitution marks a profound rebalancing of forces and powers within the EU in favour of the citizen, and in favour of the member states, as requested in the Laeken declaration. It is the decisive rejection of the alternative vision—a Europe that is centralised, uniform, bureaucratic and destined to become a superstate. The fact is that a European superstate cannot be built on this constitution. In fact, we would be much more likely to get a superstate, by stealth, if we persevered with the current mishmash of treaties and the current imbalances of power. The constitution is a far better defence against a superstate than the current bundle of treaties.

The EU's processes have become opaque. It is not clear to most of the people of Europe where the Union is headed. It is not clear who does what. In that context, it is not surprising that public confidence is low. The EU urgently needs to put its house in order. That is what this constitution does and that is why it should be welcomed and supported.

4.29 pm

Mr. Elfyn Llwyd (Meirionnydd Nant Conwy) (PC): We know that the constitution is meant to roll into one the treaty of Rome, the Single European Act, the treaty of Maastricht and so on, and many people think that it is purely and simply a tidying-up exercise. However, it is probably more than that; it certainly contains some important new provisions. Common sense dictates that a European Union of 25 is quite different from one of 15 or of six.

It is obvious from reading the document that, where EU member states choose to co-operate, EU law takes precedence over national law. That is nothing new; it has been the case since 1973. The document reaffirms that the Union is meant to be a union of nation states and not a European superstate. According to a recent House of Lords report,

"there is considerable reassurance in the draft Treaty for those who fear that the EU is becoming too like a State."

That is a clear statement; the document is not the precursor of a superstate. It clarifies—albeit not perfectly—what the EU can and cannot do, which is extremely important.

A cursory reading suggests that the constitution enhances the role of national Parliaments. Whether that will be true, I know not, but that is what the constitution is meant to do. It states that if a third of national Parliaments oppose an EU law they can insist that the Commission review it. However, I listened carefully to what was said earlier on: the scrutiny processes in this place are abysmal and they need to be addressed.

I do not see the presidency of the European Council as a true presidency, but it makes more sense for the person to hold office for two years rather than six months if there is to be the policy cohesion and continuity that there should be. Reference to a Foreign Minister is not a precursor of a superstate either. There is a genuine role for the EU on the world stage and such a position is one way of assuring that role.

There is to be a simpler, more efficient voting system. That is a good idea. A simpler system would make it easier for Governments to make decisions. One proposal is that decisions would require the approval of a majority of member states, representing at least 60 per cent. of the EU's population. Such a system could be more democratic because power would be better spread throughout the Union.

There are various responsibilities. The EU already has competence in competition policy, the single market, common trade policy, customs union and marine biological resources under the common fisheries policy. It has sole responsibility for monetary policy in countries that have adopted the euro. That is known and none of it is new; it has simply been restated.

On asylum and immigration policy, it seems that member states would keep the right to decide how many work visas to issue and of what type they should be. The treaty simplifies the legal basis of Europol, which is important, especially given what was said earlier about cross-border crime and the smuggling of drugs, guns and so on. Such a measure is not a bad thing; it is entirely reasonable and there is nothing drastically new about it. We discussed the issue in a separate debate last year.

It is welcome that member states will retain their national veto over foreign policy. That is perfectly acceptable and will not lead us into any kind of superstate.

I want to mention some of the things that concern Plaid Cymru. We were the first party in the UK to call for a written European constitution and a binding charter of fundamental rights, so in principle we welcome the current move.

The charter of fundamental rights had already been agreed by the European Union, but only as a voluntary measure. Now it will probably have legal force. It includes the right to join a union, the right to strike and more specific rights such as rights to information and consultation. However, it is unclear what actual legal status the charter will have. The British Government need to make that more explicit, because the Foreign Secretary did not answer that question when he opened the debate. I believe that legal opinion is that the European Court will be able to use the charter in all its decisions, and the European Court has often produced decisions that were deemed friendly to workers. However, we should like to know whether the charter will be binding as a legal document, and to what degree.

I would like to see the National Assembly for Wales being consulted at a better level and more often than it is at present. I understand that the state Parliaments will have rights of consultation and so on, but I would hope that the devolved assemblies and Parliaments also will have a real function in all of this. I say that because, if devolution is to work, the principle of subsidiarity must surely be embedded there as well, not only in European parlance.

I welcome article I-3.3 on sustainable development, one of the EU's overriding objectives, with the environmental protection measures at its core.

I want to mention three or four points that are very important to us as a party. First, we believe that the National Assembly should be consulted by the UK Government before the Commission publishes proposals relevant to its powers, as will the national state Parliament of member states. Secondly, I ask that the devolved territories or Administrations have real representation on all relevant UK delegations in the Council of Ministers and in the preparatory meetings of COREPER. When deciding whether a proposal infringes the jurisdiction of a national or regional institution under the protocol on subsidiarity, we believe that the House of Commons should exercise one of the UK's votes and the other should be decided by the legislative assembly of the devolved territory affected, on a rotational basis if necessary.

Finally, we read this week that the Irish Government have said that they believe that the Irish language should become an official language of the EU. I heard the Father of the House say that if everybody is going to fight for their language—*[Interruption.]* Yes, the Minister knows what is coming next, but let me just say this. If we are to engage in a meaningful discussion on the constitution, at the very least the Welsh language should be in there. If we are to have a meaningful dialogue during the referendum campaign, which we all sincerely hope will happen, at the very least the constitution should be translated into Welsh. I would hope, and our party would hope, that in due course Welsh does become an official language of the EU. We have always been pro-integration and frankly, with great respect to our Irish colleagues, more than three times as many people speak Welsh as speak Irish. That is not meant to be one-upmanship, but clearly—

Mr. Dalyell: I should like to ask the hon. Gentleman how many Welsh people likely to take an interest in these documents cannot read English as well as he or I?

Mr. Llwyd: With great respect to the Father of the House, that is not the issue. I speak Welsh as my first language. I am a barrister by profession and I can do court cases in either language, but I would prefer to speak my first language when I am able and wish to do so. The House passed the Welsh Language Act 1993, and the spirit of that Act is that every person in Wales who has a public service delivered to him or her should, if he or she opts for it, have it delivered through the medium of the Welsh language. If I may say so to the hon. Gentleman, for whom I have a high regard, the Father of the House makes a rather empty point there.

At the end of the day, these points having been considered by Governments, it is likely that our position will be that we will support holding a referendum and that we shall be positive and that we shall work hard in that campaign. It is likely to be a similar position to our 1997 devolution referendum position. The plan that is being put before us is not really a stark and awful Kafkaesque version of Europe. It does not, I believe, radically alter the face of the European Union beyond the principle of being a written constitution and it is not as radical as the Maastricht treaty or indeed the 1986 Single European Act.

However, the proposal leaves considerable power in the hands of member states. It is a tidying-up, but there are new provisions. I, for one, do not fear them. I will take part, I hope, in a rational, reasonable discussion during the referendum campaign. I believe that this is a step in the right direction. This is the first time that the Union's powers and structures will be set out in a single document, and I believe that the institutional reform is highly necessary for a growing Union.

4.40 pm

Mr. Kelvin Hopkins (Luton, North) (Lab): First, may I say how strongly I support the point made about the Welsh language by the hon. Member for Meirionnydd Nant Conwy (Mr. Llwyd), who speaks for Plaid Cymru? It is very important that minority languages are preserved as creations of humankind—but that is not the main point of my speech.

I congratulate the Government on deciding to hold a referendum. I understand that congratulations are due to my right hon. Friend the Foreign Secretary on persuading the Prime Minister about that sensible course of action, and I wish that he was here to hear my congratulations; perhaps another time.

It will be no surprise to some of my hon. Friends and, indeed, other hon. Members that I will not vote in favour of the treaty—I shall come to my reasons later—but the doubts about the treaty are widespread across Europe among those on the left. I say that because the issue is sometimes portrayed as a left-right argument, but I do not think that it is: the left in Europe is profoundly concerned about the treaty and what it entails.

Today, I understand that Laurent Fabius, the former French Prime Minister, is about to express his doubts about the treaty. I do not know whether he will vote for or against it, but his supporters are certainly saying that they should vote no, and others on the left in France feel equally strongly. The French have decided to go for a referendum. Indeed, it is possible that the French may have a close-run referendum, as they did over the Maastricht treaty.

Others have doubts. Doubts may be growing among those on the left in Germany because of high unemployment. There are serious disturbances, particularly in the east, where unemployment is high and there are threats to cut benefits. When German working people start to make the strong connection between the rules of the eurozone and, indeed, the rules imposed by the EU on their economy, they may have some serious doubts about pursuing the constitutional treaty. There is a direct connection.

The poor East Germans, in particular, have suffered a double whammy. First, the one Ostmark for one Deutschmark overvaluation of their currency led effectively to the closing down of all East German

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industry. Fortunately, the recycling of billions of Deutschmarks helped them to survive that trauma. Secondly, the Deutschmark was overvalued when it entered the euro, causing the same deflationary problem that the East Germans faced. Although the problem is perhaps not so extreme, it has had a similar effect.

Mr. Hendrick: My hon. Friend refers to the French referendum and expresses views on whether the Germans should have one, but in an interview with the *Financial Times*, the German Chancellor, Gerhard Schröder, said:

"The German constitution does not allow for a referendum. We will have a parliamentary process".

I sometimes wish that that were the case here. What is my hon. Friend's view on that?

Mr. Hopkins: I understand that, only a week or two ago, the German Chancellor proposed changing the law in Germany to permit referendums, although not specifically in relation to the treaty. Of course, German Governments change. Sadly, there might be a reversion to the right, which I would very much regret, and a change in the German constitution and position.

Chris Bryant: In fact, the Christian Democrats in Germany are arguing very passionately against introducing a referendum provision. That almost certainly makes such a change in the German constitution impossible, because it would need a significant majority in both Houses. Of course, it is interesting to note that that is the sister party of the Conservatives in this country, with which they share operations in the European Parliament.

Mr. Hopkins: My hon. Friend makes the point that the politics of Europe are confused in every country. Indeed, there are divisions in almost every party, and I know that several Social Democrats in Germany have a profoundly anti-eurozone view.

Doubts have also been expressed by euro-enthusiasts. During the negotiations on the treaty, John Monks said that the support of the European Trade Union Confederation could not be guaranteed if Britain successfully reduced the effect of the Human Rights Act 1998 on employment legislation, although I think that that has probably now been overcome. That illustrates the struggle between social democracy and neo-liberalism, which is what underlies the European debate. I am a profound supporter of social democracy and think that post-war social democracy has led to the peace that we have enjoyed for the past 50 years—most of my lifetime. The full employment, the redistribution of income and wealth, the welfare state and the social justice embodied in post-war social democracy, together with Keynesian economics, have led to the peace that we have enjoyed in western Europe, not the European Union. Recently, a report by Ian Milne entitled "A Cost Too Far" suggested that growth in EU countries had been slower than that in comparable countries outside because of the deflationary impact of the eurozone especially and European economic policies in general. There are worries on the left as well as the right.

It was interesting that, when the combined opposition of Spain and Poland brought down the last proposal for a treaty, there was palpable relief in Whitehall because it meant that Britain would not have to face the agonising task of persuading its people to vote for it. Indeed, it was thought that the treaty would not be brought back for many years and that we could forget about it—thank goodness for that—and concentrate on joining the euro, which the Government were perhaps more interested in. The treaty has come back, but as has been reported widely in the newspapers, there is even now a sense that the Government would be grateful if another country voted no before our referendum so that we would not have one. Are Governments more concerned about losing face than the treaty itself? *[Interruption.]* Well, the Government are committed to holding a referendum, which I support strongly, and I have said before what my position will be. However, if another country votes no before then, I suspect that champagne corks will pop in certain Departments of State in Britain. I shall certainly pop my champagne cork on that day.

There is still a grave doubt surrounding precisely what Europe is about. We hear almost daily of debates about whether we will have a Christian commonwealth of some kind—Giscard d'Estaing's view is that it is really about Christianity. There are severe worries that that might exclude Turkey, but the Americans want Turkey to join because it would tie a Muslim country into the European Union. The membership of such a country, especially one that borders on the oil lands of Iraq and beyond, would be interesting for western strategic reasons.

The right hon. and learned Member for Devizes (Mr. Ancram) tried to assert that the Conservative party had always supported enlargement, but I heard Sir Edward Heath oppose it in one of his last speeches in the House. He believed in a tightly drawn group of heavily integrated western European nations and thought that enlargement would loosen that arrangement. The European Union was originally a bloc of western European nations of similar economic standing that could work well together. As soon as one goes for enlargement, the bonds start to loosen and the arrangement becomes more sensible, so I strongly support it on those grounds.

Retiring Commissioner Frits Bolkestein referred this week to the possibility that we will have an Islamic European Union. That is nonsense. However, we should not be a Christian European Union, but a Union that embraces all beliefs, whatever they are, with democracy at its core.

I return to my main point that the essence of a modern democracy is control over one's economy. If one does not have that control, one has democratic control of hardly anything. Economic power should therefore be retained by member states. We should co-operate voluntarily with other member states, but economic policy should not be decided at a level above the member states.

Mr. Mark Lazarowicz (Edinburgh, North and Leith) (Lab/Co-op): What is my hon. Friend's assessment of

the extent of the control that Switzerland and Norway enjoy over their domestic economy compared with EU countries?

Mr. Hopkins: I am glad that, like us, Norway, is not a member of the eurozone. It has close relations with EU countries, adopts European rules and, like us, is closely involved in the European Union. It is not, however, a member of the eurozone—that is the core of the issue—and can choose its economic policy. We are all part of the world economy and are all buffeted by global economic forces, but we can at least choose our own interest rates, exchange rate and fiscal policy, and we can decide to reflate or deflate. That is not possible for members of a union in which policies are decided by unelected central banks. That is of fundamental significance. Norway, like us, is free of that control at the moment. *[Interruption.]* My hon. Friend the Member for Rhondda (Chris Bryant) asks about Britain, which has handed power over interest rates to our central bank to control inflation. However, if the Bank of England started to deflate heavily before an election the Chancellor would have a few words to say about that, and we can always take back that power if we choose. *[Interruption.]* I would be happy to do so, but I have no criticisms of the Bank of England at this stage, as it is doing an excellent job on interest rate policy. Indeed, I am pleased that its previous Governor has similar views to mine about the eurozone and our membership, or not, of it.

There are serious worries across the European Union, particularly in labour movements, about its direction and the way in which we govern our economies. The best example is the Swedish vote on the euro last year, when the left, including the trade unions and the social democrats, was worried about the threat to the welfare state and voted against membership of the eurozone. We, too, should continue to oppose membership.

Finally, the treaty makes inappropriate reference to the institutions of the eurozone, which is a major reason why I do not support it. There should be a separate document on the eurozone that has nothing to do with the treaty, if we vote in favour of the treaty at all. Only a minority of member states belong to the eurozone. We do not belong to it and neither do most other members, so why should we support a treaty that governs its essential components? That is wholly inappropriate, as the hon. Member for Rochford and Southend, East (Sir Teddy Taylor) said. He was going to make a strong point about keeping the economic components of the treaty separate. As and when we vote on the treaty, we should vote on a document that does not cover the eurozone and does not deal with economic matters.

4.53 pm

Mr. Richard Shepherd (Aldridge-Brownhills) (Con): We often puzzle about constitutions and what they are. During our debate, the hon. Member for Rhondda (Chris Bryant) said that if we vote down the proposed constitution that would be an affirmation by the people that they were satisfied with Maastricht, Nice and everything that preceded them. That spin is almost worthy of the new European Commissioner, as the hon. Gentlemen knows in his heart of hearts. Four months ago, he voted against the holding of a referendum, on the insistence of the Whips, in an Opposition debate on the subject. Four weeks later, however, the Prime Minister decided on a lilo in Bermuda that the will of Parliament, as expressed by the Members of Parliament marching through the Lobby, was to hold one.

So when I listen to the attestations as to whom we represent and what we represent, I see a party turned on its head. The last vote by the party controlling the House of Commons was that there should be no referendum, but that changed, just like that.

I pose that point because at the heart of it lies the concept of representative government. It took us a long time to form a democratic institution. Is it not interesting that in the course of the Foreign Secretary's speech and in the speeches of all those who have spoken, with the exception of my right hon. Friend the Member for Wells (Mr. Heathcoat-Amory), that dangerous word "democracy" did not creep in? Over the 25 years I have been a Member of the House I have come to understand that that is the essential trust that forms the basis of the questions that intelligent people ask about how they are governed.

The document is undoubtedly grandiloquent. In its preamble establishing a constitution for Europe, it quotes Thucydides, no less, in both Greek and English. It states:

> "Our constitution . . . is called a democracy because power is in the hands not of a minority but of the greatest number."

There is nothing in the document that evidences that—not a word. The institutional arrangements are devoted to ensuring that power is not in the hands of the greatest number. Of course, being a European document, or a Union document, what does it say—timbals, cymbals and bells—in part IV, "General and Final Provisions"? I know it is easy to mock such a construction. How could it be difficult, with 147 pages of management consultancy, as my hon. Friend the Member for North Dorset (Mr. Walter) called it? What are the important things that make the Union?

> "The flag of the Union shall be a circle of twelve golden stars on a blue background.
>
> The anthem of the Union shall be based on the Ode to Joy from the Ninth Symphony by Ludwig van Beethoven.
>
> The motto of the Union shall be: United in diversity.
>
> The currency of the Union shall be . . ."

and so on.

The substance of the constitution is what we are concerned about and that is why the document is not suitable for the British people. Britain has come to understand that. We will reject it. It was Mr. Giscard d'Estaing, the former and disgraced President of the Republic of France who, in another grandiloquent gesture, tried to compare himself to those in Philadelphia who began the process of forming the United States of America. What is the language? What is the length? Sixteen pages in its original form, as opposed to more than 100 pages of management consultancy in the European document.

What is the core message? "We the People"—Jefferson's words, reissued in the mid-19th century with the greatest statement, perhaps, of democratic government. We the people govern ourselves. The Government are formed from ourselves and held accountable by ourselves. That is the essence of it, and a constitution tries to settle the matter. Ours does. In our

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own history in this long march to seize control over an Executive, it became evident, as Churchill himself said, that the people are sovereign. For 25 years a political class sees itself as an elite, but a Prime Minister can insist that the House votes one way one day and then, on a lilo in Bermuda, can change that.

We have brought it upon ourselves that we are so reduced. It is cheering, though, that Labour Members are beginning to understand that the purpose of Parliament is wider than the vanities of those who only temporarily govern us. As I have said before, we are here for only a brief season. Among the important elements of our own constitution, the one that I will not give up easily is the idea that we cannot bind our successors.

Again, Jefferson passionately believed that dead men should not rule for ever, yet how can one change a constitution of this nature?

Who can change such a constitution? Is it the British people? Is there a polity called Europe? No. To whom do I owe allegiance? Is it Europe or is it this House, this Chamber and this people, who sent me here and whom I represent. I am told, as if it were a banality, that there is nothing unreasonable about a foreign court, of which we know too little, having absolute control of our constitutional arrangements through this blue document, with its grandiloquence. This is what is so vital: the constitution is beyond the reach of the people, yet it is promoted as an ever-closer union of the people.

Chris Bryant: No.

Mr. Shepherd: The hon. Gentleman says that, but the grandiloquent preamble refers to the consummation of closeness. The theme is ever-closer union, but a union of what and of whom? This nation believes in the comity of nations and openness. We have characterised those beliefs in the course of our history in an attempt to ensure that the people of this country determine the laws under which they shall live and know the people whom they shall remove if those laws are unsatisfactory.

These are the questions that I ask of the European constitution. Who governs us and makes the laws, and, importantly, how can we get rid of them? Where does this document state how I can get rid of them? How can I change them? Who appoints them and who chooses them? It is not the people who sent me here to represent them. This constitution could never have been brought forward by previous generations, who understood the sheer necessity and the difficulty of capturing power. Who is the sovereign? Let the document tell us, which it does—the answer is dire: it is not us. That is what the struggle and argument are about.

I am convinced that the British people will reject the constitution. The constitution is an accumulation of treaties on which the British people have never had an opportunity to express a view. This is the first time that the British people can say whether those arrangements for government are satisfactory, and I believe that they will say no.

Central to the Conservative position is the declaration by the party leader, who acknowledged the sovereignty of Parliament in a letter to my hon. Friend the Member for Maldon and East Chelmsford (Mr. Whittingdale):

"the British Parliament is supreme and we would introduce the necessary legislation to bring about full national and local control."

That is central to what we are about.

The second section of the constitution should go. The European Court should not override anything that this House wants to do, because in the end we are responsible to the people, not to anyone beyond this polity. I shall argue and vote against this constitution.

5.03 pm

Mr. Mark Lazarowicz (Edinburgh, North and Leith) (Lab/Co-op): I disagree with everything that the hon. Member for Aldridge-Brownhills (Mr. Shepherd) said, except for one point—his criticism of what he described as the grandiloquent nature of the constitution is fair. The complexity of the constitution, as drafted, does no service to those of us who want to see the type of relationship with our European friends and partners that the hon. Gentleman wants to avoid.

If the document were 16 pages long, like that produced by the founding fathers of the United States, the hon. Gentleman would be against it anyway. His opposition to the European Union is honest, but Conservative Front Benchers would also oppose anything that the Government brought back from negotiations in Brussels.

Even if my hon. Friend the Minister had come back and announced that the other European states had decided to give up the euro in favour of the pound and to appoint the hon. Member for Rochford and Southend, East (Sir Teddy Taylor) as the European Foreign Minister, or even if they had agreed that President Chirac would do feudal homage to the Queen for the possession of Calais, the Conservatives would have been against it. They would not have agreed to anything that the Government came back with. That is because they have made an assessment that the right short-term political choice for them as a party is to go along the Eurosceptic road because there are votes in it. There may be some votes in it, although the experience of the European elections suggests that there are not as many as they might have thought.

In trying to concentrate on their Euroscepticism, the Conservatives no doubt hope that their own policies will not be scrutinised too closely. Although the right hon. and learned Member for Devizes (Mr. Ancram) quoted his party's document "The True Paper", he was not exactly forthcoming about his alternative. That is not surprising, because that document is full of internal contradictions that reflect the confusion in the Conservative party in trying to steer between outright Euroscepticism and recognition of the damage that would be done to our national interests if we drew further away from our membership of the European Union, as we inevitably would as a result of its policies.

I do not have time to go into a detailed textual analysis of the Conservative position. To give an example, mention has already been made of the proposal to allow any five national Parliaments to repeal not only new but existing European legislation. Conservative Front Benchers suggest that that is restricted to certain areas, but they well know that their proposals could apply very extensively. In practice, they would mean that the national Parliaments of Latvia,

Estonia and Lithuania, or Malta and Cyprus—which, although I have nothing against Balts, Maltese or Cypriots, represent about 1 per cent. of the population of the European Union—would be able not only to block new legislation, but to repeal, or at least to challenge, every piece of legislation that has been adopted over the past 47 years.

Similarly, the Conservatives suggest elsewhere in their document that it would be possible for the European Parliament to repeal any European legislation. Some of us might think that there is merit in giving greater powers to the European Parliament, but the Conservatives' suggestion is that MEPs from other countries in the European Parliament should be able to overrule decisions taken by member state Governments—our national representatives—in the European Council.

The Conservatives are torn between Euroscepticism and recognising that there are certain realities in the way in which Europe is run that even they cannot avoid. The fact is that nobody except those in the Conservative party and the more raving elements outside it in the Eurosceptic ranks believe that the draft constitution is the shortcut to a European superstate and the transfer of powers to Brussels.

Mr. Davidson: As someone who is neither a Conservative nor a member of the UK Independence party, I assure my hon. Friend that I and many people in the Labour party and the trade union movement do believe that this document is a substantial step towards a European superstate, as it gives a substantial number of additional powers to the European Union. Furthermore, is he not embarrassed to support a constitution that makes a virtue of denying workers and trade unions in Britain the sort of rights that our colleagues in European countries have?

Mr. Lazarowicz: I assure my hon. Friend that I do not suggest that raving Eurosceptics are confined to the UK Independence party although, of course, I do not include him in that category. However, surely the logical position is not to oppose a European constitution but to argue for even more powers to be transferred to the EU.

As was discussed earlier, one of the strengths of the document is that it gives added rights to member state Parliaments. The power that it will grant member state Parliaments, if we choose to exercise it, could be significant in ensuring that the debate about European policy is brought home to the peoples of the various member states and that the benefits of EU membership are shown more clearly.

Another welcome innovation in the constitution is the right for the various devolved legislatures to be consulted on matters that relate to a devolved competence. I am surprised that no representatives from the Scottish National party are present to discuss an issue that is so important for Scotland. Doubtless the difficulties of leading a party 400 miles away sometimes affect that organisation.

Sir Teddy Taylor: To avoid misunderstanding, does the hon. Gentleman accept that the constitution contains no procedure to give the Scottish Parliament or the Welsh Assembly the power to stop anything? It grants the right to talk and consult but nothing else.

Mr. Lazarowicz: The hon. Gentleman is correct that there is no power to stop anything absolutely, but he well knows that there is a power to request review. He knows far better than me, because he has been in this place for so many years, that the power to delay and review can be effectively exercised by a second Chamber, as the House of Lords has shown frequently.

Chris Bryant: Is it not also the case that, since we are in a parliamentary democracy, the Government are formed only by virtue of their majority in the House and that, consequently, we have a direct ability to use our powers?

Mr. Lazarowicz: That is a good point.

It is time to get away from the debates about our negotiations in Europe that contend that we are successful only if we can show that we have managed to extract even more concessions out of those conniving, evil Europeans. I am not naive about negotiations and I accept that conniving takes place in international negotiations from time to time. However, I have no objection to the idea that to achieve better results for our people and to promote our national interest, we should be prepared to transfer more powers to the EU. I do not mean more powers than the constitution proposes, but I do not find the principle of working together at a European level difficult. I do not want to draw back from that.

I want a European Union and EU institutions that allow us to tackle effectively the problems of our time. I want Europe to work effectively to deal with the problems of international terrorism. I want a more effective European voice in world affairs, and that is why I support the proposal in the constitution for a European Foreign Minister. I want us to tackle the environmental problems more effectively. That is why I welcome the constitution and hope that the British people will accept it in a referendum. I accept that those of us who support it will have to fight the campaign strongly, but I believe that its merits and those of our active membership of the EU will come through.

Clearly, if the British people do not approve the constitution in a referendum, it will not mean the end of our EU membership. However, it will mean that the EU will be gradually less able to tackle its challenges effectively. It would thus become less effective and less efficient. That is probably why Opposition Members and a few Labour Members will campaign against our ratification of the constitution.

5.14 pm

Mr. William Cash (Stone) (Con): For centuries, we have made and unmade treaties. I listened with interest to what my hon. Friend the Member for Aldridge-Brownhills (Mr. Shepherd) said about Jefferson. I have just returned from Jefferson's home, Monticello in Virginia. He was the man who devised the declaration of independence. These people knew what they were talking about.

[Mr. William Cash]

Over the past 300 years, we have made vast progress towards democracy and consent. This constitution will take that away. The reality is that we are now moving away from parliamentary government. We must bring back effective power to the voters of this country, as I said in a pamphlet that I wrote last year. I am glad to say that my right hon. and learned Friend the Member for Devizes (Mr. Ancram) was on the platform with me this time last year when we issued that pamphlet at the party conference.

The issue of primacy, which I have already dealt with today, is the issue of sovereignty, which in turn is the issue of democracy and consent. That is why I insist that my Sovereignty of Parliament (European Communities) Bill, which is still listed on the Order Paper, is needed. Through it, we would be able to reassert our power to repeal or amend any legislation, including the European constitution and, if necessary, the existing treaties. As the Foreign Secretary himself conceded after six months of torrid discussion with me across the Floor of the House last year, that would include the European constitution, though the European Communities Act 1972.

We will only resolve this question, however, if we have the political will to do so. There has been a huge accumulation of treaties for decades. As I said to the Prime Minister some time ago, this constitution makes specific provision for the revocation of those treaties. There is a new clause IV. It is in this constitution, and it refers to the fact that the treaties will be consolidated, but all the existing treaties will also be repealed. The primacy of this constitution over our constitution and our laws will be introduced, and the whole ball game will change.

There has been much talk of conferral. As I said earlier in an intervention, conferral equals an abdication of sovereignty, and handing over to the European Court of Justice what truly belongs to this House of Parliament—and not just this House of Parliament, for we are but players in the matter. The real power belongs to the people: the real power belongs to the voters in our constituencies. That is what we have been betraying over the last few decades, in terms of what has now accumulated into a European constitution.

The greatly expanded functions belie the Foreign Secretary's argument about the question of primacy. Yes, in 1972 there was a principle of primacy that was conceded, but with respect to extremely confined functions. Now we are moving into completely different territory, which is why I forced the rebellion on the Maastricht treaty. That treaty was the genesis of this. I make no apology for having entered into the rebellion on that occasion—or for what I have done in regard to the Amsterdam and Nice treaties, and will do again in regard to the European constitution.

Yes, I support our party 100 per cent. on the question of rejecting this constitution and fighting for a no vote in the referendum, but I am bound to say that a number of matters will not be resolved simply by words. There is deregulation, for instance. It is impossible to deal with deregulation without dealing with the central question of the sovereignty of Parliament. People may or may not know of my altercations with Digby Jones of the CBI, but so many of the laws are based on adversely affecting British business. Then there is the question of fraud, the failure of the common agricultural policy, and low growth and high unemployment in Europe. Do we want to emulate that? Europe is not working.

Furthermore, the relative success of the British economy recently has only taken place because we have been outside monetary union and the exchange rate mechanism.

As I said to the Chancellor the other day, it is despite, and not because of, the Government's policies that we have a relatively stable economy compared with, say, Germany or France.

As we in the European Scrutiny Committee know, behind-the-scenes deals are going on between the European Commission, the European Parliament and the Council of Ministers. We will be following that issue up. Their objective is to bypass national Parliaments, but we shall get to the bottom of those behind-the-scenes deals. We must also consider the issues of the arrest warrant, the evidence warrant, and defence and the common foreign and security policy.

So when my right hon. and learned Friend the shadow Foreign Secretary says that we want real reforms, let us spell out what they will be. There are dangers in letting other countries go ahead with this variable geometry. It will create a hard core in Europe, which could prove very counter-productive. Nor would I want our radical reforms to be confined just to fisheries and aid; we have to examine the existing treaties.

The perception is that our own policies are not clear enough, so we must make them clearer and base them on the principle of democratic consent. We should also accompany our policies with a real threat of withdrawal. The fact is that without such a threat, other member states will not know that we seriously intend to deliver on our policies. We need to restore parliamentary sovereignty, but we cannot do so without showing that we mean business.

It is also necessary to adopt a policy of associated status, which would be popular with most people in this country. We need not a total rejection of the European idea or of the European Community, but a serious and radical reform, combined with the threat of withdrawal if they will not listen. We gave them the opportunity to impose their ideas on us, and they have done so. We in this House have the right to make up our minds about how we are going to respond, and we will respond effectively only if we are seen to be determined, clear and strong. That is my message.

5.22 pm

Mrs. Angela Browning (Tiverton and Honiton) (Con): I spoke—

Mr. MacShane: Follow that!

Mrs. Browning: I know—the Minister will not be disappointed. As he will recall, I spoke in the House on 16 June; indeed, he was very kind about my comments on that occasion. I will not reiterate what I said then, but I should like to pick up on one of my central themes. This constitution is the last piece in the jigsaw in creating what is not necessarily a superstate. Indeed, as a trading bloc the EU is certainly not superstate in nature. As we

have heard, it has high unemployment, and declining trade and gross domestic product are forecast. In fact, if we were starting from this point the EU would be an economic bloc that we would not want to join.

However, we have to be realistic about what the agenda of other countries has always been. The direction in which they are now going is not in the British interest, which is why I oppose the constitution in principle and in detail. Indeed, I hope to spread the word and to persuade people to look at this issue much more seriously, and then to vote no in a referendum.

Mr. Hendrick: Will the hon. Lady give way?

Mrs. Browning: No. Whatever people's views—whether they share mine or they share in the European dream—let us have some honesty in this debate. Those who make the case for that dream should be prepared to stand their corner and be totally honest about what is involved.

When the Prime Minister returned from the intergovernmental conference on 21 June, he told us what he had signed up to and I asked him an oral question. I asked whether he had changed the way in which voting takes place, and about our use of the veto in co-ordinating economic policy across the EU. He did not answer my question. My hon. Friend the Member for Congleton (Ann Winterton) repeated the question about 10 minutes later.

He did not answer her question either, so I tabled a written question to the Prime Minister asking him whether that policy would be determined in future by qualified majority voting.

I received a reply from No. 10 Downing street on 23 June saying that the Prime Minister had passed my question to the Minister for Europe, who is now in his place on the Treasury Bench. The Minister then replied by referring me to part 3 of the treaty. When I read it, I discovered that change in the voting mechanism on economic policy was not stipulated, that the default applied and that it therefore became subject to qualified majority voting. In other words, we have given up the veto. I then tabled a supplementary question to the Minister asking whether that was right. I received a reply saying that he believed that I had already received a substantial reply—end of story.

I repeat to the Minister today what I said to him then. If the Government believe that this is in the British interest, let us have some honest and straight answers to some straight questions about important issues. Have we given up the right of exercising a veto in respect of our economic policy—yes or no? I asked the Foreign Secretary earlier in the debate whether the charter of fundamental rights was legally binding. In similar fashion, he referred me to a part of the treaty. I want some straight answers from the Minister about whether the Government have made any concessions. We know from the debate that they certainly have: they have given up on many red lines, forfeiting our case on a range of important issues. We have seen EU institutions expand their power in key areas—not just over the economy, but over criminal justice and other matters—and we have seen legal personality given to the constitution itself.

I must tell the Minister that the debate is going nowhere, especially when we have the sort of patsy-like material that I see in the White Paper placed in the Vote Office. It beggars belief that we are talking about a constitutional matter, but the Government devote the opening part of the document to telling people what a better deal they get on holiday by being part of the EU and its constitution. *[Interruption.]* I hear a sedentary comment saying that it is true, but let us be quite clear about this. We are talking about the constitution of this country and about democracy. We are not talking about a few people who think that they get a good deal changing pounds into pesetas when they go into Europe. That sort of trivialisation—

Chris Bryant *rose—*

Mrs. Browning: I am certainly not giving way to the hon. Gentleman. Someone should put him back in the teapot over there; he has had more than enough to say today.

I really believe that if we are to have a sincere debate for the British people, it must deal with the core elements of what the constitution is about. As my hon. Friend the Member for Aldridge-Brownhills (Mr. Shepherd) and my right hon. Friend the Member for Wells (Mr. Heathcoat-Amory) so clearly explained, it is all about democracy, the representation of the people and their ability to call to account those whom they vote for every four or five years. That is why this is the last piece in the jigsaw and the watershed in our relationship with the EU.

If we as a country are not going to be part of this constitution, we have to look for an alternative constructive relationship with the EU. I believe that it should be quite different from the one that has obtained before. It has to be that way, because this constitution rolls up previous treaties. As a customs union, we have to look outwards as a global trading nation, so we need agreements with the EU and with others. That is what the EU itself has been trying to do. It has a trading relationship with Mexico, for example, so there should be no sense of shock horror about my suggestion to take advantage of the changes.

We are shackled by the EU in respect of economic performance and we are shackled by its democratic deficit. We are also shackled by an EU that is rife with fraud and unable to audit its accounts, yet we are asked to have still more of the same and to concede more of our powers. I say no. Vote no in the referendum.

5.29 pm

Mr. Gary Streeter (South-West Devon) (Con): As usual when we debate Europe in this Chamber, we hear a rich variety of views. This has been an important debate, with many fine contributions from all sides. It has been a pleasure to take part in it, and to listen to what has been said.

I shall deal with some of those contributions, but I shall begin by referring briefly to the White Paper that we received this morning. I congratulate the Minister for Europe on producing it, although at first glance it seems to lack balance, as we expected. It is silent about the murky genesis of the constitution and the many governmental negotiating failures, but we look forward to examining it in detail and making our response in due course.

[Mr. Gary Streeter]

In debates on Europe, it is important to recognise that the Conservative party speaks for the mainstream and the majority in this country. We are against the single currency, as are most British voters. For a long time, we have been in favour of a referendum on the constitution, as have a majority of the British people. We are against the constitution, and so are the vast majority of the British people.

However, if he runs true to form, the Minister for Europe will stand at the Dispatch Box and accuse anyone who opposes the constitution of being anti-European, xenophobic and in favour of withdrawal. I do not need to be clairvoyant to predict that, as I have heard him speak on this subject on a number of occasions, and that is what he does every time.

The Minister's approach conveniently ignores the fact that several of his colleagues are against the constitution, as we have heard today. It also ignores the fact that his Government originally opposed the constitution, and it takes no account of the powerful arguments presented in the debate. For example, my hon. Friend the Member for North Dorset (Mr. Walter) described himself as a passionate pro-European, but he also opposes the constitution. Moreover, the Minister's approach ignores the fact that the majority of the British people are against it too.

If the constitution is so good for our country, and if those who oppose it are so misguided, will the Minister explain what the Prime Minister said only five years ago—namely,

"for the record, we are not proposing a constitution of Europe."?

Will he also explain why, just four years ago, the Prime Minister said that we did not need an EU constitution? I hope that the Minister will explain when the Government changed their mind about that, and why.

In the end, whether we sign up to the constitution is a decision of the utmost significance. It must depend on a dispassionate assessment by each and every one of us of the impact of this document on our laws, sovereignty and way of life.

In the debate, many assessments and arguments were presented, both for and against the constitution. Early on, we were treated to a speech from the Back Benches by the hon. Member for Birmingham, Edgbaston (Ms Stuart), who made her usual measured contribution and asked some important and specific questions about whether the role of the national Parliaments would really be strengthened by the constitution. She also sought clarity about how that would happen, and called for an informed debate in the run-up to the referendum, and that is surely a crucial matter. I hope that the Minister will be able to answer some of those very important points.

The right hon. and learned Member for North-East Fife (Sir Menzies Campbell) set out his party's position in his usual measured, Rolls-Royce tones. I do not believe that he is sufficiently mindful of the risks and dangers inherent in the constitution, but I respect his conviction and consistency.

The hon. Member for Linlithgow (Mr. Dalyell) asked some important questions, and I hope that the Minister will answer them.

My hon. Friend the Member for Rochford and Southend, East (Sir Teddy Taylor) pressed the Government about exactly how the provisions for withdrawal would operate. He asked some very legitimate questions that require answers, and I hope that the Minister will respond to some of them tonight.

The hon. Member for Preston (Mr. Hendrick) spoke about the need to reinvigorate public interest in this issue. We have noticed that eyelids droop whenever Europe is mentioned, and that will not do in the run-up to a referendum, but the hon. Gentleman made the mistake of describing the process as a big tidying-up exercise. Of course, some tidying up is involved, but the constitution is much more than that, as it contains many new provisions.

I have already referred to my hon. Friend the Member for North Dorset, who presented a passionate explanation of why, as a pro-European, he does not agree with the constitution. He said that the treaty does not simplify matters or make the EU more democratic and effective.

The hon. Member for Rhondda (Chris Bryant) treated us to his usual display of passionate support of, and loyalty to, his Government. We applaud him for that, and hope that it bears reward in the near future—although I am sure that it is reward enough for him still to be here with the Foreign Secretary.

The hon. Gentleman spoke vigorously in favour of the constitution. We have heard him do that before, and I am sure that we will in future.

We were treated to a masterful presentation from my right hon. Friend the Member for Wells (Mr. Heathcoat-Amory), who said that Laeken failed to deliver on its stated aims. He referred particularly to the fact that the European Court of Justice will become the supreme court of this nation and will be the final arbiter of interpretation of the constitution.

The hon. Member for Warwick and Leamington (Mr. Plaskitt) recognised the need for reform of EU institutions, but concluded that the constitution is the right solution. That is misguided.

The hon. Member for Meirionnydd Nant Conwy (Mr. Llwyd) called for the Welsh language to be remembered in the constitution and made a passionate case for that for Plaid Cymru—*[Interruption.]* It was better pronounced by him. I apologise to him, as I have in the past; he always forgives me. He asked about the legal status of the charter of fundamental rights. We need to hear a clear answer on that from the Foreign Secretary and the Minister. We want it put on the record, boiler-plated and made clear.

The hon. Member for Luton, North (Mr. Hopkins) made the point that widespread concerns about the constitution are not just confined to the right of politics in Europe, but are legion throughout the left of political opinion, too. He spelled out some of his concerns about the constitution. It is important that those on the Government Front Bench recognise that many Labour Members have profound concerns.

My hon. Friend the Member for Aldridge-Brownhills (Mr. Shepherd) spoke with his usual passion and conviction about the undermining of democracy that has already happened and the further undermining of real democracy that would take place if the constitution were agreed.

The hon. Member for Edinburgh, North and Leith (Mr. Lazarowicz) rather wasted most of his 10 minutes attacking our party and policies, but he just managed to let slip that he wanted to transfer even more powers to Brussels: at least we know where he is coming from.

My hon. Friend the Member for Stone (Mr. Cash) hammered home the point that we need to claw back and protect national sovereignty and indicated, in his usual, powerful way, the many dangers of the constitution.

Finally, my hon. Friend the Member for Tiverton and Honiton (Mrs. Browning) called for honest, straight answers to some of the most important questions. In the run-up to a referendum, it will not do for the Government to hide behind confusion, obfuscation, long words and legal phrases. We must have clear, simple answers to these important questions.

It has been a good debate. In the few moments that remain to me, I should like to summarise why we Conservatives believe that the constitution is wrong for Britain and the EU.

I should like to make three crucial points. First, the Laeken mandate for the Convention in 2001 was to design a blueprint for the EU that would bring the institutions of Europe closer to the people. Many contributors made that point, and we have seen the importance of that in the dismal turnouts across the continent in the European elections earlier this year. Sadly, however, this document does nothing of the kind. In fact, the proposals to give more power to institutions with which people feel no connection whatsoever is taking matters in the opposite direction.

The growing gap between the governed and Governments, whether within nations or transnationally, is one of the most serious issues facing us, and threatens our democracy as we look forward and could have dire, long-term consequences. We have to deal with people's sense of disconnection with European institutions. The constitution—clumsy and misguided as it is—will only make matters worse.

Secondly, the charter of fundamental rights, contrary to everything that the Government have said about it—and they have twisted, spun and turned on this in the past few years—will have full legal status, and the European Court of Justice will sit in judgment on it. More and more experts and commentators agree on that point and recognise that it could have a profound impact on our laws. Most recently, Professor Brian Bercusson of King's College London, to whom my right hon. and learned Friend the Member for Devizes referred, said that the constitution could boost employment rights in this country. I have no problem with that. If the Government believe that employees in this country require better protection, with all the impact that that would have on productivity and business, let them bring forward their own domestic legislation through the front door. It is not acceptable to sign up to a document that will bring these measures in through the back door.

Most people in this country—and most of those I speak to in my constituency—believe that there is already too much interference from Brussels. This charter would be a gateway to yet more centralisation and interference from Brussels.

It is almost certain, given its track record, that the European Court of Justice would push its nose into domestic nooks and crannies where it simply will not be welcome.

The third reason why we oppose the constitution is that we believe, from a close analysis of its contents, that it will transfer more powers away from national Parliaments and hand them to EU institutions. That case is utterly made by a close and careful reading of the document. It would give more power to Brussels over social security; more power to co-ordinate employment policies; more power on competition policy; more power to co-ordinate our economic policy; more power on trade policy; more power over energy policy; more power over immigration and asylum; more power over domestic criminal law. That is what the constitution says and that is what would happen. So rather than reconnecting with the peoples of Europe by bringing home powers to their national institutions with which they feel more in tune and in which they have confidence, the new constitution will take powers from the nation states and hand them to Brussels. It will set in place a new framework for more unwanted and unwarranted interference from the centre. That is bad news.

Our critics are entitled to ask what we as Her Majesty's loyal Opposition would do instead. We certainly would not have agreed to this constitution. We will continue to call for a Europe that better reflects 21st century realities; a Europe based on co-operation, not coercion; a competitive, free-market and flexible Europe that will give individual member states the space to be different and room to breathe; a Europe in which powers are genuinely returned wherever possible to member states; a Europe that is flexible; a live-and-let-live Europe in which those who wish to forge ever closer union can do so and those who do not can remain more independent. That is the kind of Europe that the vast majority of citizens want, and the constitution is a quantum leap in the wrong direction and must be opposed.

After months of denial and insisting that there would be no referendum on the constitution, after months of intense pressure from the Opposition and from the court of public opinion, the Prime Minister finally caved in and agreed that there would be a referendum. Sometimes the Foreign Secretary is credited with putting on that pressure and bringing about that decision. If that is true, we congratulate him. This is an important U-turn and a decision that is fundamentally important to the future of Britain. Giving the people of Britain the final say is something that we welcome.

As several right hon. and hon. Members have said, it is important that an informed and measured debate now takes place not only in the media but in Parliament to enable people to vote in the referendum, whenever it comes, on an informed basis. But why the delay? Having made the decision to have a referendum, let us get on with it. If the people of this country vote no, there will be no crisis. As my right hon. and learned Friend the Member for Devizes said, the answer is contained in page 11 of the White Paper. The heads of state of Europe will have to think again, go back to Laeken and come up with a different way forward that is more acceptable to the peoples of Europe.

[Mr. Gary Streeter]

Next time, the policy makers will have no choice but to listen to the voice of the people. The country that votes down this misguided constitution will do the whole EU a long-term favour. So let the Prime Minister bring on the referendum without delay; let the people of Britain have their say; and let the honour of creating a more attractive European Union fall to us.

5.43 pm

The Minister for Europe (Mr. Denis MacShane): I congratulate the hon. Member for South-West Devon (Mr. Streeter) on his speech and the moderate terms in which he presented his case. I will try to emulate him. Will he pass my thanks to the hon. Member for West Suffolk (Mr. Spring), who has moved on to higher things on the Opposition Front Bench. We had a good relationship when he was shadow Minister for Europe and I wish him all the best.

Mr. Straw: There is nothing higher.

Mr. MacShane: My right hon. Friend says that there is nothing higher than the Foreign Office. No doubt other of his right hon. Friends will be interested to hear that statement.

I welcome the suggestion made by the right hon. and learned Member for Devizes (Mr. Ancram), the shadow Foreign Secretary, that a copy of the constitution be sent to every household.

There are some 30 million households in the UK, so that would be an expensive project. However, I can now tell the Prime Minister and the relevant authorities that it is an all-party proposition and that the Conservatives will not object. The hon. Member for Aldridge-Brownhills (Mr. Shepherd) shakes his head. It is an important point because so often in the past when it has been a case of putting the facts and the documents about the EU in front of the people, the cry has gone up that we are indulging in propaganda and spending taxpayers' money on advancing the European cause. I am grateful for the reassurances from the Opposition in this instance.

Mr. Cash: Will the Minister give way?

Mr. MacShane: No, I wish to start my speech, at least. I commend to the House the new initiative launched by my right hon. Friend the Foreign Secretary on providing an update on the advance programme of the EU, which has now been reported to the House in the form of a Command Paper. It is important that we use accurate terms of reference. The hon. Member for Aldridge-Brownhills was right to draw attention to the extraordinary events in Philadelphia some 230 years ago. However, the document before us does not start "We, the people". It starts:

"HIS MAJESTY THE KING OF THE BELGIANS, THE PRESIDENT OF THE CZECH REPUBLIC, HER MAJESTY THE QUEEN OF DENMARK".

The last name on the list is

"HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND".

It continues:

"Who having exchanged their full powers, found in good and due form, have agreed as follows".

What follows, as has rightly been pointed out, runs to many pages. It is a solemn international treaty—nothing more and nothing less. Yes, it has been given the noble term of constitution. Indeed, in the Spanish press it has been called the Magna Carta. Goodness only knows why a constitutional treaty becomes the Magna Carta in Spanish, although I do not know whether that is an argument for or against it. It is a bit worrying.

We must explain to people the fundamental fact that the constitution is an international treaty. We can withdraw from international treaties. We can withdraw from the NATO treaty, from the World Trade Organisation treaty and from the laws of the sea treaty. The hon. Member for Aldridge-Brownhills referred to the now famous letter to the hon. Member for Maldon and East Chelmsford (Mr. Whittingdale) from the Leader of the Opposition, in which he confirmed that it would be the policy of a Conservative Government to pass national law in this House to take back control of the common fisheries policy. The consequence would either be accepting huge fines for breaching the treaty or leaving the EU. Let it be said, clearly and openly, that that is the official policy of the Opposition.

There was a difference in this debate. On this side of the House, we heard discordant voices, including my hon. Friend the Member for Luton, North (Mr. Hopkins), who spoke, and my hon. Friend the Member for Glasgow, Pollok (Mr. Davidson), who intervened in the debate. However, on the other side of the House, there was complete and utter unity—*[Interruption.]* I meant the contributions from the main Opposition party—I did not mean to discredit the hon. Member for Meirionnydd Nant Conwy (Mr. Llwyd). That unity was expressed in favour of the existing constitutional treaties of Europe, such as Maastricht, Amsterdam, Nice, Rome and the Single European Act. They will remain in place if this constitutional treaty is defeated. We will have to live with the existing constitutional treaties, unless the UK chooses to withdraw. That would send an enormous signal around the world that Britain has, as it did in the 1930s, chosen the isolationist path. It would send a message to every business in Britain that we had decided that we did not want to support this reforming constitutional treaty.

It will send a message to every parliamentarian that for the first time—

Sir Menzies Campbell: Has the hon. Gentleman read it?

Mr. MacShane: Have I read it? Oh, I have read it.

We will be sending a message that, for the first time, we have a European treaty that writes in specific powers for our Parliament.

I am grateful to my hon. Friend the Member for Birmingham, Edgbaston (Ms Stuart) for sloughing her way through the provisions and finding the various references to Parliament in the new treaty. She was right to say that it will be up to us to make of it what we will. That is the very point for which the House exists. We are sent here to represent our people and collectively to decide what we want to do with the powers conferred on

us. If we choose to take seriously the idea of national parliamentary accountability under the treaty, we can make something of it.

For the first time in British history, my right hon. Friend the Foreign Secretary set up a Standing Committee on an international treaty to have Ministers and the Executive report to sovereign parliamentarians on the passage of the treaty and on the negotiations as they took place. Never before in our history has that happened. Did even one Conservative Front-Bench Member turn up to take part? Of course not.

Mr. Cash: Will the Minister give way?

Mr. MacShane: I shall pass on if I may.

Several Members referred to economic competences—an important point. However, as my hon. Friend the Member for Warwick and Leamington (Mr. Plaskitt) so well pointed out, the original treaty—the treaty of Rome—hands the European Community the responsibility of undertaking such co-ordination, whereas under this treaty the member states co-ordinate their economic and employment policies. My hon. Friend made a moderate and calm speech—he did not rant and shout—and he made a very, very important point: in a sense, we have turned the rules around, returning more authority to member states.

The hon. Member for Stone (Mr. Cash) referred to the pamphlet that he wrote last year and which was launched by the shadow Foreign Secretary. It has now almost become official Conservative policy. I think I quote the hon. Gentleman rightly—if not, I shall certainly take a correction intervention from him. He said clearly that the only way we would be able to make our point in Europe was by threatening to withdraw. Threatening to withdraw—that is the language of today's Conservative party. It will not be long before the hon. Gentleman is back in the shadow Cabinet. I will not repeat the wonderful remarks of the right hon. Member for Wokingham (Mr. Redwood) who said that to sign the treaty of Amsterdam would be to finish Britain as a sovereign country and that to sign the treaty of Nice would be to blow up Parliament. He has been brought right back to the heart of the governing council of the Conservative party.

The hon. Member for Buckingham (Mr. Bercow), who called for the EU to intervene in Sudan, was dismissed. I thought that he was going too far, but any Member on the Conservative Front Bench who has anything good to say about the EU goes straight to the Back Benches.

I want to turn to the points made by my hon. Friend the Member for Birmingham, Edgbaston on the European convention on human rights and the question of what will have supremacy. I refer her to article II-53, which deals with that, but I will write to her in more depth because her point is important.

Let us put ourselves for a second in the position of other Parliaments and Governments. All Governments are as sensitive to their definition of their national law and to their version of human rights as we are. For example, Germany, in the past, was very unhelpful on parents' access to their children in divorces of German nationals and nationals of another country, although things may now be further forward. I believe that the Germans are wrong, but they will not be told by any supranational body what their national policy is to be. Similarly, Germany denies the right to strike to millions of public sector workers—*[Interruption.]* The right hon. and learned Member for Devizes asks what that has to do with it. I was asked about the ECHR and I am making the point that other Governments will not accept being told what to do by Brussels.

I am making the point that the charter of fundamental rights indeed has a reference to the right to strike in it—

Mr. Cash *rose—*

Mr. MacShane: Let me finish this point; then I will give way.

The charter has a reference to the right to strike in it, but it is limited by national laws and traditions, and that was not put in—this is the point that I have had to make again and again to friends in the TUC, and I wish that my hon. Friend the Member for Luton, North , with his trade union connections, would make it as well. It was Germany that insisted on that because the German constitution bans the right to strike for 2 million or 3 million public sector workers. We are not proposing that, I think, in our country, but it is the same reasoning about the single seat, on which—

Mr. Cash *rose—*

Mr. MacShane: I said that I would give way to the hon. Gentleman.

Mr. Cash: I am most grateful.

The Minister, in an intervention, made a reference to something called Kompetens-Kompetens, which I have pursued for a couple of years now. Does he agree that in fact in Germany, the issue of Kompetens-Kompetens is an extremely important matter, and furthermore, that the adoption of the principles that he has put forward would suggest that the German people would not accept the rulings of the European Court of Justice if they interfered with the German constitution?

Mr. MacShane: Yes, but the German Government and the main German parties are supporting this constitutional treaty, although of course there are debates. The primacy of the ECJ was established in British law in 1972; it is there in the original treaties. If we want a single market and a common rule book, we need an arbitrator, and that is a good argument for lawyers. I have dozens of quotes here; I can quote them if hon. Members like. The chief judge of the European Court of Justice, Mr. Skouris, said:

> "I do not believe that the integration of the Charter into the Treaty will alter the allocation of powers between the EU and the Member States".

The Opposition Front-Bench team can produce their own lawyers who say something different.

[Mr MacShane]

[Interruption.] No, the right hon. and learned Member for Devizes quoted Mr. Skouris once, in an intervention that he made before all the explanations were written into the treaty, before it got quite technical. This is one of the difficulties—the moment we get technical, the Tory party tends to go away because it has very few arguments.

May I reply to the question asked by my hon. Friend the Member for Linlithgow (Mr. Dalyell)? The Baltic states are now a very important part of the network of 25 states, with special insights on Russia. As he rightly said, there are problems in at least two of them about Russian minorities, but equally they have to respect the collective views of existing EU member states prior to enlargement about tolerance and about treating Russia as a serious partner, with very serious internal problems. That is a completely different issue, but I welcomed their input and, equally, I welcomed the fact that they have to listen to the perspectives of other countries that have a long relationship with Russia as well.

Mr. Dalyell: I thank my hon. Friend.

Mr. MacShane: I completely agree with the hon. Member for North Dorset (Mr. Walter) that we have failed to take the people with us, but may I gently say to him that it does not help for the leader of his party to tell the "Today" programme on 9 June that, under the proposed treaty, Tony Blair would not be at the G8 meeting as Prime Minister because we would have given up our seats on the G8 and the Security Council of the United Nations? That is completely untrue. Only the most profound Eurosceptic in France or anywhere else talks such complete and utter gibberish.

Mrs. Browning *rose—*

Mr. MacShane: Last year, the right hon. and learned Member for Devizes told us that the new treaty

"for the first time explicitly enshrines the primacy of EU law."—[*Official Report*, 16 September 2003; Vol. 410, c. 779.]

That is not true. Will he tell that to his constituents? *[Interruption.]* The quote is from *Hansard*.

Finally we come to this point. We shall have votes before this referendum. We shall have votes in Parliament on the treaty as we debate it in a Bill to be put before the House later this year. We shall have a vote next year in a general election. Those of us who oppose isolationism will win. Those of us who want us to be in a Britain leading a reform process will win. Those of us who believe that the old treaties and the old constitution are deeply flawed and this new constitution helps Britain and helps Europe will win. I invite all hon. Members, when those votes come, to support those who support Britain, defeat isolationism and speak up for Britain in Europe.

It being Six o'clock, the motion for the Adjournment of the House lapsed, without Question put.

PETITIONS

Endometriosis SHE Trust

6 pm

Miss Anne Begg (Aberdeen, South) (Lab): As chairman of the all-party parliamentary group on endometriosis, I beg leave to present the petition from the Endometriosis SHE Trust (UK). The SHE Trust has collected more than 2,000 signatures from people asking that the Government review their policy on the care and treatment of endometriosis suffers and give the condition a higher priority for funding. Endometriosis is a chronic cyclical condition suffered by 2 million women in the UK. This devastating condition is often not diagnosed or misdiagnosed, leaving many women suffering excruciating pain.

The petition reads:

To the House of Commons,

The Petition of the Endometriosis SHE Trust (UK), formerly known as the SHE Trust,

Declares that endometriosis is the only long-term chronic cyclical condition suffered by women and that this devastating disease should receive higher priority for funding and treatment.

The Petitioners therefore request that the House of Commons urge the Secretary of State for Health to review the Government's policy on the care and treatment of endometriosis sufferers.

And the Petitioners remain, etc.

To lie upon the Table.

Ryan Franklin

6.1 pm

Mr. Robert Walter (North Dorset) (Con): Baby Ryan Franklin died at the hands of his father in May 2002, aged two. His body lay in a mortuary for a further 18 months, awaiting a second post mortem, which never took place—until a trial resulted in his father, Lee Khair, being convicted of his manslaughter. The child's mother, my constituent, Cathy Franklin, of Blandford, was outraged that she could not lay her baby to rest and has collected a petition, with 1,000 signatures, demanding a change in the law, as well as many hundreds of e-mails.

The petition reads:

To the House of Commons,

The Petition of Cathy Franklin and others,

Declares that after the death of Ryan John Franklin his family was unable to bury him for nearly two years while time was made available for two post mortems to be carried out, and that the delay to his burial was the cause of great suffering.

The Petitioners therefore request that the House of Commons pass legislation to make provision for post mortem arrangements in cases of violent death; and to limit to three months the time allowed for a second post mortem to be carried out before the body is released for burial.

And the Petitioners remain, etc.

To lie upon the Table.

Miners' Compensation

Motion made, and Question proposed, That this House do now adjourn.—*[Joan Ryan.]*

6.3 pm

Jeff Ennis (Barnsley, East and Mexborough) (Lab): I am delighted to have the opportunity to sponsor today's extremely important Adjournment debate. I thank hon. Members, especially my hon. Friends, for being in the House at this late hour to give me their support.

I suppose that I ought to begin by declaring my personal interest in this matter: both my grandfathers were former miners who unfortunately passed away suffering from lung-related mining diseases. I guess that anyone who was brought up like me in a mining village, such as Grimethorpe, would probably have to declare a similar interest.

Whenever I speak in the House on either of the two mineworkers' compensation schemes, I always begin, and rightly so, by congratulating the Government on having the courage of their convictions to implement what, after all, are the biggest industrial compensation schemes of their type in the world. Money is flowing into the pockets of former miners and their families in mining communities, and it is making a big difference.

Indeed, in my constituency, if we look specifically at the Department of Trade and Industry statistics for chronic bronchitis and emphysema up to the end of June 2004, we see that more than 6,200 claims were submitted from ex-miners still alive and more than 6,200 claims from deceased miners' families, totalling almost 12,500 claims. I think that those figures reflect the current national statistics for CBE claims, because roughly 50 per cent. come from miners who are still alive, with 50 per cent. from deceased miners' families.

Of the 12,500 claims submitted in Barnsley, East and Mexborough, there have been 3,942 full and final settlements and 2,137 interim payments, with 1,091 full and final offers outstanding. A total of more than £34.5 million has already been paid out for just CBE, which is excellent news for my constituency.

We start from the premise of a good news story for mining communities as far as the Government are concerned. Six years after both schemes were agreed, they have paid out more than £2 billion. Many ex-miners and their families have received compensation and they were satisfied with the outcome in many cases. However, there is no doubt that there are enormous difficulties with delivering such gigantic schemes, so it is not surprising that problems have arisen.

In my contribution to this important debate, I shall focus almost exclusively on putting forward the case for a minimum payment to settle CBE claims, as I did in my early-day motion, ominously numbered 666, which was tabled on 24 February 2004 and said:

"That this House notes with sadness that solicitors dealing with Miners Compensation Scheme cases for chronic bronchitis and emphysema (CBE) are currently receiving an average fee of £2,143 per case whilst at the same time almost half the former miners so far compensated have received final settlements of less than that amount, and that over 3,100 former miners have received less than £200; and calls upon the Secretary of State for Trade and Industry to undertake an urgent review to consider implementing a minimum compensation payment to former miners suffering from CBE of £1,500."

I am pleased that more than 70 hon. Members from across all political parties have so far signed the early-day motion.

The main reason why I am putting forward the principle of a minimum compensation payment is primarily that it makes common sense and would drastically speed up the current process, which can be time consuming and wasteful. Of about 610,000 claims registered at the Department of Trade and Industry, only between 130,000 and 140,000 have been settled in the six years since the scheme began. That means that almost 500,000 claims are still in the system, yet only about 5,000 claims are settled each month. That implies, that it could take a further nine or 10 years to settle all the claims.

Approximately two thirds of the offers that have so far been accepted were for less than £5,000. Information that I retrieved from the Under-Secretary of State for Trade and Industry, my hon. Friend the Member for Edinburgh, South (Nigel Griffiths), in January 2004 allows us to examine that statistic more closely. Many of the settlements were for less than £1,000. As the figures go back to January, they will have increased by this month, but at that time, 21,418 miners had received less than £1,000 as a full and final settlement. Some 9,475 miners had received less than £500 and 3,413 had received less than £200. When all the claims have been finally dealt with, low-value settlements could represent a significant proportion of the total, which raises an important question.

How can an ex-miner whose health has been damaged as a result of working in the coal industry be offered less than £200, no matter what the other contributory factors are? The Department of Trade and Industry itself knows that there is a problem with turning offers into settlements, as it is repeatedly raised in its six-monthly reports to court. At the end of 2003, there were 23,133 outstanding offers, of which nearly 4,000 had been with solicitors for more than a year. As I have already said, there are more than 1,000 outstanding claims in my constituency alone.

The huge influx of claims immediately before the 31 March 2004 deadline reinforces the argument that every effort should be made to turn offers into settlements and free up valuable resources. How many outstanding offers will there be this time next year or the year after? When low offers or settlements are made, the main consideration is often what proportion of the respiratory disease is the fault of the employer—in this case, British Coal—and how much is due to other factors such as smoking, which the Under-Secretary of State will know is one of the biggest considerations. The DTI believes that the calculations are fair and accurate, and entirely in keeping with the handling agreement. However, claimants and solicitors rightly argue that derisory offers do not reflect the levels usually agreed in similar common law cases.

The felony is compounded by the fact that for every CBE claim that a solicitor takes on he receives in excess of £2,100 in fees, even for cases such as three outlined in "Miners' Health Compensation", an excellent document published by the Coalfield Community Campaign in June 2004. Those cases highlight the problem facing the Government. For example, in the first case, an ex-miner with 13 years' experience of the coal industry in Derbyshire was found to have chronic

[Jeff Ennis]

bronchitis. His unapportioned award was assessed at £5,304, but using the handling agreement calculator, the recoverable proportion, after taking his smoking into account, was just 0.31 per cent. of the total, resulting in an offer of £17.64. I remind the House that, on average, the solicitor receives £2,100.

Secondly, the widow of an ex-miner with 35 years' experience in the industry was offered just £77.76 because of her husband's history of smoking. Finally, an ex-miner who worked in Seaham colliery in County Durham for more than 50 years died at the age of 78. He was a non-smoker, but because most of his service was completed before 1954, his widow was offered £146.50, even though he worked down the pit for 50 years. That case highlights two main causes for concern about the scheme. Many families find it difficult to understand why it only covers employment after 1954. An added complication is that in Scotland it covers employment from 4 June 1949, while in England and Wales it only covers employment from 4 June 1954, which many former miners and their families cannot understand.

The three cases that I have quoted underline how derisory the offers are, compared with some of the awards made through the courts under common law, where injuries are often far less serious but result in much higher compensation levels. It was never the intention that the handling agreement should result in payments lower than in a normal court of law. A minimum payment would restore fairness and clear the system of stalled claims.

Regardless of the mechanical nature of the handling agreement calculations, compensation must be seen to be fair. Damage to the lungs, according to organisations such as the British Lung Foundation, is a serious matter, and if British Coal is proved to be in any way responsible, very small amounts of compensation will not be seen as acceptable. A sensible approach would be to make a minimum offer of £1,500 to claimants who are unlikely, on the basis of medicals and other evidence submitted, to be entitled to any more compensation after years of costly administration.

I am aware that the British Coal Respiratory Disease Litigation Solicitors Group—the group of solicitors acting on behalf of the miners—has been in discussions with the Department of Trade and Industry about a minimum settlement based on a top-up from a proportion of the solicitors' fees, which are enhanced every year by inflation. I am also informed that some solicitors are offering top-ups from their fees to help settle cases more quickly. I hope that in his response to my contribution, the Minister will enlarge on that. In principle I am not against the solicitors helping, but the Government should initiate a universal agreement so that everyone is treated equally. The system is weighed down by the huge influx of claims submitted before the March deadline, and something must be done. If one of the justifications for a minimum payment is to reduce transaction costs and lift the burden on resources, both the Government and their contractors, and the solicitors, stand to benefit and both should therefore help to cover the costs.

It is recognised that there may be difficulties in introducing a minimum payment at this stage, with so many claims already settled. An ex gratia payment from the Government would be money well spent. I know that is a difficult concept to consider, but I ask the Minister to carefully consider implementing it. The issue is one of social justice, and the Government have always believed in promoting policies that support the principle of social justice.

There is a moral and practical case for a minimum payment of £1,500 for all ex-miners who have suffered from chronic bronchitis and emphysema as a result of working in the coal industry. I urge the Minister to give that his urgent consideration.

6.17 pm

The Parliamentary Under-Secretary of State for Trade and Industry (Nigel Griffiths): I congratulate my hon. Friend the Member for Barnsley, East and Mexborough (Jeff Ennis) on securing the Adjournment debate and on the clear way in which he set out the case. I welcome my hon. Friend the Member for Bolsover (Mr. Skinner), my right hon. Friend the Member for Rother Valley (Mr. Barron), my hon. Friends the Members for Mansfield (Mr. Meale) and for Bassetlaw (John Mann) and my hon. Friend the Economic Secretary, all of whom, along with a large number of other colleagues representing coalfield communities, have taken a close personal interest in the matter on behalf of their constituents.

I am pleased that in the interests of fairness, my hon. Friend the Member for Barnsley, East and Mexborough congratulated the Government on what has been done so far. It is good that in his constituency some 12,500 claims have been registered for respiratory diseases and some 5,700 claims for vibration white finger. Across both schemes, more than £72 million has been paid out in his constituency. That, of course, can never be full compensation to miners who were deceased before payment was made, which was then left to their widows. In often tragic cases, the widow, too, has passed on and the compensation has been paid to the relatives.

Nothing can bring back a sick miner's health or restore years lost to ill health, and no sum can be traded for the loss of good health.

I know that the issue concerns all hon. Members, and particularly those whose constituencies are in coalfield areas. I fully understand those concerns, not least because of the excellent advice that I receive from members of the Gilmerton miners' welfare club in my Edinburgh, South constituency, and am pleased to have the opportunity to update the House on the issue.

The House wants to know about the background to the levels of settlement. In a 1990 High Court judgment, Mr. Justice Turner instructed the parties to negotiate a handling agreement to reflect the aspects of his judgment and the damages awarded. I thank Mr. Justice Turner for dedicating his life over the past six years to bringing his fantastic legal expertise to the matter, and a more knowledgeable or fairer judge could not serve on the scheme.

Mr. Justice Turner found many factors that defy precise attribution of effect to one cause or another, and he therefore found that compensation should be apportioned or discounted to take into consideration the fact that some claimants were exposed to non-

tortuous dust, which cannot be suppressed by technology. Some claimants had smoked, and the extent of their smoking is relevant. British Coal is not liable for claims made by miners who were exposed to dust before 1954—the relevant date is 1949 in Scotland, as my hon. Friend just outlined.

Of the eight test cases in the High Court judgment, six were apportioned. The apportionment ranged from reducing a £40,000 general damages award to £7,000, to reducing a £32,500 general damages award to £10,500. There was no doubt in Mr. Justice Turner's mind when he examined the nature of compensation schemes, claims and settlements in court. I pass no judgment from the Dispatch Box on how fair those settlements might be, but I know that my hon. Friends are critical of them. None the less, Mr. Justice Turner was properly constrained to examine the evidence and the precedents.

The apportionment affects the settlement. The Government's policy has been to take account of individual circumstances—medical records, and the type of pit and dust to which the miner was exposed—and personal circumstances such as smoking. I know from miners clubs—both inside and outside my constituency that that principle is not in dispute, but today's complaints are not uncommon.

The Government's policy has always been to pay the full compensation due under the scheme, however low it might be—it has been as high as £368,000. At the end of August, the average figure for full and final settlement is £7,466. The average settlement for a claim for chronic bronchitis only is £1,105, so I know the background to the debate.

I am also aware of my hon. Friends' concern about the money that has been paid to solicitors, and they know that I have taken a robust stance. I will never be the judge of my own effectiveness, but we have been pressing.

To date, we have paid solicitors more than £300 million to process claims under the coal health scheme in relation to payments to sick miners, their widows and families totalling about £2 billion. Of course, the vast majority of firms have taken the tariff cost paid by the Department, but I have made it clear that I consider that a minority have unethically and immorally taken a percentage of a claimant's compensation in addition to that paid under the agreement.

I was grateful to 20 of my hon. Friends who joined me to quiz the Law Society about that. Even the harshest critics of the lawyers whom we believe to have acted improperly recognise that the Law Society has taken this matter very seriously. We are grateful to it for reinforcing our actions, particularly those that I initiated towards the end of last year.

I said that several factors affect the tariff on a settlement, but I should add that a difference can be made to a claim that might be as high as £300,000-plus by the level of disability that is assessed, the relative length of time that somebody has been working in a pit, and the reduction that is made for smoking or other disabling conditions for which British Coal was not liable. The claimants' solicitors have put forward a proposal whereby claimants' representatives would fund a minimum payment from their fee to a value of £500. I can tell my hon. Friends that the Department is in discussion with solicitors with regard to that proposal, in particular to establish that there will necessarily be full take-up of any minimum payment by all claimants' representatives.

The problem is that it would be unacceptable for there to be inequitable treatment between different claimants depending on the representatives who are handling their claim. That is one of the practical hurdles that we are endeavouring to overcome before a minimum payment can be introduced. Active discussions between the parties are taking place, and it is important that we let those proceed. I know that they will read my hon. Friend's speech with care and hope that they will take it fully into account.

We had a brainstorming session with the claimants' solicitors group on 27 July, and we are reviewing its outcome with a view to putting proposals to the judge in September when he visits the Department's claims handlers. We are particularly concerned to ensure that solicitors groups and claimants' representatives have access to our records. As my hon. Friends will know, I have given that access. I have met the claimants' group that is going through records to try to find evidence that would help their case, especially in formulating test cases in areas that are not currently covered by the scheme.

I do not believe that any hon. Member, or anyone who listens to or reads the debate, should be in doubt not only about my commitment but that of the Government to securing justice and doing more to secure it. We are better informed about remaining grievances through debates such as this and the meetings that hon. Members regularly have with me. Although I should like to assure hon. Members that we shall resolve all outstanding grievances, I fear that that will not be possible. However, it will not be through lack of effort. If we can legally go down the proposed route, we certainly shall.

Mr. Alan Meale (Mansfield) (Lab): I am grateful to my hon. Friend the Under-Secretary for giving way and I congratulate my hon. Friend the Member for Barnsley, East and Mexborough (Jeff Ennis) on the excellent debate. I know how hard the Under-Secretary has worked to try to get some justice, but surely we must consider ways of getting more moneys and minimum payment to those who are suffering.

Only two weeks ago, the widow of a miner in my constituency came to see me. He had been rushed into hospital some time ago. Although he had been offered £200 compensation, when he was in the hospital where he later died, his lungs were found to be full of emphysema and bronchitis. Clearly, he died because of that. A figure of £200 or even £500 that solicitors might contribute towards the offer is not enough. As my hon. Friend the Member for Barnsley, East and Mexborough said, £1,500 should be the bottom line in all cases. Why cannot we take a little of the millions—indeed, billions—of pounds that we get out of the coal mining compensation scheme and that go back into the Treasury and pay back those people?

Nigel Griffiths: My hon. Friend makes a powerful point. My hon. Friend the Member for Bolsover

[Nigel Griffiths]

(Mr. Skinner) reminded me earlier that the tremendous work of Department of Trade and Industry staff would be put at risk if the Liberal Democratic policy came to pass and the Department were abolished. It is important to realise that all the expertise and commitment that has allowed us already to pay out a world record amount for a public compensation scheme would be jeopardised by such a policy. We are determined to resist that and to allay the fears of miners, their widows and families that the scheme would not have the staff to continue it. We shall ensure that it continues.

The sort of case that my hon. Friend the Member for Mansfield (Mr. Meale) raised shows that no scheme is perfect and we must learn from those experiences, too. We therefore have independent medical experts who are examining medical records. Again, we accept that they can often be inaccurate or inadequate and that is a source of concern.

I know that hon. Members will revisit the issue. I keep it under constant surveillance and I am grateful to all my hon. Friends who raise individual cases with me or make thoughtful points to me almost every day. Again, I congratulate my hon. Friend the Member for Barnsley, East and Mexborough on securing the debate and thank my hon. Friends for their attendance and interest in such an important matter.

Question put and agreed to.

Adjourned accordingly at twenty-eight minutes to Seven o'clock.

House of Commons

Monday 13 September 2004

The House met at half-past Two o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

CULTURE, MEDIA AND SPORT

The Secretary of State was asked—

Swimming Pools

1. **Chris Bryant** (Rhondda) (Lab): How many 50-metre swimming pools there are. [187891]

The Minister for Sport and Tourism (Mr. Richard Caborn): Before I answer the question, Mr. Speaker, may I congratulate all our Olympians, who performed incredibly well? We also send our best wishes to our competitors in the Paralympics, which starts next week.

There are currently 20 50-metre swimming pools in the UK.

Chris Bryant: I am sure that all hon. Members congratulate our two Olympic swimming medallists, David Davies and Stephen Parry. It is unfair on our swimmers that only 20 50-metre pools exist in this country, when Germany has 92 and France has 90. Wales contains only one such pool and London has only two, despite the fact that Paris, another capital city, has 19. We should invest more in swimming and build more 50-metre pools, so that people who swim the 1,500 m do not have to do excessive numbers of tumble-turns.

Mr. Caborn: Sport England is committed to eight new 50-metre pools. We currently have 3,648 swimming pools and 1,134 25-metre pools. Since 1995, one sixth of all lottery money, some £279 million, has been invested in swimming. I accept that we must do more for elite swimmers, and we are discussing facilities for our elite athletes with swimming's governing body, but swimming has received major investment in the recent past.

Mr. Hugo Swire (East Devon) (Con): I draw attention to my entry in the Register of Members' Interests. Building more swimming pools up and down the country is surely to be encouraged, but it is not so much a question of size as a question of usage. The villagers of Membury in my constituency know that size is not everything: they have a community swimming pool, which the school uses, and they have an enormous problem with insurance. Last year, the premiums rocketed up, and cover cannot be obtained at all this year, so local people will not be able to use the pool. I contacted the Financial Secretary, who passed the matter on to the Home Office, from which I am yet to hear. Will the Minister indicate how public swimming pools owned by local communities can be insured, so that local people can use them?

Mr. Caborn: I do not know the exact detail of the case raised by the hon. Gentleman, but insurance for sport is a serious issue. In particular, extreme sports find that they cannot get instructors, who allow young people to participate in those sports, because they cannot get insurance. The Home Office, the Department for Culture, Media and Sport and the industry are examining the problem, and we have also discussed a private Member's Bill on the subject. The issue is being taken seriously, and it concerns not only swimming, but the whole spectrum of sport. If we do not get it right, it will be to the detriment of many young people who want to participate in sport.

Mr. Dennis Skinner (Bolsover) (Lab): Is the Minister aware that if there are eight Sport England swimming pools, we will settle for one in Bolsover? We lost our baths because of subsidence, and, as he knows, we have being trying to replace them for a few years. We do not need a 50-metre pool—we will settle for less—and we will not worry his pretty head about insurance, because we will deal with that. He knows that a hiatus has occurred because of Sport England's refusal to obtain lottery money for us—all that money has gone to the City of London and elsewhere. Will he meet the people of Bolsover to get the show back on the road?

Mr. Caborn: I have been called many things, but never "pretty". The hon. Gentleman knows that I have met Bolsover council, the strategic health authority and the primary care trust to try to find a funding mechanism for that major community facility. I assure my hon. Friend that we will continue those discussions and will hopefully find a funding package for a swimming baths in his constituency, although I do not think that it will be a 50-metre pool.

Angela Watkinson (Upminster) (Con): Will the Minister agree to have a close look at the conditions attached to lottery grants? In my constituency, we are about to open a brand new swimming pool, which we are delighted to have, paid for by lottery funding. Unfortunately, however, there are no 50-metre competition-sized pools in the whole of Greater London. This would have been a wonderful opportunity to have one in my constituency, but the strings attached to the lottery grant meant that the sum had to be dissipated on other ancillary provision; as a result, we must have a six-lane pool with the same water space as the old one. Has not a wonderful opportunity been lost; and would not it have been better to focus the entire funding on providing an eight-lane 50-metre pool?

Mr. Caborn: If we are successful with the Olympics, London could have three 50-metre pools. Construction is already taking place on an aquatic centre where there will be one 50-metre pool; if we are successful with the Olympics, there will be two; and we are discussing with Crystal Palace a major refurbishment that could include a third.

One has to be careful in relation to 50-metre pools. I have one in my own constituency which is used as a 50-metre pool for only a few hours every year because it is split into three community pools by moving booms and lifting the floors. A few very important elite athletes need access to 50-metre pools. We are discussing with the Swimming Association how we can bring the elite together, as we have done in many other sports. Kelly Holmes is a classic example. She will put her success in gaining silver in Paris and gold in Athens down to the training and physiotherapy that she received at the English Institute of Sport. We have to bring the centres of excellence together. We are doing that through the new funding arrangements and by liaising with the governing bodies and providing facilities. We need to reflect on how 50-metre pools are used by the community and by the elite.

Hugh Robertson (Faversham and Mid-Kent) (Con): I am sure that we all share the shadow Minister's enthusiasm for swimming—*[Interruption.]* I am sorry, I mean the Minister's enthusiasm: it is easy to tell it is my first day. However, will he undertake to review the decision taken by two Government bodies—the Institute of Sport and Recreation Management and the Health and Safety Executive—to ban women from taking more than two children under the age of eight into a swimming pool at any one time? Its introduction on 1 May this year, at the start of summer, could not have been worse timed. It deprives young families of vital bonding time and means that young children cannot take the very type of exercise that the Government are encouraging.

Mr. Caborn: I welcome the hon. Gentleman to the post of shadow Minister for Sport and congratulate him on his question—because the answer to it is not in my briefing notes.

I do have concerns about that recommendation—it was only a recommendation, not a statute. It has to be dealt with using common sense. On the one hand we must consider the effects on insurance policies and try to protect young people, but on the other we want to ensure that bonding in our swimming facilities is maximised. I think that the recommendation came from the right motives. A lot of pressure has been put on those bodies to consider the whole question of safety, and they are taking into account the best interests of the children. We will revisit their decision, however, because if it is imposed rigorously it could be counterproductive.

BBC Charter

2. **Mr. Harold Best** (Leeds, North-West) (Lab): What principles will guide the Government in their review of the BBC charter. [187892]

The Secretary of State for Culture, Media and Sport (Tessa Jowell): The principle guiding the review of the BBC charter is that the outcome will be a strong BBC, independent of Government. The review process is thorough and extensive. We have already undertaken large-scale consultations with industry and the public, and the process will continue to be characterised by vigorous and open debate.

Mr. Best: I am delighted to hear the Minister use the words "independent" and "vigorous", because that is exactly what we need from a public service broadcasting body. Will we get a guarantee that that means that there will be no commercially funded element that may make the BBC dependent on commercial interests?

Tessa Jowell: I thank my hon. Friend for his comments. He probably knows that the BBC is currently undertaking a review of its commercial services and is bound by strict fair trade rules. The governors are obliged to ensure that they are complied with. My hon. Friend's question will be addressed in the course of charter review. The BBC have already pre-empted that to some extent by taking steps to review the role and extent of commercial services.

Michael Fabricant (Lichfield) (Con): I welcome the Secretary of State's commitment to a strong and independent BBC. However, does she acknowledge that one of the functions of independence is political neutrality? What steps will she take to ensure that, in the run-up to the by-election in Hartlepool, during which the Labour party conference will be taking place, there is equal coverage of all the parties—

Mr. Speaker: Order. That has nothing to do with the renewal of the charter.

Mr. Derek Wyatt (Sittingbourne and Sheppey) (Lab): Does the Secretary of State agree that in 2017, we shall still have a national health service, primary schools and secondary schools and a BBC? Given that we are considering switching from analogue to digital by 2012, is there any sense in having a charter? If so, is there any sense in having it for 10 more years?

Tessa Jowell: That is an important question, which is, in a sense, most relevant during the current charter review because we expect the switch-off of the analogue signal during the period that the next charter covers. A further 10-year charter is likely, but not certain. The independent panel, under the chairmanship of Lord Burns, which is advising me on charter review is considering the matter specifically.

Mr. Simon Thomas (Ceredigion) (PC): What is the Secretary of State's vision of that digital future? Does she agree with the BBC's statement of values for the charter when it states that it wants everyone in the United Kingdom to have equal access to digital services? How will she achieve that? There are worrying stories that she has abandoned SwitchCo and the source of money that is necessary to achieve the digital switch-over. Which parts of the UK will go first and which will go last?

Tessa Jowell: With great respect, that question was nonsense. There is no question of abandoning SwitchCo or walking away from the money. The broadcasters are considering the timetable and costs of converting the transmission network from analogue to digital. The Government are clear that digital switch-over will take place on a basis that guarantees universal access to people who currently receive analogue. We expect the principal technology to be through digital terrestrial

television, but satellite and cable will also have an important role. We expect the broadcasters to bear the major costs, principally of upgrading the transmission network, of achieving the switch-over.

Mr. John Grogan (Selby) (Lab): Does my right hon. Friend agree that an increased commitment to the nations and regions should be an important principle that guides the Government when they review the BBC charter, possibly with the relocation of production facilities and channels—for example, Radio 5 Live or BBC 3—to the north of England?

Tessa Jowell: I agree with my hon. Friend. In the past few weeks, the BBC has made some encouraging statements about its intention for substantial relocation of staff and functions out of London. The BBC must reflect the identities and characteristics of the whole UK. It cannot do that if it is principally an operation that broadcasts from London.

Mr. John Whittingdale (Maldon and East Chelmsford) (Con): Will the Secretary of State accept that one of the fundamental principles that must be upheld in the charter review is that the BBC must be politically impartial and balanced in its coverage? Is not the decision to call a by-election in the middle of the conference season—

Mr. Speaker: Order. I have already ruled on that matter.

Female Athletics

3. **Mr. Jim Cunningham** (Coventry, South) (Lab): What action her Department has taken to promote female professional athletics in the United Kingdom. [187893]

The Secretary of State for Culture, Media and Sport (Tessa Jowell): I would like to begin by joining the Minister for Sport and Tourism, my right hon. Friend the Member for Sheffield, Central (Mr. Caborn), in taking this opportunity to thank all our Olympians, men and women, who performed so magnificently at the Athens Olympics. They inspired and moved us all, and redoubled our determination to try to bring the Olympic games to London in 2012. In addition to thanking and congratulating our athletes, I would also like to thank Team GB and the scores of support staff who made those performances possible. My right hon. Friend and I will also be supporting our athletes at the Paralympics, which start this weekend.

The Olympics have clearly focused our pride on our women athletes, who won four of our five track and field medals in Athens. For the future, UK Athletics is fully committed to implementing what it has described as a new equality standard. In practice, that will mean ensuring that girls and boys, and men and women, have a chance to do well and to compete on an equal basis, whatever the sport.

Mr. Cunningham: I associate myself with my right hon. Friend's remarks, but I would also like to ask her what proportion of the resources allocated to the Olympics will be allocated to females athletes, so that we can maintain the high standards that we have seen at the recent Olympics?

Tessa Jowell: I thank my hon. Friend for his question. The equality standard to which I referred will be applied by the governing bodies, and will be one of the conditions against which decisions to fund governing bodies will be taken. It is a lever with which the Government can influence the behaviour of those bodies, to ensure that they take seriously the ambitions of women in sport as well as those of men.

Mr. Don Foster (Bath) (LD): May I associate the Liberal Democrats with the Secretary of State's congratulations to Team GB and all its support staff at the Olympics? We also wish our team well in the forthcoming Paralympic games. May I remind her, however, that under this Government, female participation in athletics and sport has declined? Does she agree that this is not helped when television sports coverage of women's sports is only 5 per cent. of the total coverage, and less than 3 per cent. in our tabloid newspapers? Will she therefore lobby the newspapers and broadcasting companies to ensure that they start to give our women a fair deal?

Tessa Jowell: Yes, yes and yes.

Mrs. Gwyneth Dunwoody (Crewe and Nantwich) (Lab): Is the Secretary of State aware that, in Crewe, we have a special team of young people who are taking part in the Paralympics, of whom we are inordinately proud and who have produced some very good results in the past? Will she make a special effort not only to encourage these children but to find ways of financing the work that they do, which is tremendously important to them and which needs to be encouraged at every level?

Tessa Jowell: I thank my hon. Friend very much for her question. This is one of the reasons why my right hon. Friend the Minister for Sport and Tourism and I want to go to Athens, to provide the support that our Paralympic athletes deserve.

Mr. Andy Reed (Loughborough) (Lab/Co-op): I am sure that all hon. Members here would like to congratulate the British Olympic team and the Paralympians, and, if so, that they would also like to sign my early-day motion 1602. I hope that they will do so, to double the number who have already signed it. The problem for women's sport in particular is the massive drop-off rate during the teenage years. By the time young women get to the age of 17, the number participating in sport has reduced dramatically. What work is my right hon. Friend doing with the Department for Education and Skills to ensure that girls continue with sports at school, and what role models can those girls look up to when, as the hon. Member for Bath (Mr. Foster) rightly said, there is inadequate media coverage of women's sports? Let us hope that we can use Kelly Holmes and others to ensure that in future more women will want to participate.

Tessa Jowell: I thank my hon. Friend for making that point. Many of our female athletes—Kelly Holmes in particular—take their responsibilities as role models very seriously. Long before their recent Olympic fame, they were in schools providing exactly the kind of leadership that my hon. Friend is talking about. We are very concerned to address the issue that he describes, and the school sport partnerships that are now covering nearly 50 per cent. of schools place a special focus on presenting sport to girls in a way that they can engage with. We recognise the issue, we are determined to tackle it, and we will be judged by our success in doing so.

Millennium Commission Projects

4. **Kevin Brennan** (Cardiff, West) (Lab): If she will allow sponsors' names to be used in the titles of Millennium Commission projects. [187895]

The Minister for the Arts (Estelle Morris): The Government do not control the identity of projects supported by the national lottery. The Millennium Commission's grant agreements specify that any change in the name of a project that it funds must be agreed by the commission.

Kevin Brennan: I thank the Minister for that answer. But is it not crazy to fetter the future of some wonderful projects such as the Millennium stadium in Cardiff, which many Members have had the opportunity to visit, and which many more may visit in future, particularly when Wales play England at football next year, by not allowing them to maximise the commercial opportunities in the long term by having a sponsor's name in the title of the project? Will she and her colleagues consider this issue with a view to assisting the long-term future of those important projects?

Estelle Morris: First, may I share my hon. Friend's enthusiasm for the Millennium stadium? I reiterate, however, that this is a matter not for the Government but for the Millennium Commission. I know, however, that the Millennium Commission is in discussions, and has made it clear that it will consider any proposal that is put to it. That is right. It has also said that when there is lottery money involved a project, that must be made clear to the public and to people who buy lottery tickets. That is why, whatever the title is, it must continue to use the word "Millennium". If my hon. Friend looks a bit further, he will see that the Millennium Commission has allowed naming rights in other projects, such as the Donald Gordon theatre, as part of a much wider project. I do not know what the commission will decide, but it has certainly not said no to considering naming rights. That will be a matter for it and the stadium in the weeks and months to come.

Mr. Patrick McLoughlin (West Derbyshire) (Con): Bearing in mind the fact that the Millennium Commission gets its money from the lottery, what action are the Government taking to ensure that undesirable people are not allowed to buy lottery tickets? The Secretary of State referred to one such case during the summer recess.

Estelle Morris: First, I understand the hon. Gentleman's comments. Over the summer, people were aghast at the fact that someone who was not able to repay money to victims suddenly came into millions of pounds. To state the obvious, one of the elements of the lottery is chance: there are no criteria in relation to worthy, deserving or non-deserving winners of the lottery. As far as what might happen in the future is concerned, we have no intention of introducing criteria on who should win. If it is legal for someone to buy a ticket, it must be legal for them to take the winnings. The Home Office is considering further what action it may need to take as to the criteria that it decides to impose on who may or may not buy lottery tickets. The gatekeeper is the person who buys the lottery ticket, and there cannot be decisions taken retrospectively when people have bought tickets and won prizes.

Gambling Laws

5. **Mr Andrew Mackay** (Bracknell) (Con): When she intends to introduce legislation to reform gambling laws. [187896]

The Minister for Sport and Tourism (Mr. Richard Caborn): We plan to introduce the gambling Bill as soon as parliamentary time allows. The Bill will modernise the law and provide stronger safeguards. We are considering the second report of the Joint Scrutiny Committee that examined our draft Bill. It made 24 recommendations on regional casinos, and we will consider all those and give our views in the near future.

Mr. Mackay: "As time allows" is very vague, and I am delighted at that. Is the Minister aware that many of us believe that the American-style hard-gambling sheds that will be placed on the edge of towns will adversely affect our communities? We would be strongly opposed to that element of the legislation.

Mr. Caborn: That means that we have cross-party support on that issue. Let me make it perfectly clear: we have been driven into this review, which, as many Members know, goes back to Budd, because of the development of new technology in relation to gambling. Many people are being exposed to online gambling who were not exposed to gambling previously. Let us make no mistake about it: the priority of the Bill is "protection, protection, protection." The world has moved on since the 1960s.

May I pay tribute to the hon. Member for Ryedale (Mr. Greenway), who chaired the Joint Scrutiny Committee? He and his colleagues took a realistic view, with deregulation and modernisation on the one hand, and protection on the other. Having examined the impact of gambling in Australia, I note that in a very short period, once the cap had been taken off, it was very difficult to put it back on. All those whom I spoke to in Australia said that they wished that they had moved more proportionately and carefully in their deregulation. We learned a lot from that, and we will make sure that this Bill is informed by some of their experiences.

Mr. Peter Pike (Burnley) (Lab): My right hon. Friend, who visited Burnley football club last week, will know that we all think the gambling laws need to be reformed. We have no problem with casinos in places like Blackpool, but as my right hon. Friend will appreciate, there is some anxiety about football clubs, churches and other organisations for which lotteries and other forms of gambling are the main source of income. Does my right hon. Friend think that the reformed laws will ensure that those sources of income are protected for worthy causes?

Mr. Caborn: We have been increasing the limits on charitable lotteries, and have done everything we can for the community. Some of the relaxations in the laws that have already taken place are intended to ensure that any surpluses and profits from that type of gambling are returned to the community. We have just been discussing the protection of the lottery. It is ring-fenced, and in that sense it is a private monopoly; but it is ring-fenced in order to help good causes.

It seems from what I read in the papers that every football club in the country is to have a casino. We shall have to wait for the Bill, but I can assure my hon. Friend that casinos will not be springing up at every corner as they did in the 1960s. At that time they were commonly used for purposes of crime and money-laundering, but in this instance there will be protection and strong adherence to the law.

Mr. John Greenway (Ryedale) (Con): I am grateful to the right hon. Gentleman for his earlier remarks, but does he agree with the Joint Scrutiny Committee's recommendation that without a reforming Bill, gambling of doubtful legality would continue to increase?

Does the right hon. Gentleman welcome the code of practice jointly adopted last week by his Department and the betting exchanges? That area of gambling is currently not regulated. Is it not the case that without reform we shall not be able to introduce strong new powers through a new gambling commission, strengthen consumer interests, or reinforce the fight against problem gambling by means of greater social responsibility?

Mr. Caborn: Obviously I welcome all the steps that have been taken, including what has happened with the Jockey Club and the exchanges on the memorandum of understanding that was signed only a few weeks ago. It appears that in the last few weeks cheating has been looked at very carefully in that part of the industry. We need to go much further, though, and I think that the new gambling commission—which will have far more teeth than the Gaming Board currently has—will ensure that the police and other authorities can move in, in a concerted and effective way, to control problem gambling. We want to prevent crime, and also to ensure that vulnerable people, including children, are protected.

Mr. Kelvin Hopkins (Luton, North) (Lab): My right hon. Friend will know of the research that was presented to the British Association for the Advancement of Science, which concluded that 2 per cent. of the British population are already addicted to gambling and that simply liberalising the laws will make things worse. Will he take account of that research in pursuing his legislation?

Mr. Caborn: A good many reports have been produced, and I do not accept the findings of that one. In fact, the figure is 2 per cent. in Australia and marginally under 1 per cent. here. Nevertheless, the issue is important, which is why Budd recommended the setting up of the Gambling Trust. He wanted us to think not just about how we could mitigate the worst effects, but about some of the causes, and he therefore asked for the establishment of a £3 million fund. The industry has responded effectively to date, and I hope that we shall continue to look at both cause and effect.

As with any other deregulation, there are some who will behave sensibly. People should be able to gamble sensibly, just as they should be able to drink sensibly without indulging in binge drinking. We must introduce laws that protect without stifling.

Mr. Malcolm Moss (North-East Cambridgeshire) (Con): Few Bills could have undergone greater or closer scrutiny than the Gambling Bill, under the expert chairmanship of my hon. Friend the Member for Ryedale (Mr. Greenway). I am grateful to the Minister for mentioning that. The Government's report has elicited almost universal support for the Committee's findings. Given the desire of more or less all involved in the industry for the Bill to be introduced as soon as possible, what reasons can the Government have for delaying it?

Mr. Caborn: The reason is parliamentary time. As a seasoned Member of Parliament, the hon. Gentleman will know that such matters are within the gift not of the Department for Culture, Media and Sport but of those who order the business of the House—in which regard, I look to the Whips to my left. However, I can assure you, Mr. Speaker, that we have been pressing very hard on this issue.

Sport England Database

6. **Ms Meg Munn** (Sheffield, Heeley) (Lab/Co-op): If she will make a statement on the launch of Sport England's Active Places online database. [187897]

The Minister for Sport and Tourism (Mr. Richard Caborn): Active Places is a free-to-use, comprehensive online database of sports facilities in England. It provides details of more than 10,000 facilities, including swimming pools, synthetic pitches, health and fitness centres and ski slopes. Active Places was officially launched on 11 July, and I invited every Member of the House to attend a demonstration of it at Room C at 1 Parliament Street between 10.30 am and 1.30 pm on 14 July. A flyer was also produced, telling Members how to access the database on their constituents' behalf. So every Member was informed, but unfortunately only a few could attend the demonstration. Doubtless it was pressing parliamentary business that prevented them from attending, but I have no doubt that Sport England will set up other demonstrations for any Member who requires one.

Ms Munn: This is an excellent database that provides lots of information, but as it is developed, can consideration be given to asking providers of sports facilities to clarify the cost of such facilities, because cost is often a key factor in families, children and young people deciding whether they want to access them?

Mr. Caborn: Very much so, and we shall obviously act on any such constructive suggestions. As I have said, the number of facilities listed on the database—involving some 10,000 locations—is limited, but the database will be continuously updated and we shall add further locations.

There has been debate about the closure of playing fields and various facilities, and this database will show for the first time ever what facilities we have, where the hot spots are and where we need to invest. In fact, all Governments have previously been investing in a strategic vacuum, because we have lacked the basic data that show where we really need to invest in sports facilities. This database will be one of the tools to give us that up-to-date information, so that we can make informed decisions on such investment.

Jim Knight (South Dorset) (Lab): I, too, have visited the website. It is excellent in as far as it goes, but it misses out certain key sports—in particular, those that are actively pursued in my constituency. The Minister has visited the skateboarding centre in Weymouth and the sailing centre. Indeed, sailing is the Olympic sport in which we were most successful, and I am lucky enough to represent four of this year's medallists. Is there any prospect of sailing, windsurfing and skateboarding being included on the website?

Mr. Caborn: I thought that my hon. Friend was going to talk about Olympic sailing centres—I think that they are on the website—but he refrained from doing so; nevertheless, I take his point. This is the first attempt to compile a Domesday Book of sporting facilities, so that we know what we have and where it is. We will continue to expand the website, and if any Member wants to write to Sport England explaining where, in their view, there are information deficiencies, please do so. This is a partnership, and we want to ensure that everyone in England has access to all the facilities and to up-to-date information, particularly through the website. Constructive comments and criticism will be welcomed.

8. **Miss Anne McIntosh** (Vale of York) (Con): What the implications for North Yorkshire will be of London's Olympic bid. [187899]

The Secretary of State for Culture, Media and Sport (Tessa Jowell): The hon. Lady will be aware that Yorkshire Forward, the regional development agency, encouraged the Government to back the bid for the 2012 Olympics. We will work with it and with RDAs throughout the country to ensure that North Yorkshire and the whole UK will benefit.

Miss McIntosh: I am very grateful to the right hon. Lady for that reply. The constituency of her colleague the Minister for Sport and Tourism is going to get some magnificent facilities, and I wonder what lies in store for North Yorkshire. Can we look forward to a 50 m pool or an athletics track in Thirsk, Bedale, Boroughbridge, Easingwold or perhaps Poppleton? Otherwise, we will have to travel a remarkably long distance: to Sheffield, or indeed to London.

Tessa Jowell: I thank the hon. Lady and I know that there will be an effort, conducted under the auspices of Yorkshire Forward, to bring the whole region together and ensure that it is proactive in marketing its benefits, perhaps attracting holding camps and other facilities for visiting teams. The opportunity for initiative is there to be taken across the whole of the UK. I would urge regional development agencies throughout the UK to take the initiative as Yorkshire Forward has done.

Lawrie Quinn (Scarborough and Whitby) (Lab): I remind my right hon. Friend that in Euro 1996, during the successful football championships, North Yorkshire was used to house some of the competitors. I urge her to ensure that the RDA and tourism bodies learn the lessons from that particular experience, bearing it in mind that some of the best hotels and facilities are located on the Yorkshire coast.

Tessa Jowell: My hon. Friend is absolutely right that there are opportunities for hosting preparation camps, and enormous wider tourism opportunities, already demonstrated in respect of the north-west on the back of the Commonwealth games. There will be something like 10,000 full-time equivalent jobs generated by the Olympics, and the opportunity extends to firms across the country to tender for that work. The opportunities are there: the important thing, once we know that we have won the bid, is to seed them.

Mr. Boris Johnson (Henley) (Con): Much as I applaud the lottery funding of athletes in North Yorkshire, may I ask the Secretary of State if she agrees that it is amazing and a disgrace that, here in London, the National Gallery's fantastic east wing project is currently being funded almost entirely by non-UK nationals, while £2.6 billion of unspent cash—

Mr. Speaker: Order. The hon. Gentleman is miles away.

9. **John Barrett** (Edinburgh, West) (LD): If she will make a statement on the London bid to host the 2012 Olympic games. [187900]

The Secretary of State for Culture, Media and Sport (Tessa Jowell): London's presentation to the International Olympic Committee during the games in Athens went very well, and our Prime Minister was the only Head of Government of the 2012 candidate cities to be there. The bid is making excellent progress with planning permission granted last Thursday for the Olympic park in the lower Lea valley. The Olympic applications are some of the largest ever to have been considered in the country, but it took just eight months from the submission time, which is an incredible

achievement and an excellent boost for our efforts internationally to sell the case for bringing the games to London.

John Barrett: One problem about the London bid identified by the International Olympic Committee is the lack of enthusiasm in the nations and regions about it. What will the Secretary of State do to ensure that the far-flung nations and regions do not suffer as parts of Greece suffered this year? It was a particularly bad tourist season because people believed that Athens was overbooked, overpriced and overheated.

Tessa Jowell: The hon. Gentleman asks an important question. The bid team has addressed the importance of engaging people right across the UK through the establishment—under the leadership of Charles Allen, who made such a success of the Manchester games—of a nations and regions committee that will do just that. We need to spread the benefits of the bid all around the UK.

This is one of the rare issues where cross-party support is crucial, and we hope that it continues—we will be damaged without it—because we all recognise the fantastic benefits that the bid could bring to our country. Every single Member in the House can be an ambassador for our bid—in our constituencies, selling it to people young and old and to those who have never even turned on the television to watch sport before. Everyone has a fresh memory of the inspiration, created even by sitting and watching the television, that the Olympic games uniquely bring.

I sat in Athens to witness the opening ceremony, and my right hon. Friend the Minister for Sport and Tourism witnessed the closing ceremony. The Greeks' sense of celebration and pride in their city was palpable. It was wonderful to be part of it and I could not help imagining what it would be like if we had the games in London. That is what we have to strive for and, if we work together to achieve it, it is within our grasp.

Dr. Phyllis Starkey (Milton Keynes, South-West) (Lab): Does my right hon. Friend agree that London's bid would be immeasurably strengthened if we highlighted successful world championship events that have been held here in Britain? I draw her attention to the sterling efforts of the Badminton Association of England in rescheduling the world championships last year in Birmingham because of the SARS epidemic. The association demonstrated that even in such inauspicious circumstances a British sporting authority can run a world championship to great applause from everyone who participates, and especially those from countries in Asia. Will she use that example to strengthen our Olympic bid?

Tessa Jowell: I absolutely agree, and I pay tribute to my hon. Friend for the particular efforts that she made to secure those world championships. It is exactly that kind of self-confidence that we need. We are a country whose towns and cities are able to stage world-class sporting events and make them a great success. She is right to say that bringing the badminton world championships here strengthened the prospects of our London bid.

CHURCH COMMISSIONERS

The hon. Member for Middlesbrough, representing the Church Commissioners, was asked—

Clergy

16. **Mr. Ben Chapman** (Wirral, South) (Lab): What discussions the Church Commissioners have held recently with the Department of Trade and Industry with regard to the terms of employment of members of the clergy. [187911]

Second Church Estates Commissioner (Sir Stuart Bell): Church of England representatives have played a full part in meetings with the DTI to discuss aspects of the employment status of clergy.

Mr. Chapman: While the establishment of the clergy working group with the DTI is very much to be welcomed, I have personally campaigned on this issue for seven years now, and that is far too long. I urge my hon. Friend to encourage the working group to reach speedy, equitable, early and fair conclusions.

Sir Stuart Bell: I am sure that when my hon. Friend is dead—but not forgotten—the words "Employment Relations Act 1999, section 23" will be found engraved on his heart. We welcome the way in which he has pushed this issue, as has the Church, for more than seven years. As he knows, the mills of God grind slowly, but they grind exceeding small, and we are looking for legislation on the matter during 2005.

David Taylor (North-West Leicestershire) (Lab/Co-op): I, too, albeit more intermittently, have raised this issue from time to time since 1997. Does my hon. Friend agree that the present status of parish priests is equivalent to self-employed, and as such they have significantly weaker employment rights than do people who are legally employed? Should not we move much more quickly to protect parish priests and others from the vulnerability to which they are currently exposed?

Sir Stuart Bell: As my hon. Friend will know, the clergy terms of service review group, chaired by Professor David McClean, recommended that clergy should have the employment rights conferred by section 23 of the Employment Relations Act 1999, including protection against unfair dismissal and a new form of tenure for those without freehold. On the issue of employment rights per se, the clergy will retain their offices as officeholders within the terms of the clergy terms of service regulations.

Sir Patrick Cormack (South Staffordshire) (Con): Is not the real problem the erosion of the freehold? Can the hon. Gentleman give the House an assurance that it is no part of the policy of the Church Commissioners to erode the freehold further?

Sir Stuart Bell: The hon. Gentleman puts a pertinent question. The second report that is being prepared on the basis of the first report by Professor David McClean will develop some of the issues that are in the first report,

including the possible application of common tenure to clergy with the freehold. It will also address some of the questions that have been raised during the consultation on the first report.

ELECTORAL COMMISSION COMMITTEE

The hon. Member for Gosport, representing the Speaker's Committee on the Electoral Commission, was asked—

All-postal Ballots

17. **Michael Fabricant** (Lichfield) (Con): If he will make a statement on the future of all-postal ballots following the most recent report of the Electoral Commission. [187914]

Mr. Peter Viggers (Gosport) (Con): The commission has produced reports on each of the four all-postal ballots held in June this year, as required by the European Parliamentary and Local Elections (Pilots) Act 2004, and also a separate report that looks more widely at the future use of postal voting across Great Britain. It is now for the Government to respond, and of course for others to comment—including honourable colleagues.

Michael Fabricant: I thank my hon. Friend for his answer. He will be aware that the Electoral Commission said that the trials were marred by complex voting methods, logistical problems and fear of abuse, damaging public confidence. Although the whole House will welcome greater engagement by the electorate in elections—the number of people voting rose by 5 per cent.—does he not feel that the commission may be unwise to say that it is too late to cancel the all-postal election in the north-east?

Mr. Viggers: The commission has certainly recommended that voters be offered greater choice in how they receive and cast their vote, but it does not believe that there are sufficient grounds to stop the referendum in the north-east at this stage, when the formal referendum period has already begun, Parliament has agreed to the referendum proceeding and preparations are under way. The commission has also pointed to the fact that campaigning has begun and that there is public expectation that the vote will go ahead. For future elections and referendums, however, it has made it clear that it would not support the use of all-postal voting.

Mr. David Heath (Somerton and Frome) (LD): In this instance, it is difficult not to say to Ministers, "We told you so." Having read the Electoral Commission's pertinent comments, which deal not only with all-postal voting but with postal voting in normal elections, it seems to me that there are some excellent suggestions for changes in primary legislation to deal with new offences, the dispatch of papers, post-election audits and, most important, the declaration of identity. The Electoral Commission says:

"All legislation pertaining to an election . . . should be in place in time to allow the implementation of proper and robust procurement process."

As we are moving towards a general election period, is the commission in discussion with the Government about introducing primary legislation in the next Session to secure its sensible passage, unlike the rushed and unfortunate process that we went through a few months ago?

Mr. Viggers: Yes, the commission took the view in July 2003, on the basis of three series of pilots at local elections, that all-postal voting could be recommended for use in local elections, subject to certain stated conditions. However, following the extensive pilot in June 2004, which also included European parliamentary elections, it has moved to the view that all-postal voting does not provide the best basis for moving forward. Its intention is to develop proposals for what it calls a foundation model for multi-channel elections, as indicated in its recent report, "Delivering Democracy", and to report on a recommended approach before 31 March 2005. The model is expected to build on the benefits of all-postal voting while retaining the use of polling stations. The commission will consult interested individuals, including Members of Parliament and political parties, as the development work gets under way later this year, but it takes the view that it is necessary to do that careful preliminary work before legislation is introduced.

CHURCH COMMISSIONERS

The hon. Member for Middlesbrough, representing the Church Commissioners, was asked—

Parish Priests

18. **Miss Anne McIntosh** (Vale of York) (Con): Pursuant to his oral answer of 28 June, *Official Report*, columns 18-19, on parish priests, how vocations day contributes to the recruitment of rural parish priests. [187915]

Second Church Estates Commissioner (Sir Stuart Bell): As an aside, with your permission, Mr. Speaker, as the hon. Member for Lichfield (Michael Fabricant) is still in the Chamber, may I say how much we shall miss him in our part of Question Time? John Keats wrote the line,

"Just for a handful of silver he left us"—

Sir Patrick Cormack (South Staffordshire) (Con): It was Browning.

Sir Stuart Bell: I am very grateful for that correction. *Hansard* will also be grateful. We miss the hon. Member for Lichfield in relation to Lichfield cathedral and other Church matters, and hope that he will soon be back among us.

On the question put by the hon. Member for Vale of York (Miss McIntosh), vocations Sunday gives the Church the opportunity to encourage everyone to reflect and discover their God-given call, and resources are provided for dioceses to help in that process.

Miss McIntosh: I am grateful to the hon. Gentleman for that reply. I know that he shares my concern about the number of rural priests who are approaching retirement. Has he given any more thought to that problem? Mindful of the fact that we have had a particularly harsh summer, with bad weather affecting rural farmers, which has put more pressure on parish priests, how can vocations Sunday help and what specific emphasis are the priests giving?

May I also ask the hon. Gentleman to join me in congratulating the Archbishop of York in giving such a magnificent lead, in proposing to return to what should be the ultimate ministry—rural parish priesthood?

Sir Stuart Bell: The Archbishop of York has rendered a signal service to the Church over many years. He will be sadly missed in his role as archbishop, but I am sure that his continued search for the salvation of souls through the parish church is most welcome.

On the hon. Lady's point about the number of parish priests in rural areas, she will be aware that the majority of clergy now entering the stipendiary ministry have had previous careers. They are therefore likely to have family commitments and limits on their mobility. In addition, they may wish to minister in a setting that is similar to that from which they have come. That is, of course, a broad generalisation, but it helps to explain why rural dioceses sometimes find it more difficult than others to attract stipendiary clergy.

On the hon. Lady's first question, the recent feedback suggests that, following the initiatives that I have announced, a number of men and women have been encouraged to explore a call to ordination in rural parishes and elsewhere with their local clergy, vocation advisers and diocesan directors of ordinance.

Ordinands

19. **Chris Bryant** (Rhondda) (Lab): How many (a) women and (b) men are in training for ordination. [187916]

Second Church Estates Commissioner (Sir Stuart Bell): For the year 2003–04, there were 641 women and 659 men in training for ordination.

Chris Bryant: Bearing in mind the fact that the number of women in ordination training is now almost catching up with the number of men, is it not about time that the Church of England woke up to the fact that there are women who are performing very good jobs in cathedrals and parishes up and down the land, and that it is time we had some on the Bench of Bishops as well?

Sir Stuart Bell: I am always grateful to my hon. Friend for his questions, and I did, of course, anticipate that one. He will be happy to know that I recently enjoyed a midday service at the Trinity church in New York and an eventide service at Westminster abbey—both were officiated at by women priests, and I enjoyed them both immensely.

On my hon. Friend's latter point, he will be aware that a working group, chaired by the Bishop of Rochester, the Right Rev. Michael Nazir-Ali, has been giving serious consideration to the question of women in the episcopate and to the theology behind such a question. We must wait for the group to report to the General Synod before drawing conclusions, but my hon. Friend's voice will be heard.

ELECTORAL COMMISSION COMMITTEE

The hon. Member for Gosport, representing the Speaker's Committee on the Electoral Commission, was asked—

General Election Turnout

21. **Mr. Graham Allen** (Nottingham, North) (Lab): What steps the Electoral Commission is taking to improve turnout at general elections; and if he will make a statement. [187918]

Mr. Viggers: Under section 13 of the Political Parties, Elections and Referendums Act 2000, the Electoral Commission is responsible for promoting public awareness of electoral and democratic systems. It does so through programmes of education and information. The commission aims, through that activity, to contribute to increased electoral participation over time.

Mr. Allen: Will the hon. Gentleman pass on to the Electoral Commission the congratulations of many hon. Members on the campaign that it mounted before the European elections to publicise people's rights to get involved in politics and participate in elections? Many of us have a sense of embarrassment at the number of people who failed to vote, even in our own constituencies. Will he request the Electoral Commission to consider the possibility of running pilot schemes in the constituencies of Members of all parties to try to discover why people do not vote and what steps we can all take to improve participation in our democracy?

Mr. Viggers: Indeed, evidence seems to indicate that the Electoral Commission's campaigns have had considerable effect, and the hon. Gentleman has taken a keen interest in the subject—and indeed met the chairman of the Electoral Commission this morning.

You know, Mr. Speaker, that the Speaker's Committee on the Electoral Commission has no direct responsibility in these fields, and to that extent, as the spokesman of the Speaker's Committee, I am merely the drone target against whom hon. Members can essay their flights of wit and wisdom. However, hon. Members who have a view on postal voting and other matters have two opportunities to contribute this week: first, the Minister for Local and Regional Government hopes to catch your eye to make a statement later this afternoon, Mr. Speaker; and secondly, on Thursday in Westminster Hall there will be a debate on the report from the Select Committee on the Office of the Deputy Prime Minister on postal voting, which will give an opportunity to all hon. Members to contribute to the discussion.

Mr. Simon Thomas (Ceredigion) (PC): Is the Electoral Commission considering the issue of Thursdays? We in

the United Kingdom have a tradition of voting only on Thursdays and for one day only. Many other countries achieve higher participation in their general elections by voting on more than one day, and in particular at weekends. What consideration is being given to those moves?

Mr. Viggers: I can assure the hon. Gentleman that the Electoral Commission has an open mind on the issue and believes that it requires further study.

Mr. David Kidney (Stafford) (Lab): Regarding what the hon. Gentleman said about links with education, does he know—if not, will he arrange for a letter to be sent to me afterwards—whether the Electoral Commission has links with curriculum co-ordinators who are responsible for delivering the citizenship curriculum in schools? One role of citizenship lessons in schools is to develop political literacy among young people, and of course young voters are the ones who stay at home the most.

Mr. Viggers: I have no doubt that that is exactly the kind of matter on which the Electoral Commission is active. Rather than attempting to respond at this point, I am sure that the commission would welcome the opportunity to write to the hon. Gentleman with further information.

Business of the House

3.30 pm

The Deputy Leader of the House of Commons (Mr. Phil Woolas): With permission, Mr. Speaker, I should like to make a short business statement.

The business for Thursday 16 September will now be consideration of Lords amendments to the Employment Relations Bill, followed by a debate on HIV/AIDS in the developing world on a motion for the Adjournment of the House. My right hon. Friend the Leader of the House will of course make his usual business statement on Thursday.

Mr. Oliver Heald (North-East Hertfordshire) (Con): I thank the Deputy Leader of the House for the business statement, but does he recall that last Thursday I asked for extra time to be allowed so that hon. Members on both sides of the House could put forward motions under section 2 of the Parliament Act to accompany the Hunting Bill to the other place? It is most unsatisfactory that we have a highly draconian procedural motion on the Order Paper today that will not only guillotine the business of this House, but provide for the Parliament Act to be used on the other place. Given that the two outstanding issues of compensation and the breadth of the offence were never properly debated or tackled in this House and that the business on Thursday has now gone, surely it would be possible for us to deal with the Hunting Bill properly on Thursday.

Mr. Woolas: I thank the hon. Gentleman for his question. It might assist the House if I explain the background to the statement. As hon. Members will know, last Thursday my right hon. Friend the Leader of the House announced that the Second Reading of the Civil Partnership Bill was due to take place this Thursday. Since then, hon. Members have asked for that date to be changed to accommodate the needs of those who wish to participate in the Northern Ireland talks that are due to take place at Leeds castle in Kent this Thursday—I am sure that the whole House agrees that we want those talks and negotiations to be successful. As ever, my right hon. Friend the Leader of the House wishes to ensure that all views in the House are protected and that all hon. Members with strong points of view on matters of principle and conscience regarding the Civil Partnership Bill have the opportunity to raise them in the debate.

On the Hunting Bill, my right hon. Friend the Leader of the House has ensured that the moment of interruption will be put back. The House has debated the matter on five occasions and we have been generous in allocating time for the business motion. [HON. MEMBERS: "Too generous."] My hon. Friends say that we have been too generous in allocating time for the motion, Second Reading and the amendments. I am sure that hon. Members on both sides of the House will ensure that there is sufficient good debate on Wednesday for us to take a decision.

Mr. Andrew Stunell (Hazel Grove) (LD): I thank the hon. Gentleman for the amplification of his statement, which makes it clear that the change was due to a request from those who will participate in the Leeds castle talks—we certainly would not want to stand in the way of that. Does he accept that it is a constant puzzle to hon. Members that business is immutable and inflexible on occasions when the Government do not want it to be flexible, and highly flexible when they do want that? Will he convey to the Leader of the House the concern among Liberal Democrats that such flexibility should not be shown exclusively in favour of the Government?

Mr. Woolas: That is slightly unfair if one considers the matter from the business managers' point of view. The postponement of Second Reading at this stage in the Session makes our job more difficult, not less. I hope that the hon. Gentleman will accept my assurance that our intention in suggesting the change is entirely honourable.

Sir Gerald Kaufman (Manchester, Gorton) (Lab): Is not what the hon. Member for Hazel Grove (Mr. Stunell) is complaining about something called "being in power", which will never trouble his party?

Mr. Woolas: As ever, I concur with my right hon. and senior Friend the Member for Manchester, Gorton (Sir Gerald Kaufman). Of course, the time available for debate under any system during this Parliament is finite, and somebody has to decide. Thank goodness, it is not the Liberal Democrats and nor, I imagine, will that ever be the case again. If it were, I imagine that we would have 24/7 Parliament and no decisions would be made.

Mr. Patrick McLoughlin (West Derbyshire) (Con): But can the Minister tell us how long the Government have known about the meeting at Leeds castle? How committed are they to these September sittings? We found out last week that we were only sitting for three days when we were supposed to be sitting for four, and the new business for Thursday is technically an Adjournment debate. Twenty-five per cent. of the September recall will therefore be taken up with our dealing with insubstantial matters. Does the Deputy Leader of the House wish to comment on that?

Mr. Woolas: I would say to all hon. Members that a debate on HIV/AIDS in the developing world is hardly insubstantial. I point out to the hon. Gentleman that the September sittings will encompass two Second Readings—I am sure that he appreciates that that is important core business for the House—the Lords amendments that I have just announced and which the other place asked us to consider, and important matters such as the prevalence of HIV in the developing world. I know that the hon. Gentleman does not like the September sittings, but as my right hon. Friend the Leader of the House has announced, the House can make a decision on them in the new year.

Chris Grayling (Epsom and Ewell) (Con): But it seems to me that the Minister is avoiding the core point. Over the past couple of years, every time that there has been a major issue on the table for the Government, and on which large numbers of hon. Members have wanted to have a say, debate is curtailed. Why, then, do the Government manage to find time for full-day Adjournment debates?

Mr. Woolas: I do not accept the hon. Gentleman's premise. The Government business managers and my right hon. Friend the Leader of the House have to ensure, and they do, that all parts of the House have their fair share of debates. My right hon. Friend has to ensure that time is allocated to debates on Select Committee reports, Second Readings, amendments, Report stages and Third Readings, and he does so. The charge that insufficient time is provided is negated by the facts, as reported to the Procedure and Modernisation Committees, that prove that, under the current regime, more time is devoted to scrutiny than was the case in previous Parliaments.

Chris Bryant (Rhondda) (Lab): Will the Minister confirm none the less that the delayed Second Reading of the Civil Partnership Bill does not mean that the Government are withdrawing their commitment to a measure that they want to reform into a proper shape after the Lords tried to dismantle it earlier this year? In fact, carry-over time is allowed for it, so it does not have to complete its passage this Session.

Mr. Woolas: I thank my hon. Friend for his question. He has made an important point—the Civil Partnership Bill is part of our legislative programme, and is a flagship Bill. It helps to build the case for equality in this country, and ensures that many citizens will be given rights that at present they do not have. As my hon. Friend has suggested, our decision should not be taken in any way to mean a diminution in its priority.

Mr. Peter Luff (Mid-Worcestershire) (Con): It would be churlish not to welcome flexibility by the Government whenever they are prepared to show it, but could I encourage the Minister to exercise that flexibility rather differently? It is true that the Hunting Bill has been scrutinised extensively in the House, but not in its current form, and many issues concerning its practicality, its enforceability and intellectual consistency deserve greater scrutiny. The Government should at least have a chance to put the answers that we have not heard. Perhaps an extra day for that Bill is the best way forward.

Mr. Woolas: I disagree. We have taken a decision and believe that we have allocated generous time on Wednesday to deal with the motion, Second Reading and any amendments that might be proposed. We have put back the moment of interruption, with your permission, Mr. Speaker. It is time to take a decision. If the hon. Gentleman does not want to take that decision, but prefers to continue to delay it, he can make that point on Wednesday.

Mr. Douglas Hogg (Sleaford and North Hykeham) (Con): May I reinforce the points made by my hon. Friend the shadow Leader of the House? No one can suppose that generous provision has been made for discussion of the Hunting Bill: it is five hours for Second Reading, inclusive of the procedure motion. Surely we have another day available. We should use that second day to discuss in Committee the detail of the Bill and to debate further the use of the Parliament Act. We have a right to discuss those matters, because the Bill is an intolerant, illiberal measure. We have the time to debate it further, and we should do so.

Mr. Woolas: I am beginning to feel that we are pre-empting Wednesday's debate. The points that have been raised are ones for the debate on the Hunting Bill. I emphasise that Lords amendments to the Employment Relations Bill—a Bill to which a commitment was made in the Employment Relations Act 1999, in response to a request from Conservative Members—have to be debated within this Session, and Thursday seems to provide a good opportunity to do so.

Regional Referendums

3.41 pm

The Minister for Local and Regional Government (Mr. Nick Raynsford): With permission, Mr. Speaker, I should like to make a statement to the House on regional and local referendums in the north-east, north-west, and Yorkshire and the Humber. Before doing so, I offer the House apologies on behalf of my right hon. Friend the Deputy Prime Minister for his absence today, as he has to attend a funeral.

Today's statement follows one I made in July in which I referred to the differences of view in the House about whether we should go ahead with referendums in the north-west, and in Yorkshire and the Humber. I explained the Government's decision to reschedule the referendums in those areas and confirmed, against a strong confidence in postal voting in the north-east, our decision to proceed with the referendum in that region. Hon. Members will recall that Parliament approved the orders enabling that referendum to take place.

In July, I also gave the House two assurances. First, I said that the Government would not proceed with the referendum in the north-east on the basis proposed if the Electoral Commission produced convincing evidence that it would be unsafe to do so. Secondly, I said that, with your permission, Mr. Speaker, I would make a further statement in September on how we intended to proceed with the referendums in the north-west and in Yorkshire and the Humber, having had the opportunity to consider the Electoral Commission's evaluation report of the June electoral pilots. Today's statement follows on from those two assurances.

The Electoral Commission published its report on 27 August. In parallel, it published a statement setting out its view of the implications of its report for the regional and local referendums in the north-east. That report concludes that successful elections were delivered in the four pilot regions. The commission states that, to date, it is not aware of any evidence to suggest any widespread abuse of postal voting either within or beyond the pilot regions. Moreover, from an extensive public opinion survey, the commission found that people in the pilot regions were satisfied with all-postal voting by a margin of two to one—59 per cent. against 29 per cent.

Nevertheless, the commission concludes that the all-postal pilots raise a number of important issues that need to be addressed in relation to the future development of voting methods in Britain. It makes a range of recommendations designed to make voting more convenient, to increase the administrative capacity to run elections, and to build greater public confidence in voting arrangements. Above all, the commission identifies in its report the strong public support for electors to have choice in how to vote—a demand for choice that the commission is clear that all-postal voting does not meet. Accordingly, it has withdrawn its previous recommendation that all-postal voting should become the norm in local government elections.

In its place, the commission proposes to develop a new foundation model of voting as a basis for future multi-channel elections. The commission undertakes to work with Government, electoral administrators, political parties, and experts in access and security to design that new approach to voting, which must be capable of offering electors both choice and security. It is against that background of findings and recommendations that the commission has drawn up its statement about the conduct of regional and local referendums.

The commission has unambiguously concluded that the north-east referendum, which the House has approved for 4 November, should proceed as an all-postal ballot without changes to the process. Central to the commission reaching that conclusion is its recognition that the referendum process is already under way, and its judgment that there would be far greater risk to the process if significant changes were made now than if the referendum continued as planned.

The commission recognises that the system for the north-east referendum is an improvement over that piloted in June, particularly as there is no requirement for a witness to sign a security statement and because we have required considerably more assistance and delivery points at which voters can receive help and vote in privacy. The commission also recognises that there have been no allegations of fraud in the north-east, that there is extensive experience of all-postal voting in that region, and that there is greater public support for all-postal voting there than in any other region.

Accordingly, the commission explicitly states that it is not making any recommendations for change to the orders already made in relation to the conduct of the north-east referendums. The commission undertakes to work with the chief counting officer and the Government to encourage and promote good practice within the framework of the existing order.

There are therefore no grounds for not proceeding with the north-east referendums. They will go ahead as planned on 4 November. The Government welcome the commission's undertaking to work with others to encourage and promote good practice, and we stand ready to play our part.

As for the referendums in the north-west and in Yorkshire and the Humber, in its statement, the commission states that given the recommendations in its evaluation report, it could not support any future referendums on the all-postal basis now being used for the north-east. We welcome the commission's commitment to multi-channel elections—the form of elections that has consistently been the long-term aim of the Government's electoral modernisation strategy. We are ready to work with the commission on developing its proposed new foundation model of voting and we will discuss with the commission how that will be taken forward. We hope that all key stakeholders will join us. We share the commission's belief about the importance of securing a degree of public and political consensus in favour of significant changes to the electoral process before moving forward. We note that the commission aims to report on the new model in March 2005.

Against that background, it would be wrong now to reach final conclusions on the precise timing and form of the referendums in the north-west and in Yorkshire and the Humber. Over the coming months we, and others, will want to see how work progresses on the new foundation model, and to consider and analyse more deeply the full range of the commission's recommendations. We will then be better placed to take

[Mr. Nick Raynsford]

final decisions about the form and timing of those referendums. I would, however, reiterate what I said in July: the Government are absolutely committed to the referendums going ahead.

It is important that the people of the north-west and Yorkshire and the Humber should have their opportunity to express their view for or against an elected regional assembly and the associated local government reorganisation. I understand the concerns that have been voiced about delay leading to uncertainty about the future structure of local government in Cheshire, Cumbria, Lancashire and North Yorkshire. We recognise that concern, and we take it very seriously, but we want to make sure that the referendums are held against a background of confidence in the voting system. We will of course aim to minimise the delay. In all events, given the need for primary legislation following a yes vote in one referendum to allow elected regional assemblies to be established and the associated local government reorganisation to take place, there is no reason why this revised timetable for the referendums should cause significant delay to the overall local government reorganisation timetable.

The extensive electoral pilots last June have much to teach us all. Already they have led the commission to revise some of its key conclusions about all-postal voting, which it had drawn from earlier, smaller pilots. The way is now clear for the people of the north-east to make their choice on an elected regional assembly for their region, and the people of the north-west and Yorkshire and the Humber can be confident that they, too, will be able to exercise their choice before too long.

Mr. Bernard Jenkin (North Essex) (Con): I thank the Minister for sending me a copy of his statement well in advance. I am bound to say that it contained no surprises and raised a wry smile on my face. The Electoral Commission report is clear on several points that the Government have hitherto denied. Turnout in the all-postal voting regions was only five percentage points higher than elsewhere, and not 50 per cent. up as the Government falsely claimed. The public do not trust all-postal voting, and major reforms are required to increase the security of postal voting, even if it is postal voting on demand.

Of course the report's key recommendation is to abandon all-postal voting for all future statutory elections and referendums.

The Electoral Commission has delivered the most astonishing and courageous snub to the Government on this policy. The Minister's statement is simply the latest lurch in the Government's conduct of policy on all-postal voting. First, in January they included the north-west and Yorkshire in the June postal pilots, against the advice of the Electoral Commission. Then the Government forced them through the House of Lords, ignoring all the warnings about the tight timetables and lack of public confidence. They insisted there were no problems, as the elections proceeded in an atmosphere of utter chaos. Ballot packs were misprinted. There were panic reprints. Ballot packs were lost in the post or delivered to the wrong voters. Some voters got no ballot packs at all; some got more ballot packs than they bargained for.

Most important, when ballot papers are distributed willy-nilly to thousands of people who have no intention of voting, all-postal voting allows almost unlimited scope for electoral fraud. So why, after the June elections, did the Government still insist that all-postal voting was "a success"? I notice the Minister is still using the word "successful" in relation to the pilots. If one has tested a system to destruction and to the satisfaction of everybody that it is an unsound system, I suppose that is a kind of success.

Only when Labour Back Benchers lined up against the Government to denounce all-postal ballots did they abandon all-postal referendums in Yorkshire and the north-west. Now, the whole system of all-postal voting has been roundly condemned by the Electoral Commission out of hand. Since those of us who issued warnings to the Government have been utterly vindicated, will the Minister now abandon all-postal voting in the north-east referendum? Will he confirm that the Electoral Commission is not calling for change? The only reason it is not calling for change is that Parliament approved the orders back in July. Of course it is not for the Electoral Commission to second-guess decisions of the House. It is for Parliament to revisit those decisions.

Has the Minister forgotten, incidentally, that back in July the commission opposed the Government laying the orders for the north-east referendum in the first place? So why did the Minister not quote the commission's disclaimer on the north- east referendum, which states:

"Nothing in this statement"—

supporting the north-east referendum—

"should be interpreted as offering reassurance that . . . the referendum process in the North East will be risk free or secure a high degree of public support"?

If that is not the commission washing its hands of the problem, I do not know what is. It does not want to be responsible for the Government's irresponsible intransigence.

The Minister has no answer to the following question: if it is wrong to go ahead in Yorkshire or the north-west, why should the people of the north-east have to use a discredited voting system in their referendum? May I suggest to the Minister what he should do? Why not abandon all-postal voting in the referendum and ask Parliament for the necessary powers to revert to the tried and tested ballot box? I note the point that the Electoral Commission makes about the far greater risk of changing the system now, but I do not quite understand the point that it makes.

Even if the Prime Minister wanted a general election on 4 November, are we to take the Electoral Commission's advice and let it tell us that there is far too great a risk for the Prime Minister to call a general election before Christmas? That is totally unreasonable. The Government have just moved a writ for the Hartlepool by-election on 30 September. Did I hear the Electoral Commission tell us that there is much too much risk to call a by-election at such short notice? If there is time to call a general election by 4 November, there is time to revert to a tried and tested voting system in the north-east—a voting system that the people of the north-east can trust. As was recommended by my hon. Friend the Member for Wealden (Charles Hendry) in his

private Member's Bill before the recess, surely the people of the north-east deserve the best voting system that we can provide for them.

The Minister is an honourable man. He would do much for his reputation and for the House if he admitted that the Government got it wrong. They are still getting the matter wrong. The right hon. Gentleman is carrying out his political masters' wish for all-postal voting because they hope to disguise the apathy towards Labour's unwanted elected regional assembly in the north-east. Labour's determination to carry on regardless clearly demonstrates that it puts self-interest before public interest and party before principle, and that it has no respect for the integrity of the constitution, which it should be Labour's duty to defend.

Mr. Raynsford: The hon. Gentleman showed his mastery of selective quoting in trying to support his point. He conveniently chose to ignore all evidence from the Electoral Commission that does not agree with his point of view. That reminds me of the position that the hon. Member for Rutland and Melton (Mr. Duncan) took in an earlier debate, in which he said that he did not care about the Electoral Commission's views, which indicates the seriousness of the Opposition when it comes to important matters of election procedure and probity.

The hon. Gentleman's first point was that the Electoral Commission had proved that the Government's claim that all-postal voting had doubled turnout was wrong. I shall quote paragraph 4.19, page 29 of the Electoral Commission report:

"While turnout more than doubled in pilot regions, it increased by only half that amount in non-pilot areas."

The report states that, compared with the previous European election, the increase in the pilot areas was 109.46 per cent. and in the non-pilot regions it was 53.38 per cent. Most people with the slightest smattering of mathematics would say that the result in the pilot areas was double that in the non-pilot areas. It is astonishing that the hon. Gentleman should try to use a technical point about percentage points casuistically to claim that the Government have got the matter wrong, and I suggest that he read the report more carefully.

The hon. Gentleman went on to say that we held the all-postal pilots in June this year against the Electoral Commission's advice, but that is not true, because we consulted it at great length. The Electoral Commission recommended two regions as particularly suited to all-postal voting and four other regions as potentially suited to all-postal voting. We had previously asked the Electoral Commission to recommend three regions as suitable for all-postal voting and one region as suitable for an electronic pilot. In the event, the Commission did not recommend an electronic pilot, and we did not hold one. When we decided which regions should have all-postal pilots, we took the two regions that the Electoral Commission recommended as eminently suitable and two of the four regions that it recommended as potentially suitable. The hon. Gentleman's argument that we ignored the Electoral Commission's advice is simply untenable.

The hon. Gentleman repeated the exaggerated claims of problems associated with the pilots in June. If he examines page 50, paragraph 4.104 of the Electoral Commission report, he will read the following, which he might wish to ponder before he makes any rash allegations:

"In summary, we are not aware of any evidence to date to suggest any widespread abuse of postal voting, either in or beyond the pilot regions."

Those are the words of the Electoral Commission.

The hon. Gentleman suggests that we should abandon the north-east referendum, against the advice of the Electoral Commission, which says that we should proceed. He quoted the Electoral Commission saying that it would not be safe, so I shall tell him what the Electoral Commission actually said:

"There is presently no evidence on which to conclude that an all-postal referendum in the North East would be unsafe in terms of fraud or malpractice. To the Commission's knowledge, no allegations of electoral fraud made in the North East in relation to the June all-postal pilot scheme have led to formal prosecutions".

Those are the Electoral Commission's conclusions, and the hon. Gentleman does himself and his party no service by trying to ignore them.

The hon. Gentleman discussed the possibility of the referendum in the north-east being conducted by conventional means, against the clear advice of the Electoral Commission, which states that changing the basis of the referendum at this late stage would be risky. He also shows contempt for the views of people in the north-east, who have consistently shown their support for all-postal voting. The Opposition's position is simply not credible.

Mr. Edward Davey (Kingston and Surbiton) (LD): I thank the Minister for his statement and for his usual courtesy in providing an advance copy.

As we are the only party to have consistently supported the recommendations of the Electoral Commission, no matter what they are, we very much welcome its total rejection of all-postal ballots for council elections. That is a huge victory for voters and for democracy, and a real setback for the Government. But why did not the Minister clarify whether he is accepting the recommendation unambiguously? Will he confirm that there will be no all-postal ballots in council elections in future and that that means that voters will be able to vote at their local polling station as now? The provision of the odd extra assistance and delivery point will not suffice and will not represent a true shift away from all-postal votes. The Minister may say that the position depends on the Electoral Commission's recommendation for the new foundation model of voting, but surely he can clarify what no all-postal voting means.

On the north-east referendum, the Minister is right and Conservative Front Benchers are wrong, because the Electoral Commission said in no uncertain terms that that vote could go ahead safely. Does he agree that the Conservatives' approach smacks of desperation, especially as only a few weeks ago they had U-turned and were in favour of the vote going ahead?

In the light of the Electoral Commission's report, does the Minister recognise that special care is needed to ensure that there are sufficient assistance and delivery points in rural areas in the north-east region?

[Mr. Edward Davey]

Will the Minister say a little more about the timing of the referendums for the north-west and Yorkshire and the Humber regional assemblies? Does he agree that it would be wrong to give any impression that they will be deferred for long? Can he at least confirm that they will take place before the end of next year?

Will the Minister confirm—perhaps this is the final embarrassment for the Deputy Prime Minister—that the Electoral Commission is arguing that responsibility for every aspect of all elections be given to the Department for Constitutional Affairs and taken away from the ODPM once and for all?

Mr. Raynsford: I have got used to Liberal Democrats not being consistent, but I was somewhat taken aback by the confidence with which the hon. Gentleman began his remarks. He stated that his party was the only party to have consistently supported the Electoral Commission's recommendations, then went on to say that he welcomes its rejection of all-postal voting in its latest report. He has obviously forgotten that in its report into the 2003 pilots, the commission recommended that all-postal voting should become the norm for all local elections. If, as he claims, the Liberal Democrats have consistently supported the Electoral Commission's recommendations, they have clearly just about-turned on their previous position. If they agreed with that recommendation, they cannot now say that they are opposed to it yet have always been consistent. I am afraid that the hon. Gentleman has been let down.

I agree with the hon. Gentleman on the north-east. It is right to proceed with that referendum, and, as he rightly said, the Electoral Commission has stated that there is no sound basis whatever for postponing or cancelling it.

The hon. Gentleman raised an important point about assistance and delivery points. We have made provision for there to be more of those than in the pilots, with a minimum of one for each 50,000 of the population and the returning officer able to agree more in appropriate cases. We certainly support that and will work closely with the chief counting officer, who is the chief executive of Sunderland council, and the Electoral Commission to ensure that there is a good supply of assistance and delivery points where people can vote in person and in privacy if they choose to do so.

On the timetable for the north-west and Yorkshire and the Humber, it would not be appropriate to take a decision until we have had an opportunity to see the work that the Electoral Commission has developed on the foundation model. We expect its report to be available in March next year, and we will then be in a better position to reach a decision.

As for pulling together the responsibilities of two Departments, I did not notice in the Electoral Commission's report a recommendation as to which Department should take responsibility. Perhaps the hon. Gentleman read a different report from the one that I read. He should be a bit careful before drawing such inferences.

Mr. Gordon Prentice (Pendle) (Lab): I warmly congratulate my right hon. Friend on his decision not to rush ahead prematurely with a referendum on a regional assembly in the north-west, which some Labour Members believe that it would be very difficult to win. Given that there is uncertainty in councils across the north-west and, indeed, in Yorkshire and the Humber, is my right hon. Friend minded to decouple any proposals for local government reform from the principal question of whether to establish regional assemblies?

Mr. Raynsford: I thank my hon. Friend for his comments on the Government's decision to proceed in the north-east and postpone the referendums in the north-west and Yorkshire and the Humber. I made it clear in my statement that we accepted that there was some uncertainty about local government reorganisation and that we wanted to press ahead as soon as possible. However, it has always been our position that there must be a link between a vote in favour of an elected regional assembly and the creation of a streamlined, unitary local government structure to avoid a proliferation of tiers of government and to ensure a streamlined and efficient administration. That remains the Government's policy.

Sir Paul Beresford (Mole Valley) (Con): Despite the Minister's brave words on fraud and postal voting, he must accept that considerable concern remains. In the run-up to all-postal voting, New Zealand was used as a positive example. The mayor of Auckland informed me that he estimates that at least 50 per cent. of the increased turnout is down to fraud, and Auckland has had a little more practice than here. In the light of those concerns, does the Minister accept that a yes vote in the north-east should carry a substantial majority? What would he accept as the minimum figures for both a yes and a no vote?

Mr. Raynsford: I agree about the importance of turnout. I hope that the hon. Gentleman will not jump to the conclusion that a substantial increase in turnout is associated with fraud. All the evidence of the Electoral Commission's work in the pilots that were conducted in 2000, 2002, 2003 and again this year shows no substantial fraud in postal voting in the pilot areas or elsewhere. That is the Electoral Commission's considered judgment. All-postal pilots have resulted in a substantial increase in the number of participants in elections. That is a serious matter. No party can afford to ignore a decline in participation in the democratic process. We must be serious in trying to engage people and use sensible ways of doing that.

However, I agree about the importance of confidence in the voting system. That is why we have greatly welcomed the Electoral Commission's proposals on the way forward through exploring a foundation model that would contain the benefits of increased convenience—and therefore the likelihood of higher turnout, which came with all-postal voting—and also choice for the electorate who want to vote in person, in the traditional way. That is the right way forward and we shall work closely with the Electoral Commission on developing that model.

Mr. Doug Henderson (Newcastle upon Tyne, North) (Lab): People in the north-east will greatly welcome my right hon. Friend's decision to proceed with the referendum. They will also welcome the decision not to have the bureaucratic witness system with postal voting. One of my constituents described it to me as "Something daft that them down south thought up." The effect of the witness system was not to deal with fraud—in fact, it encouraged some people to commit fraud as witnesses—but to deter many people, who found it too bureaucratic, from voting. Will my right hon. Friend ensure that adequate publicity is given to the change well in advance of 4 November?

Mr. Raynsford: I am grateful to my hon. Friend for his kind words about our decision to press ahead in the north-east. He knows that there is absolute support throughout the north-east for conducting the referendum and for using all-postal ballots. As the Electoral Commission points out, the north-east has had greater experience, from 2000 onwards, of all-postal ballots, and its survey shows greater public confidence in all-postal voting in the north-east than in any other region. We are therefore convinced that it is right to proceed.

My hon. Friend mentioned the problem with the witness statements in June. He may be interested to know that a council by-election has subsequently been held, using all-postal votes but without a witness statement, in Darlington. It was held at the end of August and the turnout was some five percentage points higher than in June, when witness statements were used. That is interesting evidence that should be taken into account. *[Interruption.]* Before Opposition Members laugh, they should remember that, before the pilots that the Government initiated in 2000, it had sadly become common for turnout in local council by-elections to fall to derisory levels of 10 per cent. or thereabouts. In Darlington, the turnout was 38.9 per cent. for a council by-election in August.

That is an indication that all-postal voting has been able to reverse the trend of decline and has made it possible for more people to vote, which is not something that we should lightly disregard.

Mr. Damian Green (Ashford) (Con): The Minister will be aware that, behind some of the knockabout in which he has been indulging, the serious issue is whether he is going to set up a referendum that will have the shadow of fraud over it, which would mean that the cloud of fraud would hang over all elections conducted in this way. I am sure that he would want to avoid that. If the only difference between the pilots and the referendum is to be the removal of the witness statements, perhaps because of a bureaucratic problem, that would mean that the amount of checks against fraud would be reduced. The shadow of fraud would therefore be greater in the referendum than it was in the pilots. Does the Minister acknowledge that it is not enough simply to talk about turnout? People need to be confident that it is not only the number of votes that has increased, but the number of voters as well, and that the increased turnout is not due to fraud. The Minister is reducing the protection against fraud under this new system.

Mr. Raynsford: The Electoral Commission quite clearly says in its statement:

> "There is presently no evidence on which to conclude that an all-postal referendum in the north-east would be unsafe in terms of fraud or malpractice."

That is the considered view of the commission, and the hon. Gentleman should pay attention to that. He is incorrect to say that the only change between the June pilot and the November referendum will be the removal of the witness statement. The other very significant change, to which the commission referred in its report, is the availability of far more extensive advice and delivery points, at which people will be able to vote in person, in privacy, if they wish to do so. That is a further significant change, in response to the genuine concerns voiced by people who want the opportunity to vote in person. We are therefore proceeding on the basis of the informed view of the Electoral Commission, and of the evidence that the north-east has consistently been able to achieve higher levels of participation and turnout as a result of all-postal voting without any evidence of a serious problem of fraud or malpractice.

Mr. Peter Pike (Burnley) (Lab): Many people in the north-west will, like the Government, very much regret the fact that this issue has been deferred in our region. They will, however, understand the announcement that my right hon. Friend has made today. They support the Government's wish to give more democratic accountability on regional strategic and financial issues, and they want to see that done as soon as possible. They also believe that unitary authorities, to which the Labour Government are committed, provide better local government. I hope that, as soon as the foundation voting system is established, we can go ahead with the referendum in the north-west as soon as possible. I still hope to see that happen before I retire at the next general election, which need not be until 2006.

Mr. Raynsford: I note and entirely support my hon. Friend's concern to see that the people of the north-west are given the opportunity to vote on an elected regional assembly in a referendum at the earliest opportunity. He will understand that, given the various other factors that might come into play next year, I cannot give him an absolute assurance of the kind that he seeks. I have said, however, that we will give serious consideration to the Electoral Commission's proposed foundation model as soon as we see it, and we shall be working with the commission as it develops it. I hope to be able to make a statement—at the very least—on our decision in relation to the north-west and to Yorkshire and the Humber while my hon. Friend is still a Member of the House.

Mr. Andrew Stunell (Hazel Grove) (LD): Does the Minister agree that a strong, independently elected regional assembly for the north-west would be a strong bulwark against arbitrary central Government decisions such as the cancellation of funding for the Metrolink tram in Greater Manchester, and his own Department's decision to refuse the Ikea application in Stockport? Will he therefore give the House a strong assurance that the fastest possible progress will be made on implementing this very important proposal?

Mr. Raynsford: We share the hon. Gentleman's view that there should be greater devolution to the regions, and we believe that decisions should be taken on matters affecting regional economic development and regional planning at regional level wherever possible.

That is right and proper. I do not accept his view on Metrolink, on which the issue is under consideration, but I share his view entirely on the benefits of devolution. Our commitment is to allow people in the English regions the opportunity to have effective, elected regional assemblies, which are able to take decisions on matters that affect their region and to improve the economic performance and quality of life of their people.

Mr. Andrew Mackay (Bracknell) (Con): Now that even the Minister appears to have followed the Electoral Commission in realising that all-postal votes are wrong, and he is talking about the electorate rightly having a choice as to how they vote in future, can we assume that the referendum in the north-east will be the very last all-postal ballot?

Mr. Raynsford: Before the right hon. Gentleman tries to rewrite history, let me remind him that a year ago, the Electoral Commission reported on the 2003 pilots, and recommended that all-postal voting should become the norm in local government elections. That was not the Government's recommendation but the Electoral Commission's. We did not accept that recommendation; we believed that it was right to continue with pilots. We have done so, and we have learned a great deal from further pilots. We believe that that has helped to inform progress towards what has always been our objective: multi-channel elections, which allow people the opportunity and choice to vote by means that they find most convenient. We have not reached a final decision on the Electoral Commission's report and recommendations, but I have indicated clearly our sympathy and support for the concept of the multi-channel foundation model that it is working up, which is entirely consistent with our approach, which we have enunciated for several years.

Mr. Graham Brady (Altrincham and Sale, West) (Con): The Government accept that support for regional government in the north-west and in Yorkshire and the Humber is less than in the north-east. If the north-east votes no, or if the turnout is derisory, will the Minister undertake not to proceed with costly and time-wasting referendums in those regions? Will he also give an answer to the question from my hon. Friend the Member for Mole Valley (Sir Paul Beresford), and give a percentage for what he thinks is an acceptable majority and a derisory turnout?

Mr. Raynsford: It is a slightly odd argument that people in the hon. Gentleman's region and in Yorkshire and the Humber should not be allowed an opportunity to express their view, which may differ from the view expressed in the north-east. The whole basis of the Government's policy is choice: each region will be given a choice. It would be wrong to cancel arbitrarily that opportunity simply because another region had voted in a particular way. That is not democracy or common sense.

On the issue of thresholds, the hon. Gentleman will know the perverse consequences that come when an arbitrary threshold is set, and when a referendum or other election is not valid unless a particular turnout is achieved. That crippled the move towards devolution in Scotland in the late 1970s—an arbitrary 40 per cent. threshold was set even though the people of Scotland voted in favour of devolution. Because that threshold was not met, they could not proceed, and were deeply unhappy about that decision for 20 years. His party's annihilation from the Scottish electoral scene is in no small measure due to its failure to understand the anger of the Scots about the failure of this Parliament to allow them the opportunity for devolution.

Apart from that, the other issue is the perverse incentive that if a threshold is set, those who believe that they cannot beat their opponents and win the argument by voting can try to do so simply by not voting. That should not be welcome in a democracy. We want to encourage turnout, that is what we are doing, and that is why we are pursuing measures designed to increase participation in both local government elections and referendums.

Mr. Patrick McLoughlin (West Derbyshire) (Con): The Minister's Department, I believe, is signed up to the Plain English Campaign. Can he tell us what is meant by

"a basis for future multi-channel elections to develop a new foundation model of voting"?

Mr. Raynsford: The hon. Gentleman has, I hope, been listening to the debate, and will know that the Electoral Commission has set out its proposals for a new model that would include provision for people to vote by post, in person and electronically. That is multi-channel. I have referred to that several times, and most people who have followed the debate understand it.

I entirely accept that the language used by the commission in the passage quoted by the hon. Gentleman is not necessarily the kind of language in which he would talk to his constituents in the Dog and Duck, but I assure him that our objective is increasing participation and giving people choice, so that they can vote by a means that is practical and convenient to them. That will give us the best chance of increasing turnout, and ensuring that the sad decline in electoral participation that poses a real threat to the health of our democracy is reversed.

Points of Order

4.20 pm

Chris Grayling (Epsom and Ewell) (Con): On a point of order, Mr. Speaker. You may not be aware of a serious security lapse at Buckingham Palace this afternoon, when protesters gained access to the balcony used by the royal family. In the light of what is an extremely alarming development in the current security situation, Mr. Speaker, have you any information on whether the Home Secretary plans to make a statement to the House this afternoon or this evening?

Mr. Speaker: I was not aware of the incident, because I have been in the Chair. Nor am I aware of whether a statement is to be made.

Mr. Patrick McLoughlin (West Derbyshire) (Con): On a point of order, Mr. Speaker. The Deputy Leader of the House confirmed today that we would be returning regularly in September as part of the programme of Government business. I wonder if you have had time to look at the staircase leading from just outside the Tea Room to the lower ground floor, and to establish whether it is safe.

A good deal of the building has been cordoned off on health and safety grounds. Anyone visiting a building site in a similar condition to some parts of the Palace of Westminster would be issued with a hard hat. As far as I know, most Members have not been issued with such a hat.

Mr. Speaker: I make no mention of the House's decision to come back for a fortnight; that is up to the House. However, I take the hon. Gentleman's point. I am concerned about the fact that some parts of the Palace of Westminster leave a lot to be desired in terms of health and safety. It is not only the safety of Members with which I concern myself, but that of staff and visitors to the House—and, indeed, those who are working in this environment. I shall therefore invite my officers who are responsible to ask for a health and safety report on the situation around the Palace. I am certainly not happy that the situation exists, and I do not think that this is a good environment to invite people to enter. I look forward to answers to many of the questions that Members have raised.

Orders of the Day

Children Bill *[Lords]*

Order for Second Reading read.

4.23 pm

The Minister for Children (Margaret Hodge): I feel very proud and privileged to present the Bill to the House. It is a year since we published our Green Paper "Every Child Matters", in which time we have engaged in extensive discussion and consultation on our proposals. We have listened carefully, and in some instances we have amended our plans to reflect people's views and concerns. I am delighted that our determination to place children and young people at the heart of our programmes has been so clearly demonstrated by the fact that 3,000 of the 4,500 responses that we received to the consultation came from children themselves.

In the past year, we have also embarked on a wide range of programmes and activities to proceed with the programme of change. This is not about a quick political fix for the short term; it is a programme of fundamental reform involving the transformation of children's services, which will take time to deliver. If we are to succeed in our ambition, we need legislation to facilitate and underpin our reforms.

The Bill provides the legislative spine for a hugely ambitious agenda. By itself it is not enough, but without it we will not succeed in the pursuit of our ambition to enable every child to realise their potential, or in our determination to secure a step change in how we safeguard and protect children. Our aim is to maximise opportunity and to minimise risk; to respond better to the additional needs of some children by ensuring that all our universal services respond better to the individual needs of every child; and to raise the importance of children and families on the political and public policy agenda by prioritising their needs and aspirations at Government, local government and community level.

The reform agenda is driven by the outcomes that children themselves told us matter. We consulted them widely and they told us that they want to be healthy, to stay safe, to enjoy themselves and to achieve, to make a positive contribution to society and to achieve economic well-being. The centrality of these aspirations is reflected by their inclusion in clause 7. Those are broad and general aspirations, and translating them into objectives and priorities for action is critical, but we have started that work by developing public service agreement targets for the next spending review period across many Government Departments; by developing comprehensive performance assessment targets for local government; and through the national service framework for children's health services, which we will shortly launch with our colleagues in the Department of Health.

I should point out how delighted I am that my hon. Friend the Minister with responsibility for community, from the Department of Health, will wind up today's debate, and that my hon. Friend the Member for Wythenshawe and Sale, East (Paul Goggins), from the Home Office, is also here to support it. That makes it

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transparent to the House that we are joining up across Government Departments to achieve our agenda for change for children.

Mr. Hilton Dawson (Lancaster and Wyre) (Lab): I join my right hon. Friend in praising the array of talent on the Front Bench, but regret that a Minister from the Department for Constitutional Affairs is not present. Will she assure me that the radical policies that this Government are putting in place—particularly those on schools and the devolution of power to them—in no way clash with the co-operative agenda that we are trying to establish to ensure that children's services are integrated and work well across the board?

Margaret Hodge: That issue was raised during the summer by a number of interested parties. Independence and interdependence are two key drivers of our reform programme, and the fact that the Minister for School Standards is here today, and that he and I have together written recently to all chief executive directors of education and of social services, demonstrates our determination to get schools strongly engaged in the agenda.

Mr. Andrew Turner (Isle of Wight) (Con): The right hon. Lady referred a moment ago to the aspirations contained in clause 7. Does she accept that they are best delivered and supported when children have access to both parents, even if those parents have chosen to live apart? What steps is she taking in this Bill to prevent one parent from unilaterally preventing their children from accessing the other parent?

Margaret Hodge: As the hon. Gentleman knows, we have always said that in the tragic circumstances where parents separate, it is generally in the children's interests to maintain contact with both parents where it is safe for them to do so. That principle underpinned the Green Paper, published just before the summer recess, on these very difficult issues. I hope that the hon. Gentleman will respond to that consultation process, and once we have consulted we hope to produce some clear propositions—both in legislation and in policy—to advance the agenda set out in the Green Paper.

Two key policy principles underpin our approach in this Bill and in all else that we do. We want to reconfigure services around the needs of children rather than in the interests of traditional professional hierarchies, and we want to shift our effort to prevention and early intervention while at the same time strengthening child protection in all the services that touch children's lives. Nobody can disagree with our desire to refocus services in that way. We also know that those changes make sense in children's lives.

We are beginning to garner strong evidence from some of the Government's most successful and innovative programmes to affirm our approach. For instance, evidence from local Sure Start programmes is beginning to tell a powerful story of how early intervention with services joined up around the needs of a child and their family can make a profound difference. In a Sheffield Sure Start, we have seen a 27 per cent. increase in breastfeeding rates among mothers. In a Sure Start in Whitehaven in Cumbria, 25 per cent. of known smokers stopped smoking during their pregnancy. In Scunthorpe, 56 people were helped into work in one year alone, while in the Sure Start in Church street, Westminster, library membership increased by 11.5 per cent. In Corby, the number of children starting school with a special educational need was reduced by 10 per cent., while in east Hailsham child protection re-registration rates are down from 8 per cent. of 0 to 3-year-olds to 3 per cent.

Achieving that radical, whole-system reform of our services is, however, a mammoth endeavour. It requires genuine partnership across professional boundaries and a fundamental cultural change, which can be facilitated and encouraged through legislation, hence the Bill, and also depends on us employing a broad range of levers—from investing in training to promoting new leadership skills, from joining up funding at local authority level to joining up policies at central Government level and from being clear about the accountabilities and responsibilities of all those who work in the children's work force to being clear about the outcomes that we expect from all the services that we fund.

Reforming children's services means that we must work in partnership. That lies at the heart of the Bill: we want to join up people around the needs of the child by making multi-disciplinary working the norm and reinforcing it through co-location and common skills and training.

Jonathan Shaw (Chatham and Aylesford) (Lab): I agree with my right hon. Friend about the importance of partnership and co-operation, but some concern has been expressed that the Youth Justice Board is not included on the list of organisations that should promote welfare. We know about the tragic circumstances of the deaths in prison of Adam Rickwood and Joseph Scholes, and it is the Youth Justice Board that decides where to place youngsters. Why is it not included?

Margaret Hodge: The Youth Justice Board, as with other organisations such as schools—someone is likely to raise the issue of general practitioners later in the debate—will have to work in partnership with other professions and agencies to secure the outcomes for children that we want. Simply placing a legal obligation on such bodies is not always the best means of achieving that objective. That is why I am talking now about the other levers. The outcomes that we want, the targets that we set, the training that we do and the leadership skills that we try to engender are crucial to ensuring joint working. I reassure my hon. Friend that I have regular and frequent meetings not just with the appropriate Minister of State and Under-Secretary of State for the Home Department, but with the Youth Justice Board itself to ensure integration. It is working with us very closely at the local level in the development of children's trusts and other partnership arrangements.

As well as joining up people, we want to join up processes around the needs of the child by developing a common assessment and a common inspection framework and by developing new ways to enable professionals to share information.

We want to join up the systems around the needs of the child, by integrated commissioning, supported by pooled resources in children's trusts. We want to join up strategies around the needs of the child by developing partnerships and accountability that reflect all that has gone before. We shall get that all right only if we make sure that children and young people's voices lie at the heart of our endeavour.

Miss Julie Kirkbride (Bromsgrove) (Con): The Minister will know that the Opposition share many of the Bill's objectives, but she will be aware that Government Departments have not always been able to get the best out of computer technology. She describes a multi-agency approach, but will she clarify whether every single child in the country will be included in the register, or will it be only children who are deemed to be at risk in some way?

Margaret Hodge: The hon. Lady is right to remind the House of the poor record of Government over many decades of launching and managing complex information systems. That is why the first rule in developing this system has been to keep it simple. We are also undertaking a long period of testing the feasibility of our propositions before taking the final decision on how to proceed.

The system will include every child, for three reasons. First, we want every child to be able to access all the universal services to which they are entitled. Secondly, we want to shift the emphasis to prevention and early intervention. It is too late to put children on the list after their needs have been identified. That would run counter to the whole emphasis on the drive towards early intervention, which can only be achieved if we know about every child. Thirdly, the children who have additional needs do not necessarily need child protection measures or safeguards. Some 3 million out of the 11 million children in this country are in that position, and if we really want to identify them it makes sense to have a fuller register. I will deal with some of the concerns that have been expressed on that point, in the other place and elsewhere, later in my speech.

Tim Loughton (East Worthing and Shoreham) (Con): The Minister has just said that she wants to keep matters simple with regard to IT, and I wholly concur with that. Therefore, instead of trying to place all 11 million children in England on a single database, which the Information Commissioner has said would lead us towards a surveillance society, would it not be much more sensible to concentrate on the most vulnerable children—about whom we are all most concerned—and do a proper job for them?

Margaret Hodge: I have two points to make to the hon. Gentleman. First, the shift towards prevention means that we would need to define who would be placed on that database, and that would assume that we had already identified the additional needs of the children involved. We would be able to effect that sensibly only if we had knowledge of how every child responded to the universal services that are on offer. The assumption behind a more limited list is that someone somewhere else has made a decision about the additional needs of the child without the conversations that that we want to take place between professionals. We hope that the new system will enable such conversations to take place.

Secondly, there is no way in which the Bill will increase surveillance, as the Information Commissioner suggests. We stand by the data protection regulations. I hope that the hon. Gentleman will agree that we have to strike a balance between privacy for individuals and their families and safeguarding and protecting children. In the light of the many reports we have had on child deaths, it is critical that we grasp this opportunity to put right the failure of professionals to communicate with each other at an early enough stage about the needs of the child—a problem identified in all the reports—which then leads to things going wrong in the life of that child.

Hywel Williams (Caernarfon) (PC): The Minister talked of "this country" earlier. Does she mean England, England and Wales or England, Wales, Northern Ireland and Scotland? Given the nature of the Bill, it would clarify matters if she could explain what she means by those words.

Margaret Hodge: I am sure that the hon. Gentleman welcomes, as I do, the fact that many clauses specifically relate to children in Wales and, indeed, involve the devolution of further powers on children's issues to the Welsh Assembly. When I talk about children, I speak about children in the round, but specifically about children in England where matters have been devolved to the Welsh Assembly. Where there are non-devolved issues, clearly I have responsibility for children whether they live in Wales or in any of the other countries of the UK.

On our consultation with children and young people, I am delighted that we have set up the children and youth board to work with us. It will help us to find out the views of children and young people and reflect them in our work. Beyond that, however, we are creating an independent national voice in England: the children's commissioner, who will be a strong, independent champion for children. The children and youth board will play a key role in the appointment of the commissioner.

I know that the principle of establishing such a commissioner has been widely welcomed but that some concerns remain about the detailed powers and functions. I shall deal with those. First, the Government are proud to have adopted the United Nations convention on the rights of the child. We have reflected its importance by accepting an amendment that the commissioner "must have regard" to the UNCRC.

We have also strengthened the independence of the commissioner by promoting changes that will enable the commissioner to initiate inquiries into issues raised by individual cases where they are of wider significance and where existing mechanisms are inadequate or inappropriate. However, I firmly believe that an entirely rights-based commissioner will not best serve the interests of children in England. We do not want the commissioner to get bogged down with individual complaints; we want the commissioner to have time to get involved, from the perspective of children, in the many issues that affect their lives—from the way in which the media portray young people to the way in

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which the Government promote healthy eating, and from how we tackle bullying to how we decide the rules on contact and access for separated parents.

We must not set the commissioner up to fail. With the changes that we were planning in the other place, I believe we got the balance right, so we look to the House to restore that balance.

Mr. Phil Willis (Harrogate and Knaresborough) (LD): I apologise for arriving late—the Great North Eastern Railway was running late today.

We genuinely welcome the Minister's proposals, but is not there a contradiction in having an independent commissioner, with the Secretary of State retaining some powers, but ordering the commissioner to hold inquiries as to the Government's wishes?

Margaret Hodge: I do not believe that contradiction exists. Over time, there will inevitably be some individual cases of such importance and wide significance—although we hope not—that they warrant detailed inquiry and investigation. In those circumstances, I have no doubt that both the commissioner and the Government will agree that the individual case warrants such an inquiry. However, it is obvious to me that the person or office to undertake such an inquiry must be the children's commissioner, as children's interests will be at the heart of his or her responsibility, so we have taken that power in the Bill. After discourse between the commissioner and the Government, should the commissioner not want to pursue a particular inquiry, due to particular circumstances, I do not believe that the Government will be unreasonable in listening to the argument.

Mrs. Anne Campbell (Cambridge) (Lab): I should like to draw my right hon. Friend's attention to an excellent briefing from Women's Aid which expresses concern about the courts continuing to enforce contact with estranged parents even in cases where that parent has been convicted of violent offences against the parent with custody. Will the commissioner have any role in such things? Will any change to those provisions be made in the Bill?

Margaret Hodge: The commissioner will certainly have a role in commenting on the Government's proposals to deal with the extremely complex and difficult issues of access and contact between children and their separated parents, but the propositions that we included in the Green Paper that we published just before the summer recess go a long way to try to ameliorate the difficulties that people face. By trying to take more cases out of litigation and introduce earlier conciliation and mediation, we hope to make it easier for children to maintain contact with both their parents. Where mothers may have concerns about domestic violence, we propose to give the courts additional powers, so that they can consider how and whether access and contact should be maintained.

Tim Loughton: In response to the question from the hon. Member for Harrogate and Knaresborough (Mr. Willis), will the Minister confirm whether she intends to overturn new clause 2, which was proposed in the upper House with cross-party support?

Margaret Hodge: I confirm that I intend to propose amendments that would return us to the position that applied before the amendments were endorsed by the upper House.

The other unresolved issue concerns the commissioner's role in relation to non-devolved issues. I am aware of the Welsh Affairs Committee report, and I have been involved in much work on this issue over the past year. It must be right that the new commissioner should report to this Parliament on non-devolved issues. However, there has never been any question of the Bill overriding the existing powers of the other commissioners. Our amendments in Committee will make it even clearer that we want to provide an additional direct route of influence in reporting to Parliament on the issues that affect children across the whole UK. On a day-to-day basis, we want children in other parts of the UK to be clear about the process. I believe that that can best be achieved by the commissioners working together, and we will legislate to remove any unnecessary barriers that stop that happening.

The Bill will make a big difference to the lives of children and young people in Wales. Nearly a third of the Bill is specifically given over to that purpose. I have worked with my counterparts in Government and in the National Assembly to ensure that the Bill provides what the Welsh Assembly needs for everyone in Wales to continue to improve and achieve better outcomes for children in their unique context. In particular, the Bill will take an important step by transferring to the Assembly responsibility for the Children and Family Court Advisory and Support Service in Wales. That is a significant increase in the devolution of children's services and reflects the absolute dedication that exists in the Assembly Government to providing the best possible support to their children and young people.

Hywel Williams: I am most grateful to the Minister for giving way a second time. As a matter of curiosity, will she tell the House what the commissioner will be called? Will he or she be the English commissioner, the English/Wales commissioner, the Wales/English commissioner, or perhaps the UK commissioner present in England, but not in Wales? I am sure that hon. Members would like to hear.

Margaret Hodge: If the hon. Gentleman is seeking to suggest that the commissioner's title will create confusion, I am sure that he and I can have discourse in Committee to ensure that that does not take place; it is not our intention, and we will certainly listen to common sense on that argument.

Julie Morgan (Cardiff, North) (Lab): I congratulate my right hon. Friend on introducing the children's commissioner. I think that the whole House is pleased about that. Will there be one point of contact in Wales for all children in Wales to go to, whatever issue is raised?

Margaret Hodge: I know that many hon. Members think that that is how the commissioner should work.

but I hope that my hon. Friend will agree that the best practical way to ensure that children in Wales are not confused is for the commissioners to agree how they should operate through a memorandum of understanding or another mechanism. All hon. Members agree, as will be reflected in this debate and elsewhere, that we do not want Welsh children to be confused, but the way in which that happens in practice should be devolved to the commissioners themselves.

Mr. Andrew Turner: Will the Minister tell me something about the appointment process and those who will be consulted? We know that the Secretary of State will appoint the independent commissioner, but Megan Thomas, the youth MP for Isle of Wight, has asked me why the children's commissioner cannot be elected by children.

Margaret Hodge: I wonder whether the hon. Gentleman would like a postal ballot to be used for that election. We clearly want to engage and involve children and young people in the appointment, so the board is being established as a mechanism for doing that; I have made several statements on that. I doubt that an election would be the best way of involving children and young people, but I do not think that there is a difference of principle between the hon. Gentleman and me. If the children's commissioner is to be a powerful voice working on behalf of children, she or he will need the support of children themselves, so we need to find appropriate ways of achieving such support.

Mr. Simon Thomas (Ceredigion) (PC): I listened to the Minister's reply to the hon. Member for Isle of Wight (Mr. Turner) and thought that she was making a point against elections. The Children's Commissioner for Wales was interviewed for his job by children, so would that not be the best way to take the process forward in England?

Margaret Hodge: The Children's Commissioner for Wales was interviewed by not only children, but other people. We are considering the mechanisms that were used in Wales, Scotland, Northern Ireland and elsewhere to determine the most positive way in which we can engage children and young people in the process.

I have already said that we want professionals to work better together. That is why we are creating directors of children's services, introducing an integrated inspection of children's services in every local authority area and enabling professionals to pool resources and budgets—that is all in the Bill. However, we want to go further. We want to reduce the bureaucratic burden on local authorities and stimulate better integrated planning and delivery of children's services. We will bring together planning arrangements, including education plans, into a single children and young people's plan to achieve that. I will table an amendment to that effect in Committee and we will review the need for a statutory plan after the first new plans have been prepared.

Over the summer, some people argued that we should place legal duties on both schools and general practitioners to co-operate with other services, but I believe that that would be unnecessary and bureaucratic. GPs work under contract to primary care trusts and PCTs will be covered by appropriate duties. They will, no doubt, wish to use the contracts to bring GPs on board. There are those who fear that some schools will want to opt out of their responsibilities for all children, including the most vulnerable, but I think that such fears are unfounded. Higher educational achievement and the wider concept of well-being go hand in hand with achieving better outcomes for children.

Tim Loughton: We are also worried about the accountability of GPs, people with other health functions and schools. How will what the Minister said apply to independent medical practitioners and independent schools, for example?

Margaret Hodge: In both instances, it is not just through legal requirements that we will ensure the engagement of other professionals and institutions in children's well-being. As a result of the outcomes that we have set out, the inspection regime and other mechanisms including training and the common core skills that we expect all professionals to hold, we will ensure that all professionals and institutions will play their part in promoting the well-being and educational achievement of children and young people.

Jonathan Shaw: In 2000, the Department for Education and Skills and the Department of Health published "The Education of Children and Young People in Public Care", which proposed that all schools should have a designated teacher responsible for children in public care. How does the Minister reconcile that guidance with the report produced by the social exclusion unit in 2003, which said that the success of the designated teacher scheme was mixed or variable? Some schools are proactive and operate the scheme, but others do not. We should draw a line under current arrangements and say that all schools need to promote children's welfare by having a designated teacher—there should not be any that are separate from the scheme.

Margaret Hodge: By drawing attention to that issue my hon. Friend has shown that trying to provide a universal prescription for dealing with difficult problems through legislation or regulation does not achieve the objective of better outcomes for children. I genuinely believe that getting the integrated inspection framework right, setting the outcomes appropriately, stimulating a new style of leadership that promotes multi-agency working and providing training and education for professionals so that they can achieve common core skills are at the root of transforming the culture and will make inclusion and educational achievement the twin pillars of the Department for Education and Skills.

Mr. Willis: How will it be possible to inspect against the background of a non-statutory or non-existent framework?

Margaret Hodge: In the current negotiations on Ofsted's new inspection framework we aim to ensure that the five outcomes in the Bill are a key area for inspection of the way in which education and other

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services are delivered to children in school. As that work progresses, I hope that the hon. Gentleman will be comforted that we will achieve our common objective.

Mrs. Annette L. Brooke (Mid-Dorset and North Poole) (LD): How frequent will inspections be? If they take place every four years, it will take a long time to pick up any problems.

Margaret Hodge: I hope that the hon. Lady agrees that we do not want to make the burden of inspection unnecessarily heavy and bureaucratic in cases where we know that services for children are well delivered. Our review of Ofsted's new phase of inspection will put greater emphasis on more frequent inspection in cases where children's services or educational services in schools are not as good as they should be and less inspection in schools that are performing well in the delivery of traditional educational services and the wider services incorporated in the Bill. The principle of inspection in inverse proportion to success is employed and it has underpinned much of the work that we have done since coming to power in 1997.

When we talk about planning arrangements and legal duties, it is easy to give the impression that achieving better outcomes for children is all about statutory services. Far from it—some of the most innovative and effective practice can be found in the voluntary and community sector. The voluntary sector has often shown both how we can deliver better, joined-up services that work and how we can shift to a more effective preventive set of interventions. Most of us have seen evidence of that in our constituencies, for example, in projects funded by the children's fund. We want to build on that.

The Bill represents a strong vote of confidence in local government, but it is vital that we also create a framework and environment in which voluntary and community organisations can be at the heart of partnership working, so we are removing the barriers to the sector's greater involvement in service delivery. We want to ensure that the sector is fully involved in the planning and commissioning of services. We are developing with the sector a strategy for what we need to do at the centre to make things work both at national and at local level, and we are considering how we can support effective engagement at local level, build the sector's capacity in every local authority area and create better funding arrangements and communication processes.

I have emphasised our desire to shift to prevention, but we also want to legislate to strengthen the way in which we protect children. We aim to create a duty on relevant professionals to safeguard children so that we learn the lessons of the countless tragedies and implement Lord Laming's recommendations. We want to create statutory local safeguarding children boards, so that people really do work together and produce appropriate practical solutions to safeguard children from harm. We want to strengthen the private fostering notification scheme, which is why we have said that we will create a statutory registration scheme, without further legislation, if the voluntary route fails better to protect that especially vulnerable group of children.

We need to provide professionals with appropriate tools and support to work more effectively across agencies. We cannot legislate for culture change, but we can legislate to put the right support in place. That is why we are working, for example, on a common assessment framework to stop children and families having to tell and retell their story to every professional they meet; and why, drawing on what we have learned from our trailblazer authorities, clause 9 will enable us to put in place information databases—not as an end in themselves, but as a means and an effective tool to enable professionals better to work together. Time and again, I have seen reports on child deaths in which someone says, "If only I'd known others were working with the child, I'd have done things differently." We want to make things easier, although I accept that striking the right balance between the right to privacy and the rights of a child to be protected and safeguarded is a complex matter.

Miss Kirkbride: I think that I just heard the Minister say that the Government are still not minded to create a statutory duty to register private fostering arrangements, but remain willing to go down the voluntary route. What degree of success or lack thereof will she use to judge that approach? Surely it would be more straightforward simply to create a duty to register such an arrangement. In that way, we could monitor whether those involved are fit and proper persons to act as parents.

Margaret Hodge: Some make that argument, but we believe that we have to give a final push to the voluntary approach. Where we get local authorities to engage seriously in the effort, there is a massive increase in registration. If we adopt the other approach, we might create new ways whereby people slip through the net. In the Victoria Climbié tragedy, her aunt purported to be her mother; in such a context it is difficult to tell how anyone would have revealed anything that would have brought the child to the authorities' attention and put her name on a private fostering registration scheme, thus enabling action to be taken to ensure her safety in the home. Such issues are not easy to deal with. We fear that we will drive people underground if we do not use a voluntary approach.

Mr. Dawson: Does my right hon. Friend agree that the system of registering child minders has corrected a markedly similar situation, in which all sorts of abuses were going on? The registration scheme has been widely accepted and upheld with almost no problems. What is the difference? What is the difficulty with private fostering?

Margaret Hodge: I have to say that even having a statutory registration scheme for child minding still has not brought into the open all the illegal child minding that continues to exist. That is one of our concerns, but there are other issues, which I hope we will discuss in Committee. We always have to balance the need to safeguard children against the desire to over-regulate. We have to think about the difference in the regulatory framework for private fostering and for other carers. There are complex issues around that, such as who is covered by the scheme and whether, for example, young

people who come here aged 13 to 16 to go to a language school for a long period should be covered by a private fostering scheme. Those are not easy issues, and I hope that we can tease some of them out in Committee so that there is a greater understanding of what we are doing.

Peter Bottomley (Worthing, West) (Con): The Minister is right to say that Committee discussion will be worth while, and the whole House will be able to be involved in trying to decide whether the balance has been struck appropriately when we come back on Report. There is no ideology behind this question; it is a straightforward point about practicality. How, and how soon, do the Government plan to notice the reduction in avoidable disadvantage, distress and handicap that is supposed to follow from the Bill, and how do they intend to monitor the improvement in well-being, wealth and welfare of children? Or will there just be action and no real measurement?

Margaret Hodge: Absolutely not. We want clear measurement of progress as we develop our reform agenda. The targets that we have set ourselves in Government were published alongside the comprehensive spending review in the summer and, together with the targets that we are currently negotiating in the public service agreement with local government and the relationship that we are developing with the voluntary and community sector, will enable us to start to flesh out in a real and practical way measures of improvement on which we hope to measure our success in pursuing our reform.

Clause 9 will enable us to put in place information databases, not as an end in itself, but as a tool to enable professionals to work together. Striking the balance between the right to privacy and the right of a child to be protected is complex. We have said—I again give the House this assurance—that we will consult widely. We listened to concerns expressed in the House of Lords and amended the Bill to show clearly what information will be collected and that case details will not feature on databases. Our purpose is to make sure that children access all the services to which they are entitled and that professionals are put in touch with each other at an early stage.

We all know that the most important people in children's lives are their parents. All our understanding confirms that parenting in the home is more important than anything else in influencing a child's outcomes. We are working to develop much better support for parents in that most difficult task of bringing up their children. Our efforts may be derided by some as nannying, but I challenge that. Parents want support, particularly at key transitions in their children's lives, such as when they come home from hospital or when they first go to nursery, and so on into the teenage years and beyond. However, I do not believe that it would be right to interfere and to criminalise parents for smacking, which is why we shall continue to resist a free vote on any amendment that would create a new offence.

Mr. David Hinchliffe (Wakefield) (Lab): In two days' time, I suspect, this Chamber will be a bit busier with hon. Members than it is now, because we will be discussing fox hunting. Can the Minister explain to me the logic of our being allowed a free vote on fox hunting but not on something like the physical punishment of children? Surely, if anything is a conscience issue, that is.

Margaret Hodge: I know that my hon. Friend has fought long and hard on the issue and feels passionately about it, as do many other hon. Members in the Chamber. However, the Government have taken the view that, if we were to move to a total ban on smacking, that would create a new offence, which would not in any way support all the policies with which I prefaced my contribution, and through which we are trying to support positive and better parenting. Because we do not want to create a new offence, we felt that the amendments tabled by some Members in another place would have been an inappropriate issue for a free vote.

Peter Bottomley: I agree with the Minister on smacking, but I also agree with the hon. Member for Wakefield (Mr. Hinchliffe). Why cannot the right hon. Lady trust her Back Benchers with a free vote, to be convinced by the arguments?

Margaret Hodge: I assure all hon. Members that we shall continue to listen to the debate and, as in the House of Lords, we shall consider when and whether a free vote on particular amendments is appropriate. But the Government have taken a pretty clear view that in this contentious area we do not want to create a new offence, which we think will not support our determination to give parents better support in parenting their children in the home.

Mr. Hinchliffe: I appreciate my right hon. Friend's giving way again. Bearing it in mind that a total of 12 European countries have managed to deal with the issue of removing the defence of reasonable chastisement, outlawing punishment and giving children equal treatment against assault, why is it so difficult for this country to do exactly the same thing?

Margaret Hodge: Interestingly enough, I met representatives from some of the countries that have completely banned smacking. Most recently, my hon. Friend brought somebody from Germany and somebody from Sweden to talk to me. The representative of one of the countries—Sweden, I think—told us that there was a long and slow process of reform, so I hope that the amendment moved by Lord Lester in the House of Lords, which takes us further in ensuring that the defence is not used in such a way as to give succour to people who believe that any form of abuse is allowable, is a welcome first step as we build a consensus. If my hon. Friend wishes to make progress, he needs to work with others to build a consensus in the wider community around a very contentious issue, which is seen to be an interference in the privacy of family life.

Julie Morgan: Is my right hon. Friend aware that the campaign in support of getting rid of the defence of reasonable chastisement is probably the biggest coalition of voluntary bodies that there has ever been? It has the support of the Catholic Church, the Association

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of Directors of Social Services, the United Reformed Church—the list is endless. Does she agree that there is already a good deal of consensus?

Margaret Hodge: I accept entirely that there is a powerful coalition on the issue, but it is a coalition of professionals. We need to move beyond the professional consensus to an acceptance by parents, which I do not believe yet exists around such a complicated issue.

Mr. Dawson: Will my right hon. Friend give way?

Margaret Hodge: One final time.

Mr. Dawson: I am grateful to my right hon. Friend. Would she please look further into the situation in Sweden? It is my information that way back in 1957 the Swedish Government removed at a stroke the equivalent defence of reasonable chastisement, and thereafter the smacking of children was criminalised.

Margaret Hodge: I will not do anything by strokes, but I will undertake to look further into the matter. The information that we were given suggested that Sweden adopted a gradualist approach leading to that reform.

I said at the beginning of the debate that I am proud to bring the Bill to the Commons. In the Lords, it earned its deserved tag as the small Bill with a large heart. I am proud to be creating a children's commissioner for England, taking forward the most radical reform in children's services for a generation and laying the groundwork that will make it easier for professionals to work together in support of children, young people and families.

The Bill is not the first step in achieving better things for children, because hard-working and dedicated people such as professionals and voluntary groups, parents, children and young people have already taken the first steps, but it represents a further unique and important step towards a long-term change that will give us better children's services, and I am delighted to move it on Second Reading.

5.15 pm

Tim Loughton (East Worthing and Shoreham) (Con): On behalf of the Opposition, I welcome the Bill. Since the announcement of Lord Laming's inquiry into the tragic death of Victoria Climbié, we have been calling for many of the measures that the Bill contains. When Lord Laming reported last year, we offered strong support for urgent measures and welcomed many of the proposals in the Green Paper "Every Child Matters", although we expressed concern about much of the missing detail.

Hon. Members on both sides of the House are familiar enough with the horrific events surrounding the death of Victoria Climbié, and we must not forget the 80 or so other cruel or unnecessary deaths of children each year at the hands of carers or parents that do not provoke the same publicity as the Climbié case. It is for Victoria Climbié and all the other victims of abuse—fatal or otherwise—and in the hope of preventing their numbers from being swelled in the future that we continue to give our support and co-operation.

Herbert Laming made it clear in his report, which followed a succession of other depressingly familiar reports dealing with the deaths of children who had been failed by system, that this time things must be different, and that his recommendations could not, as he put it, be referred "to some bright tomorrow". Not one of the agencies empowered by Parliament to protect children such as Victoria Climbié emerged from the inquiry with much credit. As Herbert Laming put it, bad practice can be expensive.

The Bill is an opportunity to put that right, to join up all the agencies and individuals responsible for the welfare of children and, hopefully, to reverse many tarnished reputations and to give renewed hope to all the professionals in child care, social services and child protection who do their best for vulnerable children, often in spite of, rather than with the help of, the system.

The Bill has made great progress in the Lords, and we welcome the constructive way in which the noble Baroness Ashton of Upholland responded to and accepted amendments from both sides of the House—although we hear that some of those amendments may now be overturned. I hope that that spirit of co-operation and flexibility from Ministers will endure throughout the Bill's passage through the House, in pursuit of our shared greater ambitions for children.

Baroness Ashton introduced the Bill as

"our vision to improve life chances for all children and young people, with a particular focus on the most vulnerable, including those who are disabled; those who are cared for by the local authority or are otherwise outside their immediate families; those who have experienced changes in their family circumstances, perhaps through bereavement; or those at risk of abuse or violence . . . We want to focus on better prevention so that support can be offered early, when it is needed, in a way that responds to the needs of children and their parents and carers."—[*Official Report, House of Lords*, 30 March 2004; Vol. 659, c. 1208.]

We concur with those aims.

My noble Friend Lord Howe agreed that the Bill represents a fantastic opportunity:

"This is a Bill which is, at heart, about finding better ways of doing what we already do."—[*Official Report, House of Lords*, 30 March 2004; Vol. 659, c. 1214.]

That is true, and it is essential that we get the Bill right. Some of the more radical changes that the Government propose must be accompanied by as much detail as possible in the Bill itself, and their workability must be properly thought through so that as many people as possible who are involved in the area are taken along with them.

We will table a number of constructive amendments in Committee in an attempt to add clarity to the Bill and to tease out the Government's thinking, not least on data sharing, on which their proposals are, at best, muddled and incomplete, and in relation to which we will introduce our own models.

In welcoming the Bill, I also welcome the opportunity to debate issues concerning vulnerable children. I remind the Minister that this is our first opportunity to debate this important subject in this Chamber, in Government time, during this Parliament, despite the welcome creation of her role as Minister for Children. The joined-up approach in the Bill seems particularly important as we read today's headlines. The front page of *The Guardian* features an article about the deterioration in the mental health of our young people

and children. *The Sun* carries a headline about the "sex time bomb" and discusses the considerable problems involved in sexually transmitted diseases and responsible sex education. Those issues must be considered in combination with the obvious cases of vulnerable children that the Bill primarily addresses.

Miss Kirkbride: One thing that was missing from the Minister's remarks about providing better services for children was the fact that they are often let down because social workers are undervalued and change jobs so frequently that there is no continuity of service among the departments in which they work. If vulnerable children are not readily seen by the same people, the simple fact is that no matter what institutions and mechanisms are put in place, they will not be caught by the Bill. I shall be interested to see what my hon. Friends and the Minister say about that in Committee.

Tim Loughton: My hon. Friend makes a good point. That is an aspect that we will certainly address and to which I shall turn later in my speech. We have many very good social workers. Although they are often the first people to have the finger of blame pointed at them, many do a fine job in very difficult circumstances. Because many vacancies have to be covered by agency staff, there is not the continuity of care towards cases for which one would wish. In every case I sat in on when I spent the morning in a family court in London recently, I found that the social worker involved was not the social worker who had initiated the case. Interestingly, every single one was Australian. Although exceedingly impressive, they will not be over here for long enough to see many of those cases through. That is part of the problem. We can change the structure and create new committees and titles, but that will not make a difference where it matters unless we have the people on the ground.

The Conservatives take this issue very seriously. That is why over the past few years we have devoted official Opposition debating time to the subject of vulnerable children; have organised children's summits on the subject at Westminster; and have tackled related subjects such as the abuse of the internet by child abusers and paedophiles and the inadequate arrangements for promoting equal parenting as between resident and non-resident parents in the interests of their children. We are continuing to engage in wide-ranging dialogues and policy formulation with a large number of children's organisations.

Before highlighting some of our concerns about what is in the Bill—or what remains outside it—I shall set out the guiding principles that we will apply in proposing our amendments. First, we echo the sentiments of the noble Baroness Ashton when she assured the upper House on Second Reading that the Government would be

"prescriptive only where we believe that this is necessary to ensure accountability or to protect children's welfare."—[*Official Report, House of Lords*, 30 March 2004; Vol. 659, c. 1209.]

It is surely right that, where possible, local authorities that are already doing good work in improving child protection should be able to continue to do so according to local structures and local circumstances. Local authorities are already bogged down by ill-thought-out and usually ill-financed Government diktats and do not need more of the same just for the sake of it. We welcome Government assurances that partnership working is at the heart of their reforms and hope that that will be borne out in practice. I give a particularly warm welcome to the Government's success in encouraging participation in this exercise by children and young people, who gave an impressive number of responses to the consultation.

Our second guiding principle in assessing the Bill will be the basis on which it adds to quality outcomes. We can appoint as many children's commissioners or children's tsars as we can shake a stick at—apparently the Liberal Democrats want a children's commissioner for every region of England—and set up as many new committees and structures as there are bureaucrats to organise the paperwork for them, but in the end the Bill must be about protecting as many children as possible from abuse, and ultimately death, and promoting the life chances of as many vulnerable children as possible.

This is not about ticking boxes to register the number of new officials who are given titles or the number of committees that they set up or meetings that they hold.

Mr. Dawson: Would the hon. Gentleman include children in custody in the category of vulnerable children that he mentioned? If so, what would he do to prevent them from dying there?

Tim Loughton: The hon. Gentleman makes a good point, for once without having a go at me, which is welcome. I am sure that that will come later. We shall discuss children in prison and in the penal system and table amendments on the subject. Recent developments in court cases have left a deal of confusion as between the responsibility of social services and that of the prison system for the welfare of children in custody. The Bill provides an opportunity for greater clarification, for which I am sure the hon. Gentleman will push in Committee should he be involved in those proceedings.

My third point is that none of what we are considering can be achieved unless there are skilled professionals on the ground to knock on doors, investigate abuse and work with others to root it out. I fear that that is currently far from the case. Social worker vacancies remain worryingly high, especially in London and the south-east of England. Recruitment for social services staff has not been nearly as high a priority as that for doctors and nurses. The recruitment campaign launched by the then Secretary of State for Health—who miraculously reappeared in a Cabinet position last week—was not followed through, and we have yet to perceive any great results from it.

A Unison survey of social services departments revealed a heavy reliance on agency staff and a high staff turnover, with 60 per cent. of departments saying that even if all the vacant posts were filled there would still not be enough social workers to manage the current case loads—before the additional work and responsibilities for which the Bill provides are introduced.

Have some local authorities taken notice of events in the past few years? Last week, we read the worrying stories about Haringey, where it was discovered that 18 people employed by the social services department had criminal records. When the records appeared in

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Criminal Records Bureau checks, they were ignored in some cases and the people were still employed by Haringey social services department. Evidence has now come to light showing that one of those people was a convicted paedophile, who was given a job working with children with learning difficulties.

Despite all the hot air and the supposed extra regulation from Government, the abuses continue. More worryingly, some authorities appear not to take them seriously. I hope the Minister will examine in particular the case I have mentioned, and will respond urgently to the parliamentary questions that I have tabled.

We are also concerned that, although the Bill deals primarily with introducing new procedures and partnership working to protect vulnerable children, the media coverage—to wake the hon. Member for Wakefield (Mr. Hinchliffe) up—has focused entirely on the emotive subject of smacking, which this afternoon has threatened to lengthen considerably the Minister's opening speech. The Bill did not begin as a measure to legislate against smacking, and I hope that it will not be hijacked in this House as it was in their lordships' House. There are too many important issues at stake in the original measure. We shall doubtless be subject to a tight timetable—I hope that the Bill will not be derailed altogether by the latest posturing about fox hunting—and we should not allow valuable time to be diverted to debating smacking, rather than the wider issues of child abuse. I trust that hon. Members will adhere to that in Committee and during our doubtless limited time on Report.

Mr. Hinchliffe: I think the hon. Gentleman was deliberately provoking me to intervene and I shall not disappoint him. He must be aware that at least one child a week in this country dies at the hands of parents or carers. That is at least 80 a year. It is a disgraceful figure and I do not apologise for concentrating on an issue—physical punishment—which, having been involved in child protection, I believe relates directly to the number of child deaths in this country.

Tim Loughton: The hon. Gentleman and I agree on the solutions that need to be introduced in the Bill to attack child abuse. My point is that, although smacking may be part of that problem, it is an issue that threatens to overwhelm the whole of the Bill, and that we could lose valuable time which we desperately need to discuss some of the other details that need to be improved. The hon. Gentleman knows that, from the fact that there were virtually no media reports on the Children Bill until the amendments on smacking were discussed in the House of Lords. It would be unfortunate if that were to happen, as it would undermine much of the good work that needs to be done on the rest of the Bill. I need not talk about this issue at great length, because the Conservative party will quite rightly allow my colleagues a free vote on it, as we did in their lordships' House.

Jonathan Shaw: What about the Adoption and Children Bill?

Tim Loughton: Well, we are talking about the Children Bill, and that is all I need say on the subject of smacking, other than to express my amused fascination at the way in which the Government propose to repeat their practice of allowing a free vote only on their favoured option—or, more bizarrely still, at the Liberal Democrats, whose policy is to criminalise smacking by parents but whose peers voted for another Liberal Democrat amendment on a so-called middle way.

Peter Bottomley: As Labour Members know, I supported the free vote option, but said to its organisers that I would not necessarily vote for the criminalising of smacking. When I said that I did not want ordinary parents criminalised for doing reasonably ordinary things, I was told that the Director of Public Prosecutions would ensure that there would not be any prosecutions. It therefore seems slightly odd to be pushing to incorporate such a measure in the Bill.

Tim Loughton: My hon. Friend may well think that, but I could not possibly comment. We shall invite contributions on the matter on Report, but I repeat my hope that it will not overwhelm the rest of the Bill.

I should like to outline some of the specific changes that we want to make to the Bill. We support the establishment of a children's commissioner for England, and will therefore defend the new clause 2—we have now made it clear that we shall have to—which was passed in the upper House and which rightly seeks to give the commissioner proper teeth, rather than creating the feeble poodle that the Government originally sought to create and now seek to recreate.

As I have said, the jury will be out on the creation of the children's commissioners until they have shown that they can have a real, positive effect on quality outcomes, but if we are going to the trouble of setting up such an office, for goodness' sake let us give its holder the proper powers to do the job properly, in an open and accountable way and independently of the Government. Under the original wording of clause 2, that would not have happened.

The Children's Society has stated that the changes made in the Lords mean that we are now

> "much closer to having a credible and effective children's champion, independent of Government, as promised in the Green Paper . . . England's commissioner must not be the poor relation in all of the other three parts of the UK who have strong investigatory powers and duties to protect and promote the rights of children and young people."

One young respondent to the consultation exercise asked:

> "What is the point in having a children's commissioner if they can't do their job properly?",

and one Member of the upper House voiced a similar concern that the commissioner should not be "castrated". We shall therefore defend new clause 2, which I guess will take up quite a lot of the early deliberations in Committee.

We also want to clarify the relationship between England's commissioner and those in the rest of the United Kingdom. We want to establish a reporting mechanism to Parliament that is independent of the Secretary of State and has clear procedures for producing meaningful responses by the Government and other relevant parties. We shall also table amendments to clarify who is responsible for children

normally resident in England but who receive education or medical treatment in, say, Wales—or vice versa. Cross-border responsibilities are far from clear in the Bill and, as Lord Laming made clear, it is imperative that the question of where those responsibilities lie and where the buck stops should be quite open.

In relation to part 2 of the Bill, under the heading "Co-operation to improve well-being", we are concerned about the particular problems of children in care outside the responsible authority's area. The Minister has not touched on that point, and it did not really come up in the other place. Many hon. Members will be aware of the problems being caused by some errant young people being placed in small private children's homes far from their natural homes.

Nationally, there has been an explosion of private children's homes. In 2002–03, 1,172 such homes were registered, according to the Government's figures. By the following year, that figure had leapt by two thirds, to 1,956. They are mostly small, containing six or fewer people—which allows them to get round the planning regulations—and many offer a good service. In my constituency, in Worthing, however, the chief inspector of police has told me that earlier this year, 23 per cent. of one month's crime figures were down to a handful of youths from private children's homes in our town.

For example, one child in care in one of those private children's homes was supposedly responsible, over a period of between three and four years, for 66 calls to Sussex police regarding his activities, 38 recorded calls to Worthing police directly, had 12 recorded arrests in the town, was recorded as a missing person seven times, and since 2000, when he was aged 11—he is now aged 15—has committed one offence against the person, four offences against property, three theft and kindred offences, two public disorder offences, one offence relating to police and courts, and three miscellaneous offences. He also has a number of impending prosecutions. I fully acknowledge that that is probably at the upper end of the extremities in this regard, but it is very worrying.

West Sussex calculates—it has no way of doing so officially, because there is no duty to notify when placing people in the care of another authority—that about 200 children are placed by other authorities in our county. That one individual to whom I referred has been a mini crime wave on his own. That is not to suggest that the vast majority of those children will go down that slippery slope, but some of them are doing so.

The problem—which we need to see addressed—is the responsibility of the placing authority being properly recognised. It should be the responsibility of the placing authority, however distant it may be, to take responsibility for such children. In our case, however, which has been repeated up and down the country, it has fallen in the lap of the local police, the local magistrates court and the local social services, even though they have no duty of care or responsibility over that child. There is a problem with the line of accountability and where the buck stops—the issues that are dealt with in Lord Laming's report. The Commission for Social Care Inspection has at last been made aware of that problem, and we will table amendments urging the Government to adopt legislation to address it and to tackle the issue urgently, as it threatens to get out of hand in certain places.

Under arrangements to safeguard and promote welfare, we want greater clarification on involving schools, as has been mentioned and presaged by the Minister for Children, as they are not named explicitly in the Bill. We would query the absence of explicit reference to schools and educational facilities in clauses 7 and 8. As the Local Government Association has said:

"School staff are closer to children's social, emotional and educational development than any other professionals. Schools are best placed to provide hubs for the co-ordination of all services for children."

We will also address, as the Minister again foretold, the problem with including practitioners of health authorities—because we do not feel that it is sufficient to say that a legal obligation is not the be-all and end-all, as she has said—and other health care professionals outside of normal trusts, given the increasing amount of health care provided by autonomous trusts and bodies. We also believe that the immigration service at ports of entry should sign up to that responsibility, particularly when dealing with the increasing problems of unaccompanied child asylum seekers and child trafficking, about which we are all concerned.

The subject of databases will be one of the most problematic areas in the Bill. Unlike the Liberal Democrats, we believe that databases are necessary if the reforms are to be meaningful, but they are contentious and fraught with problems, and too much detail is still missing from the Bill. We welcome improvements instigated by my noble Friend Earl Howe in the upper House about standard criteria for how long information can be shared, and making sure that the information is accurate, for example. Currently, however, the Government are still leaving too much to as yet undetermined regulations.

The Minister answered a query earlier in relation to whether there will be a national database to include all 11 million-plus children; whether it will be in place on day one, or how they will come to be included, we do not know. I fear, however, that she confuses appearing on a database or list with being able to monitor and address properly those children's needs. Again, I fear that it smacks—not a good word to use—of the tick-box approach.

Who will have access to the databases, national or local? Will there be common thresholds for all relevant professionals to trigger a reference to a database? What on earth does the woolly reference to "any cause for concern" in clause 9(4)(g) mean, and what basis has it in law? That question has been raised by a great many bodies.

When will the Government be in a position to give fuller details of how the databases will work, given that many of the trailblazers are only part of the way through their assessments? Many, indeed, are in the middle of applying for second-wave funding, including mine in West Sussex. We are being asked, potentially, to write the Government a blank cheque on a highly significant issue within the next few weeks. Barnardo's has queried that, saying:

"The clause as currently drafted may lead to the establishment of information sharing systems that fail to contribute to better outcomes for children and young people, and potentially leave vulnerable children at risk."

It also says:

[Tim Loughton]

> The breadth of drafting of the clause may well lead to an overwhelming quantity of poor quality data, with professionals unable to identify those children in need of support."

As I have said, there are particular problems involving the role of GPs and other health professionals contributing to databases in the light of confidentiality considerations. The Minister is well aware of that. The British Medical Association has said:

> "It would be a shame if, as a result of the provisions in this bill, vulnerable children were dissuaded from using vital health and social care services because they no longer felt that doctors and other health professionals could protect their confidentiality."

Let alone all the other pressures on GPs, there are serious question marks over how they will fit into the whole mechanism.

The Parliamentary Under-Secretary of State for Health (Dr. Stephen Ladyman): Are not the issues the hon. Gentleman has raised just as significant whether we have a database listing only children at risk or a universal database?

Tim Loughton: No, because they will be replicated from an initial database that could consist of the 61,000 looked-after children, plus some others, in another requiring up-to-date information relating to more than 11 million children. Doctors will be required to give further details about their child patients, even if they are not concerned about child abuse or anything like that—simply because they change their address, for instance. I am alarmed that the Minister thinks that that could lead to anything other than an enormous multiplication of the amount of work that will be required of GPs, let alone everyone else.

Jonathan Shaw: In his response to my hon. Friend the Minister, the hon. Gentleman demonstrated how much ambiguity there could be if we referred to a particular group of children. He referred to children in care. We know about those children. The point is the children whom we do not know about. We cannot have any ambiguity if we are to do what the hon. Gentleman spoke of in his opening remarks, and not make the mistakes of the past.

Tim Loughton: The hon. Gentleman fails to acknowledge that putting the names—and perhaps addresses and national insurance numbers: I gather that the Government may be thinking along those lines—on a database does not necessarily make the children any safer, unless means exist to bring about action for those who are genuinely vulnerable. It is the tick-box mentality that worries me most. Making a list does not protect children; concentrating on those who are likely to be most vulnerable, for a whole range of reasons, is much more manageable and practical if they are to be given the attention, care and protection that the Bill is surely all about.

Margaret Hodge: I was trying to avoid intervening, because many other Members wish to contribute, but there is a basic misunderstanding of the purpose of the database. The database is merely a tool that will make it easier for professionals to take the action that they need to take. In no way does this constitute an action in itself. What will be shown on the database is this. If a professional has a particular concern about a particular child—we will discuss this in Committee—the concern itself will not appear on the database, but the fact that the professional has a concern will. If another professional were to have a concern as well, all that would be facilitated would be the two professionals speaking to each other and then taking the appropriate action to safeguard, protect and promote better outcomes for children.

Tim Loughton: The Minister has proved my point. It is the children who have triggered a cause for concern—as she puts it—and it is the mechanism by which that cause for concern is triggered that we need to concentrate on, instead of putting all children on a national database, which will do nothing to enhance the prospects of getting care for those in respect of whom a cause of concern has been triggered. This clearly shows that the Government have yet to decide on a great deal of the detail, and we and many of the relevant bodies are enormously confused about what this provision actually amounts to. I appreciate that the Government still have a lot of work to do, but we are being asked to write a blank cheque in the next few weeks for what is a significant and important measure.

I shall not go into great detail now—I shall do so in Committee—but we envisage two models, the first of which concerns the local hub. If the relevant professionals—the general practitioner, the social worker, the teacher, the police officer and so on—have cause for concern about a particular child, they should be able to flag it up directly with the office of the director of children's services, and the information should be kept on a database. Where several professionals—or even just one—provide such information, it should be up to the office of the director of children's services to decide whether action is required. There would be a reporting mechanism, the practicalities of which we can talk about.

Secondly, a national database is needed to deal with the transient child who, for example, leaves Dagenham and ends up in Worthing, where no data exist showing that there were suspicions that they were being abused, or being subjected to violence by someone in the domestic environment, or by others who were in charge. But that database need not automatically contain all 11 million children. It needs to be a mutual reference, so that when the child turns up in Worthing and comes into contact with social services, the police or the education authorities, those organisations can refer to the database if they have a particular concern. They could then be told that some information is available on that child, and that they need to speak to the director of social services in Dagenham, Barking or wherever it may be.

We do not see why, in trying to concentrate on the most vulnerable children, it is necessary to clog up the system with all 11 million children. I look forward to debating in Committee the relative merits of our system and of the Minister's yet-to-be-formulated system. On the face of it, she is trying to create a surrogate identity card scheme. The suggestion of using national insurance numbers also gives cause for concern. That system is

already greatly discredited—we have substantially more national insurance numbers than citizens in this country.

Mr. Dawson *rose—*

Tim Loughton: I shall very generously—and perhaps for the last time, so that he can speak later—give way to the hon. Gentleman.

Mr. Dawson: I am grateful to the hon. Gentleman. Is he not trying to create a system with holes in it? It relies on far too many subjective definitions and hardly caters at all for those who want to evade it and to hide the child's identity. Is he not being massively inconsistent in drawing attention—rightly—to the role that the immigration authorities should play in such a system, but then saying that the vast majority of children should play no part in it?

Tim Loughton: There is no reason why such a system should contain more holes than one that simply lists everyone who happens to be a child. We will need to continue this debate on Report, because I remain unconvinced. I began by saying that we support the idea of a database, but it needs to work and to benefit the people whom it is supposed to benefit. We should not simply create another database that involves sleepwalking into a surveillance society, as Richard Thomas, the Information Commissioner, has put it. Setting up such a comprehensive national system would also lead to all sorts of problems with data protection; and key questions remain about security and who would have access to the system.

I want to consider a final point on databases that the Bill has totally ignored. The system is completely one-sided and we will be looking to set up an appeals procedure. There seems to be no mechanism whereby a perfectly good parent or a professional against whom concerns have, for whatever reason, been wrongfully expressed can challenge the inclusion of information relating to the person on the database. Circumstances can change and vexatious complaints can be initiated by professionals against individuals. In the vast majority of cases I hope that that will not happen, but there are no checks and balances for the few cases where it will.

I look forward to hearing the Minister's assurances that our suggestion for proper checks and balances may not be necessary. However, I suspect that they will be—certainly they were in setting up the potential leviathan of the Financial Services Authority, which deals with all sorts of professional bodies. On the face of it, checks and balances are missing from the Bill, so we will propose amendments to rectify the difficulty. There should be a procedure whereby people giving rise to "cause for concern", in the Government's own terminology, should be able to challenge the veracity or continued relevance of the complaints rather than risk being fingered indefinitely.

We will also propose some technical amendments about the running of the local safeguarding children boards. On the inspection framework, there is surely a greater role for children's services authorities in overseeing nurseries, particularly in view of recent revelations about abuses and the failure of the Ofsted inspectorate on its unannounced inspections. That is particularly important given the likely proliferation of such places in the future.

On the duty of local authorities to promote educational achievement, set out in clause 44, it has to be said that the current circumstances are a scandal. I wholeheartedly concur with the intentions behind this part of the Bill. It is a scandal that only 44 per cent. of young people leaving care had gained at least one GCSE or GNVQ compared with 96 per cent. of all year 11 children at large. It is a scandal that as few as 1 per cent. of young people leaving care go on to university and that fewer than 6 per cent. go on to any form of further education—let alone all the other problems that they are likely to face by having to move schools more often than non-looked-after children and all the additional health problems that they are likely to suffer. Surely the placing authorities—social services departments—should be much more mindful of the desirability of stability and continuity in the school of an individual in care. All that is, indeed, a scandal.

Too much of the existing guidance—on designated teachers and governors and proper educational plans for looked-after children—has been and is being ignored. There is no excuse for the social workers who are responsible for individual children in care not to attend parent evenings at school. They should be placed on the same basis as other parents who, to the great embarrassment of the rest of us, fail to attend such evenings.

I also recognise that there are problems with admissions policies, but arrangements for accessing schools must not prejudice other children living with birth parents. The clause should deal with that problem. There must be equality of opportunity in education—the key to helping many vulnerable children.

Jonathan Shaw: Does the hon. Gentleman think that it is right for the adjudicator to say to admissions authorities—independent or local authority schools—that children should be number one when it comes to the oversubscribed criteria? Is that right?

Tim Loughton: The hon. Gentleman raises an important point. I do not necessarily agree with that. The mechanics of how to advantage looked-after children within the school system need to be thoroughly debated. I want to bring about a system in which looked-after children are greatly advantaged within schools. We must ensure that they receive the equality of opportunity within education that I spoke about earlier. I realise that that has been greatly abused and is likely to be even further abused in view of the greater independence that schools have for their admissions policies. *[Interruption.]* The potential is absolutely there. We have to find a balance between recognising the independence and autonomy of schools and ensuring that looked-after children are not left behind. It is not a straightforward matter.

A child who lives with his birth parents could live next door to a foster child who lives with foster parents. If both applied to an oversubscribed school it might be more appropriate, for whatever reason, for the child with birth parents to attend it. Is it right to be discriminated against in order to promote the

[Tim Loughton]

educational advances of the child in foster care? *[Interruption.]* That is precisely the sort of problem that the issue raises. I am not suggesting that I have the model solution to the problem, but we will need to debate the issue properly in Committee. It risks producing a considerable amount of prejudice among parents whose children miss out in relation to the looked-after children whom we desperately need to help to make educational advances. It is a contentious argument and, as the Bill stands now, we need to go into far more detail about how the policy will be carried out in practice. The hon. Member for Chatham and Aylesford (Jonathan Shaw) has admitted that many schools do not follow the procedures, so we must secure more consistency in that respect.

Finally, the Bill does not make sufficient reference to the specific needs of disabled children and it makes no provision to ensure an assumption of reasonable contact between siblings who may be in care separately. Given that the Bill is about children, we will take the earliest opportunity to insert amendments to give non-resident parents a legal presumption of equal parenting rights, unless there is a particular threat to the welfare of child. Clearly, it must be in the child's best interests. Following our recent summit, Conservative proposals for the next election will—in contrast to the Minister's fudge in her Green Paper—deal with that scandal. Perhaps she will intervene to explain herself.

Margaret Hodge: I was bewildered by the later part of the hon. Gentleman's speech. Is he saying that the Opposition believe that the interests of the child should not be paramount in decisions taken about access or contact, or is he saying that the interests of parents—in equal parenting—should have priority over the interests of the child? The two cannot go together. The hon. Gentleman has to choose between the one or the other principle.

Tim Loughton: That is complete rubbish, and the Minister knows it. There are no implications here for the welfare of the child being paramount, as she admitted herself at the beginning of her speech when she said that what is in the best interests of the child is to have the love and attention of both parents. At the moment, no legal right is enshrined for parents who are unfairly excluded from being able to be good and loving parents. That is the injustice that we want the Bill to deal with. The Minister has singularly failed on that with her ill-thought-out, half-fudged and half-baked Green Paper on the subject—it has been around for far too long—even though she was chased out of her burrow by our Westminster summit on the subject back in July.

How will the Children Bill fit in with the long overdue national services framework for children, which I gather may be produced on Wednesday? On the subject of private fostering, we do not believe that the proposals are strong enough. One last voluntary push is necessary, according to the Minister, but how many last pushes do we need before we properly deal with those people who are cocking a snook at the law in private fostering arrangements? My hon. Friend the Member for Bromsgrove (Miss Kirkbride) mentioned that earlier.

What account will the Bill take of the use of expert witnesses in care cases? The Government announced a review at the beginning of the year in the light of the Canning judgment, so how will the legislation impact on the qualifications of expert witnesses and their preparedness to come forward? We also have reservations about the timetable and accountability of children's trusts, on which the Government place so much expectation. As the National Children's Bureau queried, who will be accountable for the children's trusts? If children's services authorities are the governing bodies, how will clinical governance over health staff and their professional development be addressed?

The timetable for children's trusts also seems to be getting pushed back. As last week's Children Now survey showed, fewer than two thirds of councils are working to meet the 2006 deadline to set up their children's trusts and 56 per cent. of councils have not yet started recruiting for a director of children's services. As one director put it, there has been an overemphasis on structural change, because it is the bit that people can get their heads around.

Surely the preparedness of children's trusts and the close integration that they represent is key to the effective implementation of the Bill, and we will look for assurances on that point from the Minister.

How will many of the Bill's provisions be funded, given the severe confusion and ensuing chaos over the funding of the many accomplished and relevant projects by the children's fund earlier this year? Many voluntary groups and projects operating on a shoestring are still worried about their future sustainability.

As I said at the outset, we strongly support the Bill, but we think that it can be greatly improved to make it work better. We will seek to raise many of the issues that I have mentioned, and others, in Committee, and we will do so constructively, positively and flexibly. We hope that the Government will respond accordingly, as the urgent goals that we all wish to achieve on behalf of vulnerable children are too great to miss because of parliamentary niceties.

6 pm

Mr. Win Griffiths (Bridgend) (Lab): This wide-ranging Bill will be a landmark in the improvement of services, opportunities and protection for children. I congratulate my right hon. Friend the Minister on introducing it, and the whole Government team who have worked hard on it.

The first issue I wish to consider is the role of the commissioner for children. I rejoice that the Government have at last agreed to a children's commissioner in England. We have had one in Wales since April 2001 and I like to think that it was the work done in the Welsh Office from 1997 that enabled the National Assembly to push forward with the agenda for a Children's Commissioner for Wales.

Julie Morgan: Does my hon. Friend agree that he was in fact the first ever children's Minister?

Mr. Griffiths: Well, I have to agree with that. I would even say that I am elated by the progress that we have made. Nevertheless, I remain worried about one or two

aspects of the role of the children's commissioner. I am relaxed about how clause 2 has come to us from the other place. I concede the need for some fine tuning, but I would much rather have clause 2 as it is now than as it was when the Bill was first published. I hope that we will have an opportunity in Committee to make clear the role of the children's commissioner in England in respect of his or her responsibilities in Wales on non-devolved issues and how that will work with the Children's Commissioner for Wales.

It is interesting that responsibility for CAFCASS has been devolved to the Children's Commissioner for Wales. If I were being cynical, I might think that that was because of all the difficulties that arose from the creation of CAFCASS and that the opportunity was taken to give someone else the responsibility of making it work properly, at least in Wales. I would dearly love to think that the commissioner in England would have the same powers—on matters relating to England—that the Children's Commissioner for Wales has on devolved matters. As for those issues that are not devolved and will therefore be the responsibility of the commissioner established by the Bill, there should be clear working arrangements to enable the Children's Commissioner for Wales to act as the representative of the commissioner created by this Bill, so that children in Wales will have a one-stop shop for their concerns. We should do everything possible to ensure that the commissioner for England will have an excellent working relationship with the Children's Commissioner for Wales.

Hywel Williams: The hon. Gentleman will be familiar with the concerns of the Children's Commissioner for Wales that his role is different from that proposed for the commissioner in England, whatever that commissioner will be called. How would the hon. Gentleman address the point about the credibility of the Welsh commissioner being undermined by a perceived lack of independence from the English children's commissioner?

Mr. Griffiths: We do not need to worry about the standing and the independence of the Children's Commissioner for Wales on devolved issues. I want to ensure that, when the process is complete, the commissioner in England, who will have responsibility for some non-devolved issues in Wales, has a similar role to that of the commissioner in Wales on devolved issues. For example, Government Departments in England should have the duty to respond within three months to commissioner recommendations, as happens in Wales. We will need to address such points in Committee and on Report. I hope that we will not see any diminution of the powers of the commissioner, as already expressed in the Bill. Indeed, perhaps the work of the commissioner in England and in other parts of the United Kingdom could be improved and strengthened.

Mrs. Betty Williams (Conwy) (Lab): If that does not happen, does my hon. Friend agree that—as the Welsh Affairs Committee said in its report—linguistic issues or other non-devolved issues might not be resolved in respect of a child from Wales who is in an institution in England? If that happens, the only person to suffer will be the child.

Mr. Griffiths: Yes, and we must ensure that such issues are fully resolved in the Bill and that any commitments made by the Minister to issue guidance are met.

The protections given in clause 8 should include refugee and asylum-seeker children. We should not stand by the reservation that we have to the convention on the rights of the child, because those children are already disadvantaged enough. We should ensure that they do not suffer further disadvantage while they—either on their own or with their parents—seek refuge in the United Kingdom.

I may annoy the hon. Member for East Worthing and Shoreham (Tim Loughton) by discussing whether the smacking issue will hijack the Bill, but it has been raised by my hon. Friend the Member for Wakefield (Mr. Hinchliffe). I do not think that it will, and the issue should not be discussed in those terms. I believe that the issue of whether children should have equal protection to that which adults enjoy is fundamental to the issues that the Bill is designed to tackle. The whole problem of child abuse can be traced back to the way in which we have deeply embedded in our culture the right for parents and carers to smack their children.

Mr. Andrew Turner: Rubbish.

Mr. Griffiths: The hon. Gentleman says that that is rubbish, but the whole situation is Dickensian. The basis of the law on which we are acting goes back to 1860, a time when it was considered normal to beat children until they bled. We have come a long way since then, but the right to smack is still deeply embedded in our psyche.

I take that issue very seriously. The clause 49 compromise in the other place is inadequate.

Mr. Turner: On consideration, does the hon. Gentleman not think that his description diminishes the suffering of some of the children whom the Bill is designed to protect? The suggestion that, for example, Victoria Climbié's suffering was something to do with legislation on smacking children is completely absurd.

Mr. Griffiths: It is not completely absurd. Because of the defence of reasonable chastisement, smacking has been too easy. There was even a court case in which beating a child with the bough of a tree was considered reasonable chastisement in the circumstances. The important thing is that we give children equal protection with adults and that we outlaw smacking. That will begin to attack the idea that parents can smack children in such ways. Only a minority may do so, but none the less 80 or more children are killed every year in circumstances that relate to our allowing ourselves to think that it is okay for parents and carers to smack children.

We do not think that it is okay for parents and carers to smack adults in comparable circumstances; that would be brawling, affray or grievous bodily harm.

[Mr. Griffiths]

When adults knock each other about, there is a gamut of offences to deal with it, yet under our current law children can be hit.

Mr. Dawson: Does my hon. Friend recall the chilling words of Carl Manning, the murderer of Victoria Climbié? He was reported as saying that she could take a beating like anything.

Mr. Griffiths: We need to keep reminding ourselves of such awful things, because children are legally being hit. A recent Government-sponsored survey showed that more than 90 per cent. of children were being hit regularly—nearly half were being hit weekly and 35 per cent. were being punished in a manner that their parents or carers thought severe. It is incredible to think that 75 per cent. of the mothers interviewed for that survey had smacked their baby in the first year of its life. Those are terrible things and we need to act positively to get rid of them.

Jonathan Shaw: Does my hon. Friend agree that quoting Manning's words—as our hon. Friend the hon. Member for Lancaster and Wyre (Mr. Dawson) did just now—in the horrendous case of the abuse of Victoria Climbié and making a comparison between that and a gentle tap on the back of the legs of a two-year-old just will not chime with the general public?

Mr. Griffiths: I shall come to that point shortly. I agree that there is a huge difference, but perhaps we are afraid to face up to the facts, and we need to do so. I have already mentioned that our law is based on an archaic judgment made in 1860. We must also remember that there are specific human rights obligations to which we must adhere; for example, we have signed up to the UN convention on the rights of the child. On several occasions, the UN Committee on the Rights of the Child has put it to our Government that we need to amend our law, as we are not treating children properly. Not only international bodies, but almost everybody involved in child protection and the care and promotion of children's rights, whether professionals, voluntary bodies or others with an interest in children—more than 350 organisations—backs equal protection for children. We need a legal framework to change our culture of hitting children.

My right hon. Friend the Minister referred to the fact that such changes had taken place in Sweden over a long period. When the Swedes made it illegal to hit children the majority of people surveyed at the time were against the law, yet now only 6 per cent. of parents still want the right to smack their children. That shows how important it is to get the legal framework right. We need that cultural change.

We must also give much greater priority to provisions for positive parenting. Many parents have already come to the conclusion that it is wrong to smack their children and have found other ways of disciplining them. By getting rid of the defence of reasonable chastisement, we would be taking a major step forward in the push for positive parenting.

We know that such reforms work. A dozen states already have commissioners and there has been a huge improvement in the situation in Sweden, where the legal framework has existed for the longest time. We should draw something positive from that and take steps today. Sensationalising in papers such as *The Sun* should not fool us. Recent opinion polls suggest that people will support equal protection for children—more than 70 per cent. in a MORI poll. It was interesting that 76 per cent. of under-24-year-olds wanted equal protection; for women, the figure was 73 per cent., while for parents it was 74 per cent. The Government have a sound basis for making such provisions. A Populus poll showed that a majority of young people wanted equal protection for children.

We should support an amendment to give equal protection because it is right. I was a bit chilled to be told that we would not be allowed a free vote on that issue. As a parent, I made the decision many years ago not to chastise our children physically and managed to keep to it. Both my children are well into their 30s and neither can recollect ever being hit—although they can remember times when I exploded. However, we managed and we can all manage. As a child, I received some hefty beatings and some people may see that as a good reason to abolish physical punishment. Although I do not feel permanently scarred by that process I still believe that giving equal protection is far better.

Finally, I turn to some issues to which the hon. Member for East Worthing and Shoreham alluded—personnel and finance. If the Bill is to work properly, substantial extra finance will be needed and much will have to be done to encourage people to move into work relating to children. Such workers have taken so many knocks recently that it will not be an easy job.

I wish the Bill well. I shall not be able to support every aspect of it. From the sound of things, I shall not be able to support some of the amendments that the Government will table, but I am fairly sure that whatever the state of the measure at the end of the process it will be far better than what we have at present. I shall be happy to support it in that context, although I hope that what I have spoken about today will come to pass so that I can be deliriously happy when the Bill receives Royal Assent.

6.19 pm

Mrs. Annette L. Brooke (Mid-Dorset and North Poole) (LD): I congratulate the Members of the other place on their assiduous work on the Bill. They certainly spent many a long hour on it. I particularly mention those on the Liberal Democrat Front Bench—Baroness Walmsley and her team. As I read the lengthy passages in the Lords *Hansard* that cover the deliberations on the Bill in the other place, I was struck by the thoughtfulness and responsiveness of the Minister there throughout, so I am disappointed that the Minister is missing from the Chamber now. The cross-party approach on many aspects of the Bill is to be highly commended and has resulted in great improvements in the Bill. I hope that we will work cross-party throughout the Committee to improve it further.

Although the Government may feel that the time spent on the Bill in the other place provides an excuse for allocating such a short time for the House to scrutinise it, the Liberal Democrats believe that a wide range of important issues still require detailed debate, especially if another 15 years pass before there is further major

legislation on this issue. We support the Government's aim in introducing the Bill, and look forward to making positive contributions to ensure that the legislation will indeed improve children's lives and help to enhance services and support for all young people. Indeed, I hope that we achieve what the Minister outlined: a true transformation in services—over time, of course.

We strongly endorse the aim of achieving the five outcomes for children, as outlined in "Every Child Matters": being healthy, staying safe, enjoying and achieving, making a positive contribution and economic well-being. It is interesting to see how those outcomes were expressed on Second Reading in the other place and how they have been amended. Education and training did not seem to match with enjoying and achieving, and we welcome the inclusion of recreation.

We also welcome the inclusion of emotional well-being, along with social and economic well-being. Staying safe, of course, involves a proactive, preventive agenda, as some hon. Members have mentioned today. However, we share the Children's Society's concern about how the achievement of those outcomes will be measured. We also believe that equality of opportunity should be considered within the outcome framework and hope that the Government will address that issue. Gaining access to important services is likely to be far more difficult for those with specialist needs.

It is heartening that clause 45, on ascertaining children's wishes, was introduced on Report in the other place, but it is worrying that it was not at the heart of Government thought and included earlier. Even so, despite the Minister's words, insufficient emphasis seems to have been given in the Bill to listening to children and taking on board their views and experiences, which must be seen as important in the context of evaluating the outcomes and, of course, in all the processes. That reminds us that no one appeared to ask Victoria Climbié her views and feelings about her situation.

I recall that, long ago in the Fred West case, early clues were missed because children were not fully listened to. That has happened time and again. We have missed vital clues and we need to put more emphasis in the Bill on that aspect of listening to children. The Children's Society calls on the Government to take the opportunity of the Bill to place a new duty on local authorities actively to seek the wishes and feelings of all children about whom there are child protection concerns. I hope that, when the Minister returns, we will have some idea about whether that is being considered.

A strong, independent champion of children's rights was needed and we particularly welcome the establishment of the children's commissioner. That was a proposal in the Liberal Democrats' general election manifesto for 2001, so we are delighted that, yet again, the Government will implement one of our policies. Of course, we acknowledge that Wales has had a children's commissioner since 2001, and we are lagging behind Scotland and Northern Ireland.

We read the first proposals put before the other House with great disappointment. The cross-party approach there resulted in the now proposed commissioner for England. At least that bit has been endorsed today, and while I am pleased about that, what I am really pleased about is the fact that the commissioner will be firmly based on the rights of the child and reflect the United Nations convention on the rights of the child. We certainly would strongly oppose any move by the Government to reverse any of those key changes. We have heard some strong hints today that there will be attempts at reversal. I accept that further clarification is probably needed with regard to the interaction between the four commissioners in the different parts of the UK and look forward to debating that in Committee.

We should like some further amendments to be made, particularly in relation to the Secretary of State's power to direct the commissioner to hold an inquiry. We think it important that the children's commissioner is truly independent of the Government. Of course, the commissioner can always consider a request, but it is important that the commissioner has discretion. A cynic might feel that the Secretary of State—a future one, of course, I am sure—might keep the commissioner so tied down with directed inquiries that the commissioner would have little time left for the priorities, perhaps set by children.

On Third Reading in the other place, the Minister indicated that there might well be a Government amendment relating to the requirement on the Government or others to respond to the commissioner's recommendations. We would greatly welcome that. A requirement for some longer-term monitoring on whether action has taken place and its effectiveness would also be positive. A few other issues were not fully answered during that debate and we shall return to them in Committee.

Concern continues to be raised that schools have not been included in the list of partners who will have a duty to make arrangements to co-operate and to improve children's well-being under clause 7, which is about strategic functions. I can understand the argument for including only local education authorities, but independent schools, city academies and city technology colleges have very limited relationships with current LEAs and the new funding arrangements currently under discussion will further reduce links between schools and LEAs. That issue must be revisited, although we must also be mindful of the extra duties placed on schools. We welcome the proposals on extended schools because they will provide vital further opportunities to support children and families.

As other hon. Members have said, it is important that all children who live in this country are eligible for the same rights. The children of refugees and asylum seekers should have the basic human rights afforded to all children in this country.

Mr. Andrew Turner: The hon. Lady referred to extended schools, and there are certainly some imaginative proposals. She says that she supports those proposals, but does she think that local or national taxpayers should pay for them?

Mrs. Brooke: I see schools in the context of the LEAs, and I will look in great detail at where the funding streams will come through to LEAs, but we favour local decision making in implementation.

Refugee children were identified as those in greatest need in "Every Child Matters", yet amendments proposed in the other place were resisted. We certainly

[Mrs. Brooke]

wish to revisit some of the discussion. We welcome the fact that, under clause 8, the relevant agencies that provide services to children will have a duty to make arrangements to safeguard and promote welfare, but we feel that the relevant agencies must include those responsible for immigration detention centres where children are held, the National Asylum Support Service and those who deal with refugee children at ports. That is urgent, given the concerns about trafficking and the rise in the number of refugee children being detained.

The detention of children will always raise serious child protection concerns. In 2002, the view of the inspector of prisons was that

"the positive development of children was compromised by the secure nature of the facility"—

Dungavel—

"and the uncertainty surrounding the length of stay".

She made various recommendations on immigration removal centres, with further recommendations in 2003. What progress has been made on their implementation? In a reply to a recent parliamentary question, I was told:

"The Immigration Service does not routinely collect data on children arriving in the United Kingdom."—[*Official Report*, 19 July 2004; Vol. 424, c. 74W.]

I know that several measures have been introduced recently to ensure that such children at risk are identified, but surely we must have comprehensive data on children who enter the country because, if we do not, the situation will not fit with the other proposals in the Bill.

I welcome the fact that youth offending teams and governors of prisons and secure training centres are included under the new duty to safeguard and promote welfare, but it is clear from the number of tragic suicides of young people in custody. Between 1990 and the present day, there were 186 self-inflicted deaths among under-21s in prison. How does that make us feel about our society and the system?

Recent statistics show that the number of children assessed as vulnerable and remanded in, or sentenced to, Prison Service custody in 2003–04 was 3,337, which represents a massive increase from 2000–01 when there were only 432 such cases. The recent death in custody of 14-year-old Adam Rickwood highlights the tragic situation that can result from that. I know that the Government have indicated their intention to legislate on youth justice sentencing in "Youth Justice—The Next Steps" and "Every Child Matters: The Next Steps", but the new safeguarding framework in the Bill offers us the opportunity to address concerns about vulnerable children who are sentenced to, or remanded in, custody now—before more of them die.

The National Society for the Prevention of Cruelty to Children raises the important point that the Bill does not adequately address the educational attainment of children in prisons. We know that children in the secure estate have low educational attainment because recent research shows that such children of school age have literacy and numeracy levels below those of children aged 11 and that more than a quarter have a level equivalent to that of an average child aged seven or younger. We also know that educational standards have an impact on reoffending rates, so addressing that matter in the Bill would be a positive step.

Tackling housing need is central to the welfare of children. Shelter calls for the Bill to go further in two key respects by suggesting that

"Housing need should be included among the key factors to be considered in promoting a child's well being; and . . . Action should be taken to ensure that children's services authorities . . . fulfil their responsibilities to homeless children under the Children Act."

I have long been worried about how well councils—especially when different councils, such as county and district councils, are involved—ensure that housing and social services work together. I know that there are excellent examples of good practice, but it is easy for things to go wrong if those services do not work well together. Is the Minister considering issuing supporting guidance on housing?

We welcome the additional detail that is now provided in clause 9 because we could not have supported the original clause 8 given that its total lack of detail made it a blank cheque. We support the principle of a simple database with objective data. In the case of Victoria Climbié, a simple database would have shown that she was not attending a school. We appreciate that achievements can be made, but we need to know more about the details. Will the database be local, regional or national and will it have a relationship with existing databases?

There remain questions about the proposed flags of concerns on a child's record in the proposed database. The suggestion in the other place of finding an alternative name for those does not overcome our fundamental objections. Different professionals will have different thresholds of concern and, despite the probing amendments moved in the other place, the Government have not produced a more detailed definition of a "cause for concern". Confusion could result from different interpretations of the term. It is possible that those who work with children will tend to flag every minor concern rather than risk accusations of negligence. If the system constantly delivers alerts for trivial issues, any urgent intervention required might be obscured because people cannot see the wood for the trees. Children already at risk of harm might be overlooked.

It is important for different agencies to communicate clearly with each other and to take effective action. The database may be a tool, but it will not be a substitute for professional work. It is estimated that there is currently a shortage of some 2,000 children's social workers, but we must have well-trained social workers. I am aware that funding is available for training at present, but will the Minister assure me that funding streams will continue year on year to ensure that social workers and partners receive support for professional development and multi-agency work in all areas of child protection? All too often, the Government start something and do not continue it. At the moment, local authorities have money for training, but what will the situation be in five years' time? We must plan ahead.

One thing that could be useful would be if sufficient funding were provided for outreach work to access vulnerable families, rather than waiting for vulnerable families to access services: that would mean that people did not become aware of their social services only when they were in difficulty. People involved in the trailblazer

pilots made it clear to me that knowledge about, and confidence in, the levels and types of data that may be shared under existing legislation was important.

We share the worries of several organisations about the implications for children of having service contact details on their records if the nature of the services that they have accessed automatically infers private and confidential details about their personal situations. Such an inference could be drawn from children accessing HIV, sexual health or abortion clinics, or drugs services. It is critical to ensure that there are tighter access restrictions on details about such sensitive services, because neither parents nor children must be deterred from seeking help or advice. Clarification is needed on how risks to children caused by inappropriate access to data will be prevented.

We are told that consultation is taking place on such matters, and that guidance will be published in due course, but we need more details before the Committee stage. Who will see the database? Who will update the data? Who will remove data when they are out of date, and for how long should they be kept? Where will responsibility lie? And how will common standards be met throughout the country? There are matters relating to voluntary sector organisations now. They are signing service level agreements with local authorities now, and given that there is an assumption that everything in the Bill will go through, they need to know what will happen regarding the data.

I welcome many aspects of the Bill. I am pleased that there is confidence on both sides of the argument that we can change the structure of integrated services while maintaining sufficient accountability. There are questions about how the money will work out for children's trusts and how health priorities will match up with other priorities. A point has been raised with me about the ring-fencing of money for children's services. In my part of the country and throughout the south-west, money invariably has to be poached from adult social services to prop up the children's services budget, so what will happen when insufficient money is available owing to the ring-fencing of money for children's services? Given that the problem is widespread, that is an important consideration.

On private fostering, there is widespread agreement among interested organisations that proposals to amend the existing notification requirements do not address the failings of the current system. Rigorous standards apply to children in day care and to children accommodated by local authorities. However, the system for private fostering only requires the local authority to be notified of the arrangement, and does not require its approval. Once again, we must ask why there is not a compulsory registration scheme, as there have long been concerns about the system of notification. A register of suitable private foster parents would enable the designated local authority official to provide information to parents about the suitability of a prospective private foster carer based on a minimum set of standards, including the question of whether they had been police-checked or had had any of their own children placed in local authority care. Privately fostered children and their parents must be afforded the same standard of safeguarding as children who are looked after by child minders or accommodated by the local authority.

Looked-after children are a particularly vulnerable group and, as we have heard, the current guidance requires schools to take certain action. The Government's own reports, however, show that the impact of the designated teacher scheme is mixed. Some schools allow non-contact time for designated teachers to liaise with other agencies and to attend planning and review meetings, but others do not. It is more appropriate to place a statutory duty on schools and governing bodies than to rely on further guidance. As an aside, Baroness Ashton, the Under-Secretary for Education and Skills, said in a debate in the other place:

> "If children do not have a supportive environment with opportunities to learn and to use computer equipment . . . they can be disadvantaged."—[*Official Report, House of Lords*, 15 July 2004; Vol. 663, c. 1490–91.]

It has recently been drawn to my attention that a grant available for a two-year period that has enabled councils to purchase computer equipment for looked-after children has come to an end, and does not appear to have been replaced with other funding. I would be grateful for clarification on that important matter—I am sure that no one in the House wishes to cut back on significant support at a time when we are saying that we will give more support to vulnerable children.

I am anxious about unreasonable chastisement and, although I welcome the Bill overall, I believe that it should be amended to give children the same protection in their homes as adults are afforded under the law on assault. I believe that the amendment introduced on Report by Lord Lester attempts a legal definition of ways in which children can continue to be assaulted, which sends a dangerous message to society about the acceptability of violence towards children. Children who witness or are recipients of violence are likely to repeat that behaviour at other times and in different settings. There is obviously a lack of clarity about what is acceptable: some people bruise more easily, for example. There is also the problem of different coloured skins and the concern raised by a child protection police officer that regular physical punishment may not leave obvious signs on a child's body. Constant severe punishment may be a great cause for concern, but it is not covered by the amendment if it does not leave a mark on the child's body. I accept that the amendment deals with mental harm, but how on earth do we measure such harm or judge its severity?

Mr. Adrian Flook (Taunton) (Con): Is the hon. Lady speaking about that provision in a personal capacity or as a party spokesman? If Lord Lester's amendment were before the House of Commons, would she support it?

Mrs. Brooke: Obviously, I am speaking as party spokesman. Personally, I believe that a great strength of the Lords is the opportunity that it provides for genuine discussion and debate of different ideas—whereas Members of the main parties in the Commons may prefer not to engage fully in the democratic process, and that is particularly true if a free vote is not allowed on this issue.

Removing the defence of reasonable chastisement would send a clear message to the effect that children are equal in law, and it would make it easier for children to identify abusive behaviour towards them. We have an opportunity to initiate a change in culture. We would

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expect attitudes and behaviour to change slowly over time, as happened in Germany. We should certainly welcome the chance to introduce more family support services, more positive parenting messages, the promotion of non-violent discipline and a cultural shift in child-adult relationships. If we think that nothing should change in our attitudes, why—and I am delighted that this should be the case—is it that domestic violence is no longer acceptable? Attitudes change, and I remind the House that I spent a lot of time trying to prevent a kiss between two 13-year-olds from being viewed in a criminal context. However, it was decided for the greater good that that provision should remain in the Sexual Offences Act 2003.

Finally, I re-emphasise the fundamental importance to the Bill of the United Nations convention on the rights of the child, as it sets a clear, critical standard for the way in which children should be understood, respected and treated. The United Kingdom has been a signatory state to the convention for well over 10 years, and it should be applied throughout the Bill, covering everything from the duties of the children's commissioner to the disciplining of children. Both local and national Government should be accountable, and all Government Departments should comply with the convention, especially when new legislation and policy are introduced. Why cannot child impact statements be produced for all legislation? If we comply without reservation with the UN convention on the rights of the child, all children will matter in our country.

6.47 pm

Mr. David Hinchliffe (Wakefield) (Lab): I strongly welcome the broad thrust of the Bill, which has been introduced in the wake of Lord Laming's important report on the tragic case of Victoria Climbié. Interestingly, that report made it clear that the basic statutory framework of children's provisions in the Children Act 1989 serves this country well. I was proud of that assessment, because I served on the Standing Committee that considered that Act, and I pay tribute to the previous Government for listening to Members of all parties to ensure that it was a positive piece of legislation. I hope that the present Government will listen to Members from all parties, including their own, to improve one or two parts of the Bill.

The Bill needs to be seen in the wider context of Government policy on children and families. I praise the steps that, for example, the Government have taken to address child poverty. Their measures to address levels of child benefit have been crucial in tackling serious poverty among children and families in various parts of the country. I hope that they will learn the lesson that the concept of universality is relevant to other policy areas such as the pensions system, where universal benefits and clawback through the tax system will help us to address poverty, which we are not doing sufficiently at the moment—[HON. MEMBERS: "Hear, hear."] I hope that I will hear "Hear, hear" from Labour Members as well as Liberal Democrat Members.

Mr. Dawson: Hear, hear.

Mr. Hinchliffe: I thank my hon. Friend.

I commend the Government on their development of preventive measures in child care. One of my worries about the 1989 Act is that its provisions on prevention are, for various reasons, not as effective as its other provisions. I very much welcome the Government's emphasis on Sure Start.

I pay tribute to the right hon. Member for South-West Surrey (Virginia Bottomley), a former Secretary of State for Health, who was involved in Home Start, which had and continues to have a major impact in my constituency. Sure Start has built on many of the positive outcomes of the Home Start experiment. My hon. Friend the Member for Bridgend (Mr. Griffiths) said that we have to see the legislation in the context of positive parenting. Clause 49 is crucial in that respect.

I commend the Government on their attempts to achieve joined-up thinking. In the week when the national service framework is to be published, I thank Al Aynsley-Green, who has led the work on the NSF, for his inclusive approach. He has listened to a range of people voicing views from a range of perspectives. I am sure that the outcome will be positive.

The improvements that we have achieved in opportunities and attainment in the education system relate strongly to disadvantaged youngsters. I see that in my constituency. It is especially welcome that the Bill creates a duty to promote educational achievement among looked-after children. When, some years ago, the Health Committee carried out an inquiry into looked-after children, all of us were surprised to learn that the most common concerns felt by the children in the care system from whom we took evidence were not about the care system, but about the education system and their experience in schools. Especially since the creation of a more competitive environment in education, in which schools look to league tables and results, disadvantaged youngsters are often regarded as holding schools back. I therefore welcome the provision in the Bill. My only concern is that perhaps the duty should be placed on schools rather than only on local education authorities, given that it was at the level of schools that the children in question expressed that concern to us.

I welcome the proposals on structural change, improved accountability and communication, and joint working. The integration of children's services is common sense, but I am concerned that the model adopted might vary from area to area. People who are involved in child protection and who need to contact colleagues in other parts of the country might find that difficult if the structures adopted elsewhere are different from the model in their own area, with which they are familiar.

The Government are right to put local safeguarding children boards on a statutory footing. I was surprised to learn that area child protection committees are not a statutory requirement; they apply in my area and in others and I had assumed that they were required by law.

I welcome the proposed framework for registration of private fostering, but I remain frustrated, because it seems that we have not yet got a grip on that issue. I share some of the concerns raised by colleagues and hope that, in Committee, we will consider a serious approach to the matter, which has been the cause of

immense concern for many years. Successive Governments have failed to act in as positive a fashion as they should.

The introduction of a children's commissioner is of fundamental importance and long overdue. I do not wish to contradict the hon. Member for Mid-Dorset and North Poole (Mrs. Brooke), most of whose comments I agreed with, but the first party commitment on the introduction of a children's commissioner came from the Labour party at least 10 years ago. I know because I wrote, or at least I was responsible for, the policy document that included the commitment. However, I welcome the fact that the Liberal Democrats picked up on it and that the Government are now doing something about it.

As I said, the measure is long overdue. The Health Committee has recommended the establishment of a children's commissioner in two separate inquiries. I welcome the way in which the Lords have strengthened the provision, and I will be concerned if in Committee or on Report the Government row back on what appear to me to be very sensible amendments made in the other place, especially the requirement that the commissioner must have regard to the UN convention on the rights of the child. I remind colleagues that the Conservative Government signed up to the UN convention, presumably in the knowledge that doing so had implications for key areas of policy in this country such as reasonable chastisement. We were all well aware of that at the time. I am therefore concerned that the Conservatives do not appear to be getting a grip on the issue as I hoped they would. As the party that, rightly, signed Britain up to the convention, the Conservatives seem to me to have a vested interest in ensuring that we deliver what the convention requires. I am sorry that they are finding the question of reasonable chastisement rather difficult.

I commend my hon. Friend the Member for Bridgend. He spoke with passion and great common sense and I entirely agree with every word he said. The Bill as amended in the Lords keeps Britain on a collision course with the UN committee—it resolves absolutely nothing. My hon. Friend pointed out that the UN Committee on the Rights of the Child had referred to the matter. In October 2002—not long ago—the committee reminded the UK of previous recommendations to remove the defence of reasonable chastisement, stating:

"The committee deeply regrets that the state party persists in retaining the defence of 'reasonable chastisement' and has taken no significant action towards prohibiting all corporal punishment of children in the family."

The committee criticised the proposals to limit the defence that we see in the Bill, having been introduced by Lord Lester. The committee called, first, for the prohibition of all corporal punishment; and, secondly, for the promotion of positive non-violent forms of discipline.

I echo my hon. Friend's comments on positive parenting. Those of us who believe passionately that the law must be changed accept entirely that a programme of positive parenting must accompany the change in the law. We have to help people to deal with the most difficult job that any of us do—bringing up our children. Speaking as a parent, it is a standing joke to me that I was taught nothing about parenting. I saw a half-hour video in a maternity hospital shortly before my wife gave birth to our first child; it told me where it had gone in and where it came out, and that was it. It told me nothing about what I should do when I had got the little thing home and the problems started—when it was screaming in the middle of the night, or it would not go to sleep. We all need help, whatever our social background.

Mr. Dawson: Is my hon. Friend aware of cutting-edge research into the way in which social interactions and parents' behaviour can have physical effects on the brains of very young children that affect the way in which they behave throughout their lives? Is it not therefore incredibly important that we reach out to the parents of very young children and help them to manage their children appropriately?

Mr. Hinchliffe: I have not seen the research, but I am sure that my hon. Friend will let me have a look at it. He reinforces the point that I was making.

Other than the UN Committee on the Rights of the Child, the present UK position has been criticised by the European Court of Human rights, by the Joint Committee on Human Rights and the Health Committee—both all-party Committees—and by every child protection agency in the country. We should listen to bodies that are in the front line of child protection every day.

I thank my right hon. Friends the Minister for Children, who is no longer in her place, and the Secretary of State for Education and Skills for the time that they have taken to listen to me and many of my colleagues on the question of reasonable chastisement. We have engaged in lots of dialogue over a long period and I genuinely hope that that dialogue will continue. I appreciate that media attitudes make the issue a difficult one for any Government, but clause 49 as amended is full of holes, which worries me very much. The briefing note sent to hon. Members by Save the Children says that clause 49

"will lead to greater legal ambiguity, professional uncertainty and parental confusion about what is, and is not, acceptable".

I am not a lawyer, but I spent a long time in child protection, and in my view the clause is naive, totally impractical and frankly dangerous. We have to do something about it.

Clause 49 relies on "wounding" and "bodily harm" in defining an offence against a child. In practice, though, as one or two of my colleagues know who have had experience in child protection, it is frequently difficult to prove whether such bodily harm has occurred when children are injured, sometimes quite seriously. Indeed, the hon. Member for Mid-Dorset and North Poole referred to the fact that people mark in different ways. In another place, on the Lester amendment, the point was rightly made that there are clear ethnic differences about what may be visible on a child's body.

Invisible injuries are often the most painful and dangerous. I spent 20 years playing rugby league, and I speak with feeling about some of my injuries. The worst was to a rib cartilage: there was nothing to see, but the doctor told me it was worse than having broken ribs. I could not move for around six months without acute pain. Nothing could be seen: there was no bruising or

[Mr. Hinchliffe]

anything else to see, but that was a serious and painful injury. On several occasions, I certainly had head injuries when there was no visible sign but when the fact that I was seeing double or treble indicated that something was rather wrong.

The clause, as amended, does not address the practical reality of the situations with which social workers, the police and child protection agencies will deal with day to day. It will be helpful to the lawyers, who will laugh all the way to the bank. Frankly, though, it will not help the child victims of serious assault.

When the Children Act 1989 went through the House, I served on the Committee and moved an amendment to remove reasonable chastisement as a defence. We failed to do that, and we were perhaps before our time; I have frequently been before my time but I hope it will come. We were defeated, I suspect, because we did not have the evidence at that stage of what had happened with our policy in other countries. Now, as I said when I intervened on the Minister, 12 European countries have prohibited all physical punishment, and we can see from their research the positive impact of what they have done. If anyone wants to read some of the detailed research, I can let them have copies. Latvia and Romania are the most recent, and I mention Romania because it is only 10 years since I was there with a voluntary organisation, helping the Romanians to construct a child care system. Since then, they have gone past us in their advanced thinking on child protection and have taken the commonsense measure of giving children equal protection in law against assault.

I hope that we can continue to have the dialogue that the Minister for Children indicated she was willing to hold. Eighty children die each year in the United Kingdom at the hands of their parents or carers.

Mr. Win Griffiths: We have heard before the figure of 80 children dying, which is terrible. We also need to remember, though, that thousands of children are physically abused all over the United Kingdom every year.

Mr. Hinchliffe: I entirely agree. The National Society for the Prevention of Cruelty to Children told me not long ago that at least one child in every classroom in the country is being seriously assaulted, and that is a worrying figure.

To have any credibility on child protection, the Bill has to ensure that children have the same protection in law as adults. We have time to put that right, and I genuinely hope that we will manage to do it before we get the Bill into law.

7.4 pm

Mr. James Clappison (Hertsmere) (Con): I welcome the opportunity to take part in the debate, which is on a subject of the highest importance and on which we probably do not spend enough time. Like my hon. Friend the Member for East Worthing and Shoreham (Tim Loughton), I support the aims of the Bill and the Bill itself, and I welcome the tone that he took. When the Bill goes into Committee, I hope that the Government will respond in kind to his constructive approach and to constructive comments from Members on both sides of the House. I believe that there are still some improvements to be made.

I approach this matter in the spirit of the Laming report on the Victoria Climbié case, which, in many respects, forms a vital part of the background to the Bill. I interpret the spirit of that report, at least in part, as being the fullest and widest acceptance of responsibility for the welfare of children, especially those who are the most vulnerable. In the case of those children who are most at risk, front-line social workers, who have all the burden of face to face contact with children and families and who are in receipt, no doubt, of a less than princely reward for doing so, should not be left to shoulder all the responsibility when things go wrong. In saying that, I am mindful of the view explicitly expressed by Lord Laming:

"Having considered all the evidence, it is not to the hapless front-line staff that I direct most criticism for the failure to protect Victoria Climbié."

He found that the greatest failures lay elsewhere, higher up the chain of command. In the spirit of his report, we need to ensure that there is an appropriate acceptance of responsibility at all levels, up to the highest levels of local authorities, and beyond to this House and Ministers.

With that in mind, I welcome the Bill's principal provision for focusing minds on the welfare of children—the creation of a children's commissioner. The Bill has been very much improved as a result of debates in the other place, so it was with some disappointment that I heard the Minister say that the Government plan to overturn clause 2 as it stands and to go back to the original form of clause 2. Having studied it, I think that the current clause 2 is an improvement, and I hope that that will be fully considered in Committee.

There are other respects in which the Bill could be further improved, and those will need detailed consideration. Concerns remain about the independence of the commissioner, which is a key point if we are to have effective provision. When the Bill was published, the commissioner looked too much like a champion of the Government rather than a champion of children. In the other place, Lord Northbourne graphically referred to a "castrated children's commissioner". The provisions have been improved, but further improvements could make the commissioner much more clearly independent of Government. As the Bill stands, even in its improved form, and by contrast with the position in Wales, the children's commissioner is to be appointed by the Secretary of State and to be eligible for reappointment at the end of his or her five-year term entirely at the discretion of the Secretary of State. That is hardly a configuration suggesting the presence of the attributes that Lord Northbourne suggested might be lacking in the children's commissioner.

What is the flavour of the relationship suggested by clause 5 (1), which provides that the Secretary of State can direct the commissioner to hold an inquiry? The word used is "direct" as opposed to "request". Again, that contrasts with the independence granted to other children's commissioners in that regard.

The Bill has been much improved since it was first published, when there was a widespread perception that the commissioner needed to be made more independent,

but still more needs to be done to buttress the independence and the effectiveness of the commissioner. I hope we will hear from the Government in due course, in Committee, what more they propose should happen, for example, as a result of the reports from the commissioner—something that they have undertaken to do. We must ensure that the commissioner's work is effective and that it is listened to and responded to.

It must be right to encourage co-operation and closer working between different services. We wait to see how much progress is made towards the creation of children's trusts. Surely we should aim to measure children's trusts by looking for demonstrable improvements in the care of children—improvements that are commensurate with the scale and cost of the administrative reorganisation that will be necessary to create such trusts. It is not enough for Ministers to reel off long lists of new names and new bodies. It must be demonstrated that there have been tangible and commensurate improvements as a result of the investments being made.

I welcome the provisions in clause 9 relating to information databases, although my hon. Friend the Member for East Worthing and Shoreham made some important points in that regard. The matter needs to be further debated. There has been a constructive debate so far, but I demur from the views expressed by the Liberal Democrats. The data-sharing provisions are a step forward. I make a plea to Ministers that, in the detail of the provisions, we ensure that the overriding considerations are the welfare and safety of children, and that those come before any other concerns. If there is a conflict between the safety of a child and the technicalities of data protection, let us avoid a situation in which those charged with a child's safety are afraid to act because they are worried about the data protection provisions. Let the safety of the child come first, and let it be the overriding consideration. It may be the intention of clause 9(11) to make that clear. I hope it will be made crystal clear when the matter is debated in Committee.

I also welcome the provisions relating to the educational achievement of children in care and the spelling out of a duty on local authorities to promote the child's educational achievements, although I note that that appears in the miscellaneous provisions in part 5. In my view, it is far more important than that. I welcome the fact that the educational performance and well-being of children being looked after by local authorities has been mentioned today from all parts of the House.

I accept that other work is being done on this topic, and rightly so. As has been observed from all sides, children in care lag behind other children in educational achievement. The statistics for children being looked after have already been given: only 8 per cent. of young people in year 11 who had spent at least one year in care gained five or more GCSEs graded A to C, compared with 50 per cent. of all young people. Only 1 per cent. of them go on to university. If a school were producing such results, it would be soon be put into special measures, if not closed down altogether. We cannot allow a situation to persist in which children in care lag so far behind other children in an area as crucial as educational achievement, with their life prospects so badly hindered as a result.

Another issue that should have received greater prominence in the Bill is the role of parents, with which I shall deal in a moment in another context. The importance of the role of parents is dealt with in a rather perfunctory way in the Bill as it stands. It is dealt with in three lines in clause 7(3)—three lines in a 44-page Bill. I would welcome hearing rather more about parents.

That brings me to the aspect of the Bill that has brought parental rights into the sharpest focus: the issue of chastisement of children. My hon. Friend was right to make a plea that we should not allow that to overshadow the rest of the Bill, but we cannot avoid a debate on it because for many people it is an important subject. It may surprise Members in some quarters of the House that my approach to the matter is rather coloured by my personal view that physical chastisement is a wholly ineffective way of administering the discipline that children sometimes need. My own observations lead me to the view that smacking, and certainly the use of an implement such as a cane, does no good whatever, and could conceivably do some harm.

The case has been somewhat overstated from the Labour Benches, particularly by the hon. Member for Bridgend (Mr. Griffiths), who made a sincere speech about his strongly held views. The case of Victoria Climbié, which has been prayed in aid in this context, is not the right example. The injuries in that case went way beyond anything that could have fallen within the ambit of reasonable chastisement. I remember that the pathologist said that they were the worst injuries he had ever encountered and the worst he had ever heard of. That is way beyond the subject of today's debate.

There is an issue, however, in the case of the repeated use of moderate chastisement, which would fall outside the ambit of clause 49. I have some concerns about the long-term effect of the repeated use of physical chastisement on a child.

Mr. Dawson: Bearing in mind his views, will the hon. Gentleman study the reports of other child abuse inquiries, going back even to Maria Colwell, and note the number of times a parent's predilection for using physical punishment, coupled with a child's apparent imperviousness to that physical punishment, has resulted in over-chastisement to the dreadful point where the child dies?

Mr. Clappison: That brings me to my next point, from which the hon. Gentleman may draw some comfort. The issue calls for further research and a careful examination of all the evidence. I am the first to confess that I have not yet done sufficient research into all the evidence from previous cases to lead me to a concluded view.

There are other facts that I would have to set against that if there were a free vote on the matter, which there will not be. The issue that should exercise the conscience of all of us, and which I set against my worries about harm to children—this is my personal view as a parent—is whether it would be right for me to impose my view in this regard on other parents, and whether it would be right for the House, and in effect the state, to limit the decisions of parents. I would have to weigh that in the balance.

I have great hesitation in circumscribing the actions that other parents, contrary to my own views, feel could be taken and would improve their care of their child.

[Mr. Clappison]

Other parents may take a different view from mine, and I have some hesitation in circumscribing their rights. As I said a moment ago, not only in the Bill but in the wider debate, we do not pay sufficient attention to the rights of parents. It is the parents in the first instance who provide the care that we hope our children will receive.

Ms Sally Keeble (Northampton, North) (Lab): I am grateful to the hon. Gentleman, whose speech I am listening to with great interest. As he is a lawyer, what would he say about the view that children should have equal status before the law and equal protection from assault and battery?

Mr. Clappison: Since 1860 the defence of reasonable chastisement has taken children out of what would otherwise be the provisions of the law. Carried out against an adult, the sort of actions that we are considering would probably fall within the offence of assault. Those actions do not fall within the offence of assault because of the defence of reasonable chastisement, and we must examine the matter, taking into account the facts that I just elucidated.

Under clause 49, a prosecution for assault, which is the relevant part of our criminal code, could still take place, subject to the provisions of reasonable chastisement. Clause 49 will need careful consideration in Committee, particularly on the question whether it changes the law and risks creating new loopholes. Today, the law allows parents to administer the discipline that they feel is appropriate in the case of their child through reasonable chastisement.

We must primarily look to parents. We are trying to achieve what we can through legislation, but we must recognise the limit on what legislation can achieve. I suspect that many children today have not received the same quality of emotional experience as children in previous generations, because of a range of factors that it is beyond our power to control. We must do what we can to control things, particularly in the case of those children—this is a minority of cases, but it is a substantial minority—who are most at risk of abuse and neglect. We must do everything that we possibly can through legislation to protect those children, and I hope that the Bill is subject to detailed consideration to make sure that it is as effective as it can be for that purpose.

7.21 pm

Jonathan Shaw (Chatham and Aylesford) (Lab): I am delighted to participate in this debate. The Government have made successive commitments to children through the use of their legislative time. We have seen the Care Standards Act 2000, the Children (Leaving Care) Act 2000 and the Adoption and Children Act 2002, and now we have the Children Bill. No previous Government have included so much children's legislation in their agenda over a seven-year period.

This is not just about legislation, but about backing up legislation with resources. The Government have attacked child poverty, provided more nursery places and, as my hon. Friend the Member for Wakefield (Mr. Hinchliffe) said, increased child benefit. We know the benefits that children and their families derive from investment in nursery education because we can see them in all our constituencies. The Government have also invested in the Sure Start programme, which I want extended. When one talks to parents about Sure Start's impact, it is apparent that it provides considerable assistance in bringing up children.

The Government's record is considerable and I pay tribute to my right hon. Friend the Minister for her work over a number of years. She has had her critics, particularly when she was appointed, but she has delivered with this Bill. She has listened to the various agencies and to hon. Members and delivered a Bill of which the Government can be proud.

The Government have put in money, too. The vulnerable children's grant will provide an additional £252 million in 2003 to 2006, which includes £113 million to improve care placements. Many hon. Members have spoken about children in care, to whom I shall return later in my remarks.

It is important that individual cases do not bog down the commissioner. The commissioner must be independent, and they will retain that independence, which is a point that does not need to be on the face of the Bill. Consider the chief inspector of schools at Ofsted, who is independent. Certain previous chief inspectors could not be accused of lacking independence, although in some cases the line between policy and politics became blurred. The personality of the individual who is appointed is important and we cannot put that on the face of the Bill.

On the appointment, we want a powerful advocate to examine children's issues. My right hon. Friend mentioned the issues that she wants the commissioner to examine, and I hope that the commissioner will examine issues such as children in custody and the secure estate, because in many instances, the record on protecting those vulnerable individuals is appalling.

Private fostering was debated in the parliamentary stages of all the legislation to which I referred and we need proper regulation to come into effect sooner rather than later. I welcome the Conservatives' conversion to regulation. Conservative Front Benchers often discuss regulation, but I do not know whether the hon. Member for East Worthing and Shoreham (Tim Loughton) has consulted the shadow Secretary of State for deregulation.

Tim Loughton: The hon. Gentleman knows that throughout the entire course of the Adoption and Children Act 2002, I supported the greater regulation of private fostering as part of official policy, and I produced a Private Member's Bill on the subject just last year. A conversion has not occurred, and Conservative policy has been entirely consistent. We will continue to press for greater regulation when it means greater safety for vulnerable children.

Jonathan Shaw: The conversion occurred after the Care Standards Act 2000, on which the hon. Gentleman led for the Conservatives.

Tim Loughton *indicated dissent.*

Jonathan Shaw: The Conservative spokesperson on the Care Standards Act 2000 and the Children (Leaving

Care) Act 2000 did not agree with me and my hon. Friend the Member for Lancaster and Wyre (Mr. Dawson). I am delighted that the hon. Member for East Worthing and Shoreham has caught up, and I hope that my right hon. Friend the Minister catches up before another four years elapse.

The database is important. We must put every child on it, otherwise ambiguities will occur and we will lose children but we will probably lose children anyway. Will we have another inquiry like the Victoria Climbié inquiry? Yes, we will, in which case we must be able to put our hands on our hearts and say that we did everything that we possibly could. We must close loopholes such as private fostering and ensure that we have information on children.

We should obtain information on all 11 million children in the country. Problems will undoubtedly occur and it is down to us to ensure that we get the legislation right, and down to the Government to order the correct software to build the right kind of database. Appeals were mentioned earlier, and the issue is undoubtedly a can of worms. However, if we step back from it, we will not be able to put our hands on our hearts and say that we could not have done anything else if another case occurs. We should not put appeals in the tray marked, "too difficult", but grasp the problem and get it right.

On chastisement, given my background in child protection and social work, it may surprise some of my hon. Friends that I am not persuaded that we should take a position on parental rights. I share much of the hesitation articulated by the hon. Member for Hertsmere (Mr. Clappison)—the measure is a step too far and a step too soon. Daily mild physical punishment, which may have an impact on a child, has been referred to, but what about daily emotional abuse, which can be equally painful?

We want to move to a situation in which we provide parents with support through parenting information. The children's fund has done good work in assisting parents to find new solutions to bring up children in difficult circumstances. I am not convinced that we should take away control from parents.

It is unhelpful for hon. Members to use the very emotive case of Victoria Climbié to make a comparison with a tap on the back of the legs. The general public will not recognise that comparison but will be offended by it. I ask my hon. Friends to exercise caution instead of letting their desire to amend the Bill run away with them.

On schools, I welcome the extensions proposed by the Government, but I am not yet convinced that schools should not have a duty to co-operate to improve well-being. Some schools see themselves as part of the local authority family with all agencies working together, but many are isolated. Schools should be part of promoting well-being and have nothing to fear from it. There should be no ambiguity on that score.

We have heard about the number of children who leave care having gained qualifications. We all share the despair that as few as 6 per cent. of those children—56,000—leave school with five or more good GCSEs, with only 1 per cent. going to university. We need to do far more work in relation to designated teachers, as the Government's own research said that the situation is mixed at best. Mixed is not good enough: it needs to be much better. In this context, the state is the child's parent, and a parent wants their child to go to the very best school. That is where I would challenge the Conservatives. It is all very well to list the statistics, as many of us do, but we need to ensure that there is a mechanism whereby children in care—looked-after children—can get into the very best schools. That is why I welcome admissions arrangements by the adjudicator whereby children in public care should be treated as No. 1, before anyone else, where there are oversubscribed places. Without that provision, I fail to see how that can happen. It is like saying, "We feel your pain. We're very sorry about this, and something should happen, but we're not going to do anything about it."

Mr. Andrew Turner: We discussed this at some length in the Select Committee on Education and Skills before our report on admissions. The failure lies neither with schools nor with the parents of children who would be displaced were other children to have priority on admissions, but with the children's homes that are meant to be looking after these looked-after children. I have yet to hear an explanation of why those displaced children should suffer.

Jonathan Shaw: Of the 60,000 children in care, 56,000 are with foster carers, so very few are in children's homes, whether failing or not. The point is this: does a school make a difference in terms of a child's educational opportunity and attainment? Of course it does. Therefore, given that such a small number of children have such a huge impact on society in terms of the number who are in prison or involved in crime, drugs and so on, should not we intervene to provide them with the best opportunities? This is perhaps an ideological difference. I happen to think that, if there is a mechanism whereby we can intervene to assist a child in care who has been abused and has had absolutely nothing in the way of a good start in life, we should do so.

Tim Loughton *rose—*

Jonathan Shaw: If the hon. Gentleman disagrees, that indicates a perfectly reasonable ideological difference. I am prepared to make my argument, and the electorate can make the choice.

Tim Loughton: Neither I nor my hon. Friend the Member for Isle of Wight (Mr. Turner) dispute the end that the hon. Gentleman is trying to achieve, but he has not addressed an important point. In an area where there are five children living with foster parents or in children's homes and five children who are living with their birth parents and who may have siblings at a school or live very close to it, the hon. Gentleman suggests that, if that school was oversubscribed, the five children in care should receive preference, while the five children living with their birth parents, through no fault of their own, would not. That is the consequence that he does not address.

Jonathan Shaw: The hon. Gentleman cites an extreme example to advance his argument.

Tim Loughton *indicated dissent.*

Jonathan Shaw: It is extreme. The hon. Gentleman suggests that there might be five children living in care

[Jonathan Shaw]

surrounding the most popular school. I have never known that situation in 10 years of working with children in care.

Ms Meg Munn (Sheffield, Heeley) (Lab/Co-op): Twenty years.

Jonathan Shaw: Yes—20 years. The situation that the hon. Gentleman describes is unlikely to arise, so it is not a good argument for him to advance.

Tim Loughton *rose—*

Jonathan Shaw: Let me try to respond to his point before he jumps up again. I know why he is struggling: it is because the Conservatives' admissions policy is all over the place. For example, they would not have any proximity requirements. It is perfectly reasonable that, if a child in care is on the waiting list to go to a very popular school, the corporate parent should exercise that responsibility and choice. It is not a question of displacing others, but of parents—in this case, the state—doing the best for their child. We all, as parents, want to do the best for our child. We have not done enough in the past—the statistics showing so few such children leaving school with educational qualifications tell us that. We should make that intervention and be more robust, as the state parent, in ensuring that our children get a better deal than they have before.

Tim Loughton: We will have a great deal of interesting debate on this in Committee, and rightly so. I am not disagreeing with the hon. Gentleman. We certainly need state intervention and state preference to do everything possible to promote the educational achievement of those children at school through a whole range of measures, some of which the hon. Gentleman touched on.

I am surprised that that the hon. Gentleman described my example as extreme, because I am faced with highly oversubscribed schools all the time. In the case of two such schools in my constituency last year, one was oversubscribed by 76, and 67 appeals were heard, while another was oversubscribed by 21, all of whom had siblings at the same school. Like it or not, adding a preference on admission will add yet another complication. It is not an extreme example—it happens in practice—and the hon. Gentleman has not squared the disbenefit that his approach would inevitably bring to other children through no fault of their own. That is what we need to address.

Jonathan Shaw: Such children are in care through no fault of their own and we need to decide whether we want to intervene to provide them with the best schools and the best opportunities. The hon. Gentleman is saying, "This has lots of problems, it's too difficult, and we're not going to do anything about it."

I am conscious that I have spent a lot of time on that issue and I want to conclude with a few points about children in secure accommodation. Currently, 3,135 children are locked up, compared with 2,590 in 1997. Nine out of 10 have mental health problems. Black youngsters are over-represented. Twenty-five per cent. of male offenders are fathers and 39 per cent. of female offenders are mothers. We need to find better ways of ensuring that children are placed appropriately. One tragic case was that of Adam Rickwood, a 14-year-old who was placed 100 miles away from his family and took his own life.

We know that it is vital for individuals who are locked up to have family support. That is why I intervened on my right hon. Friend the Minister to suggest that the Youth Justice Board should promote welfare. If it makes decisions to place children 100 miles away from their family, it would be difficult to argue that it promoted welfare. That organisation needs to be on the list.

Mr. Dawson: Will my hon. Friend give way?

Jonathan Shaw: I am going to curtail my remarks. I wanted to say many other things but I got bogged down in admissions. I have been bogged down in the Select Committee's admissions inquiry for the past six months and that has continued this evening.

Overall, I welcome the Bill. If I am selected to serve on the Committee, I should like to take up some issues, but the measure is a testament to my right hon. Friend's hard work in getting it to the House of Commons. There have been compromises and changes, and that is right. As I said previously, we need to do our very best to get it right. In any future inquiry, we would have to put our hands on our hearts and ask ourselves, "Did the House of Commons, when it debated the Children Bill in 2004, do the right thing?" Let us hope that we do.

7.41 pm

Mr. Andrew Turner (Isle of Wight) (Con): It is a pleasure to follow the hon. Member for Chatham and Aylesford (Jonathan Shaw), who referred to the independence of which inspectors and commissioners are capable. The best advocate for children in the past few years was the one to whom the hon. Gentleman referred without naming him—Chris Woodhead, Her Majesty's chief inspector of schools. He advocated with energy and enthusiasm his perception of children's needs. The then Secretary of State appointed him, and I have no doubt that it would be possible to find an equivalent advocate for children in the form of the commissioner.

I hope that, in appointing a commissioner, the Minister will take seriously children's views and those of their representatives—I do not mean bodies, however important or worthy, but children. I suggest that she at least consult the United Kingdom Youth Parliament, and perhaps gives it a shortlist from which it could make the appointment.

It is also a pleasure to follow my hon. Friend the Member for Hertsmere (Mr. Clappison), who adopted a tone of realistic modesty about our responsibilities as hon. Members. It is important that we do not diminish parents' efforts by appearing to know best. It is easy to stand here and say what we think should happen and give the impression that we know better, because we do not necessarily know better. Many parents struggle valiantly to do a good job in the best way that they know how. It would be a great error for us to take from parents the weapons and support systems that they

already have. That is one reason why I would vote against removal of the defence of reasonable chastisement from parents, who undertake the difficult task of bringing up children.

The Bill has some good aspects. I am particularly impressed by the proposal for joined-up inspection, and we have spoken about the need for effective education of cared-for children—I shall not take up any more of the House's time on that—but there are also some questionable points. I am worried about the database and the amount of involvement and intervention in people's private lives that is implicit in maintaining it for every single child. I note that the Government have made a reservation. They said that they believe that it is a proportionate action to prevent a greater ill. That is their understandable opinion, but I am concerned about what might feature on the database.

The hon. Member for Mid-Dorset and North Poole (Mrs. Brooke) said that not attending a school might be a cause for concern. I am not sure whether she meant that not being registered at a school was a cause for concern. Parents in this country have the right—indeed, the duty—to educate their children. They have the right not to register their children at a school, and to educate them at home. Many parents take advantage of that, and it is not right for us automatically to assume that that is a cause for concern. It would be wrong if professionals referred to some database and took account of it as a cause for elevating the case of a child.

Mrs. Brooke: Does the hon. Gentleman concede that a local authority has to know the full arrangements for educating at home, and that there is a form of inspection?

Mr. Turner: Of course there is some sort of inspection, but that does not mean that there is a cause for concern. It is wrong to interpret as a cause for concern a parent's legitimate choice about the way in which to bring up a child. Yet the hon. Lady suggested that in the context of the database.

We have briefly discussed parental contact and access. One of the reasons for the Bill's importance is that there is no doubt that having two loving parents is a privilege that many enjoy and too many do not, yet some Labour Members have in the past suggested that it should be possible to deny a child's access to one parent because of that parent's treatment of the other parent. We should focus on whom we deprive when and if that happens. It is suggested that the courts should make some of those decisions but too many are taken unilaterally by an individual parent who flouts a court order, which was made with the paramount interests of his or her children in mind.

Except in exceptional circumstances, the courts seem unable to do anything to prevent the flouting of their orders. The result is not the deprivation of another parent—although, of course, he or she is deprived—but that of a child. A child is being deprived of access to a parent's love and care. I welcome the fact that the Government published proposals on 21 July, but we need to take steps as quickly as possible to give the courts and other authorities the necessary powers to ensure that children are not so deprived. That is fundamentally important.

Mr. Dawson: The hon. Gentleman has spoken eloquently about the need to consult children. Has he taken any of the opportunities that Women's Aid has provided in the House to meet children who have been in situations of domestic violence? Has he studied any of the literature that clearly links domestic violence and child abuse?

Mr. Turner: I have consulted Women's Aid in my constituency and I have met children in that situation. I was not referring only to children who have witnessed domestic violence, although they form one group—that for which it is suggested that we make formal arrangements to prevent access to one of their parents. I was speaking more of those for whom one parent makes the unilateral decision that they shall not meet or have access to their other parent.

We should also consider sibling contact—the right of one child to have access to his or her siblings. I have a sad case in my constituency of a child who was taken for adoption without the interests of the other child in the family being taken into account by the courts, which had in mind the paramount interests of the first child. Of course I understand that, but I find it difficult to see how one child's interests should be paramount over those of another. There have been cases in which local authorities have not known which parent's views to take into account, when the parents give conflicting preferences for schools. That needs to be sorted out. There can also be clashes between magistrates imposing an order against harassment and a court's decision that a child should have access to both parents. I suspect that that is the kind of case to which the hon. Member for Lancaster and Wyre (Mr. Dawson) was referring. I can assure him that no physical violence was involved in the case that I have in mind, although there was justification, in the eyes of the magistrates, for a non-harassment order.

We should take this opportunity to deal with these matters. It is not sufficient to say that we will deal with them in due course, because childhood is short and we need to give as many children as possible access to both their parents through the opportunities afforded by the Bill, when that is what the court has decided. That is why I support the presumption of equal parenting—I believe that it was merely a presumption that my right hon. and learned Friend the Member for Folkestone and Hythe (Mr. Howard) put forward. That should be the position from which the courts start when making a decision about the paramount interests of the child.

I am glad that the Government have come forward with proposals on combining inspection, but the proposals to be made by Her Majesty's chief inspector must be very clear, sharp and simple. If we are not careful, there will be a multiplicity of inspections and of hoops through which all sorts of providers will have to jump. That would not be to the benefit of children.

On child protection, I am concerned about the implementation of the decisions of the Bichard inquiry. Of course I understand the need for adolescents to be afforded privacy, but the Bichard inquiry found that Ian Huntley had abused a number of young women, some just above and some just below the statutory age of consent, and that their cases had not been reported appropriately to the police. I corresponded with a director of social services on this subject and asked what measures were being put in place to implement the recommendations of the Bichard inquiry that all such

[Mr. Turner]

contacts should be brought to the attention of the police. I got the distinct feeling that the matter was being kicked into the long grass. I am sure that that is not the Government's intention—I do not know whether it was the intention of the director concerned—but I felt that there was a move to say, "Hang on. In some cases, these contacts should not be brought to the attention of the police."

Another issue related to child protection is that of how the child protection rules deter volunteers from helping in voluntary organisations. I have been told that the Red Cross has found it difficult to maintain its young people's organisation, and I have seen examples in my constituency of sports organisations finding it difficult to keep sufficient adults on board to provide the wide range of sports and training that they have provided in the past. When Yvonne Baxter addressed the children's services committee of my local council, she said:

"Child protection in sports is an issue. Children in a group need a chaperone or someone to drive them. We know it is for child protection but people are opting out because of these rules, such as vetting. It is a double-edged sword, for example, the driver cannot be alone in a car with just one young person."

That might be a misinterpretation of the rules, but it is a widespread understanding of them, and it is leading people to refuse to take part in training or to come forward as scout or guide leaders, school governors or assistants in schools. I hope that we can take this opportunity to look again at the Criminal Records Bureau, and at the way in which it does its job and the amount of information that it needs to approve someone for one of those posts.

The Bill has great potential to do good for children, but there are some aspects, to which I have referred, that could be improved. I hope that we shall take the opportunity to improve them in Committee.

7.55 pm

Mr. Hilton Dawson (Lancaster and Wyre) (Lab): Like the hon. Members who have spoken before me, I am privileged to take part in this debate. Some will not even regard this as the most important Bill that we discuss this week, but I believe that it is the most significant one in a long list of tremendous legislation that the Government have introduced in the past seven years. It sits firmly in the framework of measures to improve the situation of children in this country. Frankly, in 1997, I would not have believed that the Government could have achieved as much as they have done. Saying that will entitle me to be extremely critical later, but I want to start by being extremely positive.

We should be positive about children—perhaps more so than we have been so far today. We have a degree of self-interest in this regard, because the children we are talking about will run the world when we are in our old age. It is therefore in our interest to treat them well. If we get the Bill right, it could transform the prospects of children throughout the UK and provide firm ground for a generational and cultural change that could go far beyond any policy or law that any single Government could enact. Above all, we should enjoy and celebrate our children. Every parent knows that nothing matters as much as their children. The first rule of social work with children is to ask, "Would what I am about to do be good enough for my own child?" That should be the first rule of being an MP as well, and of children's policy making.

On the way to this Bill, the Government have made a profound statement about this country's best resource. The very title of the Green Paper—"Every Child Matters"—recognises children's significance but also sets out a challenge and a means by which all of us—the Government and everyone taking part in this debate—can be judged. The Laming inquiry, the Green Paper and the Bill were prompted by the brutal murder of Victoria Climbié following a period of atrocious abuse. Much change was immediately implemented following the recommendations of Lord Laming but, terribly, over the summer, things began to get worse.

Many hon. Members have mentioned the death of 14-year-old Adam Rickwood, who was found hanged on 9 August at Hassockfield secure training centre. That was an appalling tragedy in itself, but its awful significance is increased by the fact that Adam was the youngest child to die in custody in modern penal history. What are we doing to allow such a young child to become so desperate, locked up among strangers, miles from his home? The deaths of 15 children in the custody of the state since 1997, of more than 20 children during contact visits at the hands of violent parents since the early 1990s, and of one or two children every week at the hands of parents or care givers in this so civilised country should shame us all. They should make us determined not to leave our work on the Bill until the situation has radically improved.

Every child matters, not just most of them, and not just every child apart from those who misbehave, those who have entered the country from abroad, those whose special needs are complex and difficult to meet, or those whose voices are lost in the selfish clamour from adults. Every child matters.

I am delighted that we have this Bill. Lots of us have laid a claim on the children's commissioner, but when my right hon. Friend the Minister for Children introduced the Bill today, she was the first person to move for a children's commissioner in England since I did so in a private Member's Bill on 16 April 2001. During discussions at that time, I was told by one Minister, an excellent colleague, that we would never get one. Things change, and sometimes we should just enjoy our little victories.

Since I was persuaded of this idea by a young woman called Suraya Patel, at a conference of young people in care in Lancashire in 1987, I have firmly believed that the establishment of a children's rights commissioner, independent of government, answerable to children and young people, able to go where he or she wills, investigate what he or she wishes, and freely inquire and report, working in accordance with the UN convention on the rights of the child, is a necessary—although not sufficient—condition for the fundamental improvement of the lives of all children.

At the heart of it, children are ignored, overlooked, neglected, abused, and sometimes die, because they have no power. Yet children are this country's greatest asset by far—by a million miles—and they know more than we do about what it is like to be them, and about many other things, too. They have good, practical ideas, which are often better than ours, and can often communicate

with other children far better than us. We should allow them to vote at 16. More importantly, at every level, in every aspect of their lives, we should ensure that we listen to them, enable them to participate, and sometimes allow them to lead. We should encourage their own organisations, such as the UK Youth Parliament, A National Voice, and Article 12, and we should back them with a bold, fearless, relentless, principled advocate, who is steeped in good communication with children, and who will build an enduring network to ensure that their voices are heard and their rights upheld wherever and whoever they are.

The state of children across England and the UK must improve. Government and Parliament should welcome the prospect of challenge, resource it properly and assure its independence in the knowledge that well-meaning adults need an uncomfortable ally if real change is to come.

There will be a great deal of debate about the commissioner during the Bill. At the moment, thanks to the Hansard society, there is a good online debate taking place among young people from schools across the whole country about what they see as the issues, what sort of person they want, and how they want the commissioner to communicate with them. Every hon. Member can take part in that debate by logging on to www.headsup.org.uk, and we can ensure that our work is improved by using the excellent ideas from there in our discussions in the House.

Some of the views expressed included the following. Someone said that the children's commissioner should be of a similar age to young people, someone whom they could trust, and not someone who would be like one of those politicians who do whatever they like. Someone said that the commissioner should be relaxed, and someone with whom one can have a laugh, as well as taking things seriously. The commissioner should take on important issues such as curfews, drugs, bullying and racism, and, as someone said eloquently, children's fears. I cannot possibly do justice to the hundreds of entries in this short time. However, I strongly and sincerely recommend that all Members look at the consultation, take part in it, and talk to young people from across the country.

As someone who wants a 100 per cent. elected second Chamber, I regret to say that, with one grotesque exception, the other place has done a good job in scrutinising and improving the Bill. We should think carefully before rejecting the wisdom that has come from the earlier debate.

Unfortunately, the Bill contains clause 49. We should recognise that early in the 21st century, countries across the world, not just in Europe, are abolishing what for us is the Victorian concept of reasonable chastisement. Sensible, ordinary parents decide increasingly that there are far more consistent, effective ways to manage their children, and to allow that it may be reasonable to hurt them keeps our tolerance of child abuse high and helps no one but the abuser anxious to cover their tracks. Progress is inexorable in this matter. The country is moving ahead of this House. The reputation of one formerly eminent human rights lawyer is in shreds thanks to his introduction of such a ridiculous and pathetic amendment. In the future, people will look back on our debates on this issue, and laugh and gape at the attitudes of those who want to remain so far in the past, and so far behind the progressive world.

One change made by the other place that will undoubtedly remain in the Bill will be the requirement that the commissioner must have regard to the UN convention on the rights of the child. That is all very well. However, the UN convention on the rights of the child is the most accepted human rights document in the world because it is so eminently reasonable. It sets out sound principles for children and their parents. It is a matter for international criticism that this country maintains two reservations in respect of children involved in criminal justice and immigration, with the result that our policies in those two areas are an absolute disgrace. We must go much further than what is in clause 2(8), fulfil our obligations to spread knowledge and understanding of the UN convention and ensure that every child, every parent, everyone working with children and every Member of Parliament has the opportunity to become a children's rights advocate too.

Our Prime Minister recognises that

"our children are everything to us: our hopes, our ambitions, our future. Our children are cherished and loved."

It must therefore be time that we all stopped being afraid of the R-word, and stopped trying to pretend that one can avoid criticism or obligation by ignoring parts of the convention. It must be time that we embraced and employed the UN convention on the rights of the child as a fundamental tool to raise standards and inspire thousands more to work in children's services, and give all children the opportunities that they should enjoy.

We need thousands more to work in children's services. We need people to be better paid and to be recognised for their skills, and we need the same lessons to be applied to the nursing and teaching professions to be applied to the social work profession, to keep able people on the front line.

There is a great deal in this Bill to be welcomed. I welcome the focus on outcomes, salute the establishment of children's services authorities and the new duty of co-operation, and look forward to children's trusts. Having worked for 15 years in social work with children, I am absolutely certain that the drive to centre services around the needs and voices of children, to integrate services, to break down the barriers between authorities, organisations, professions and institutions is of fundamental importance. It will be extremely difficult, however. It goes much further than just appointing someone to run bits of education and social services together. It requires a re-framing of issues. For example, the safety of children on school buses is seen in the House and in local authorities as a transport issue. It is not; it is a children's issue. In fact, given the number of deaths and accidents, the whole question of road safety is a major child protection issue.

The cultural transformation that must be achieved will be difficult and will need to be hard fought on the ground. One thing attracting me away from the House at the next general election is the knowledge that a crucial battle over the best opportunity to transform the lives of children that any of us are likely to see in our working lifetimes will not be fought out here. It will be fought out on the ground.

I welcome the establishment of local safeguarding children's boards and know from discussions that I have had with senior officials in my local authority that they

[Mr. Hilton Dawson]

will be taken up with alacrity. However, one strong message from the front line is that staff would benefit from early dissemination of the regulations, and I hope that my right hon. Friend will be able to take that on board.

While I am on the subject of Lancashire county council, although I accept all the strictures about the disadvantages and delay brought by structural change, there is not the slightest hope of the children of Lancashire benefiting from a first-class children's service from a children's services authority extending across 11 districts and eight primary care trust boundaries without significant devolution.

I welcome the prospect of joint area reviews, but I do not think that too much should be left to the inspectors.

As well as Climbié and Laming, we have had Bristol Royal infirmary and Kennedy. As well as the Bill, we are shortly to have a national service framework. As well as an increased departmental budget for children's services, we have an increased NHS budget. It is vital for that money to be well spent. We must have really effective work across Government as well as at local level. It is a pleasure to see the Under-Secretary of State for Health, my hon. Friend the Member for South Thanet (Dr. Ladyman), here to wind up the debate. He has a splendid record of support for the social work profession—and I am happy to tell him that I am the first Member of Parliament to obtain registration as a general social care counsellor.

The proposals relating to private fostering would be greatly improved by the deletion of the wholly inadequate notification scheme. No one knows how many privately fostered children there are, and we need a registration scheme. Africans Unite Against Child Abuse will tell us that there are thousands more than the official records suggest. Victoria Climbié was a privately fostered child, and we should serve her memory well by insisting on the obligations of private foster carers. We should also serve 60,000 looked-after children better, and recruit more local authority foster carers with a national system of allowances.

No one should leave the Bill content without considering the duty of the state to care for the child who was locked away and dying last month while most others were enjoying their school holidays. Adam Rickwood, 14, Gavin Myatt, 15, Joseph Scholes, 16, and 12 other children dead in our child prisons while many of us have been in Parliament would have been better served by the raising of the age of criminal responsibility, the abolition of prison for children and, above all, being seen as the desperately needy children they were. We should not dream of passing a Children Bill in this Parliament without trying to ensure that no other child dies locked up by the state.

It is a good thing that we have a Minister responsible for children, young people and families to take through a Bill devoted to children; but it is a colossal mistake that the Department responsible for police and prisons still retains so much responsibility for them. My right hon. Friend has a huge task, but she is doing an excellent job. If we made her job even bigger and gave her responsibility for all children, the Government would have a much better chance of delivering on the pledge that every child matters. We can make every child matter much more if we develop and improve this Bill.

8.12 pm

Hywel Williams (Caernarfon) (PC): My party welcomes large parts of the Bill, certainly the parts relating to Wales. We join in the universal welcome for the proposals for CAFCASS—the Children and Family Court Advisory and Support Service—in Wales. I know from discussions with its officers of the difficulties it has experienced. It has taken a long time to extract decisions from the centre, and there have been problems with gaining access to the management structure at the appropriate level. The changes that the Government have seen fit to introduce can only be for the good of Welsh children. Would that power had been allocated as appropriately in other parts of the Bill—but more of that later.

I want to register my party's opposition to clause 49, as amended in the other place, and our commitment to equal protection. We support the "Children are Unbeatable!" campaign, and I want that to be a matter of record. I note that the hon. Member for Bridgend (Mr. Griffiths) is no longer present, but I commend the comments he made earlier, and the passion with which he made them. Nevertheless, my party has serious reservations about parts of the Bill.

The proposals for the children's commissioner, for example, give the distinct impression that the arrangements for Wales were tagged on as an afterthought. How could I have reached that conclusion? Let us look at some simple pointers provided by the Government's apparent underlying assumptions. As far as I can see, Wales is mentioned just twice in the Green Paper "Every Child Matters": on page 16, which deals with the proportion of juvenile males cautioned in England and Wales—that handy little phrase which almost seems like a single word—and on page 95, where Wales appears in a long list along with England, Scotland and Northern Ireland. That is an even longer word!

The Green Paper refers to

"accountability and integration—locally, regionally and nationally".

Those levels are not defined. Perhaps the authors found them unproblematic, and they might well have been as far as they were concerned, but the real world is rather more complicated. This is not a nationalist whinge; I just want the Government to realise that circumstances are different in Wales as well as in Northern Ireland and Scotland. This is, in fact, a plea for the Government, in the specific case of the children's commissioner, to recognise that good government now requires a recognition of the reality of devolution.

I am inevitably reminded of the infamous entry in the index of a 19th-century encyclopaedia: "For Wales see England". Every example in the Green Paper is from England. That would be fine if the Green Paper were only about arrangements in England, which apparently it is not. England has no monopoly in good practice, and of course I do not allege that the Green Paper's authors thought as much. That simple fact merely confirms my underlying supposition that this was a Green Paper for England, and that Wales was tagged on some time later.

There is, in fact, a reference to the establishment of a children's commissioner on page 79, but there is no reference to that person's being a commissioner for England, for the United Kingdom or for England and Wales. I asked the Minister about that earlier. As far as I can see, the remit is assumed to be for England. If that is so, the Green Paper is faulty, given that much of what it contains applies to Wales. If the whole document is supposed to be about England and Wales, it is faulty because it gives only part of the story—the English part.

As I said earlier, the Minister could clear a little of the fog by answering a simple question: what will the commissioner's title be? I think we are sophisticated enough to realise that names mean something. Establishing the commissioner's title will give a clear indication of what the commissioner is likely to do—the commissioner in England, that is. Are we to have a commissioner for England, for England and Wales, or for England and Wales, Northern Ireland and Scotland? I should be happy to give way to the Minister if she wishes to intervene, as she has had some time to think about the answer to my question. Unfortunately, it appears that she does not wish to intervene. This is not a frivolous point: for many people, the answer would define what the commissioner is about.

The Welsh Affairs Committee conducted two investigations, into the empowerment of children and young people in Wales and the powers of the Children's Commissioner for Wales. Both reached conclusions that were the opposite of those reached by the Government. I was fortunate enough to join the Committee as a new member earlier this year, and had an enlightening opportunity to join questioning of the Minister about the Bill and, in particular, the powers of the commissioner. Both questions and answers were very revealing, and can be read in a document snappily entitled "The Powers of the Children's Commissioner for Wales". It makes interesting reading.

The Minister told us that 4,000 had been consulted, but was unable to assure us that they included children from Wales. She did say that she thought some members of the Funky Dragon, the Welsh young people's parliament, might have been involved when the United Kingdom Youth Parliament was consulted.

In that regard, she rather makes my point for me. Pre-devolution, it might have seemed quite reasonable for the few representatives from Wales on UK bodies to represent the views of people from Wales. However, we are now beyond that—as a result of the Government, of devolution and of the setting up of the Welsh Assembly.

The proper way to consult people in Wales is to talk to them and to the appropriate Welsh body. In this case, it seems that the Government either failed to consult properly, or assumed that others were consulting on their behalf. The Minister mentioned the Welsh Assembly, but rightly or wrongly it is she, not Mr. Rhodri Morgan, who is facing me across the Floor of the House today. Whatever the situation, even if the Welsh Assembly did not consult, it is the Minister's and her Department's responsibility to consult properly. The position eventually arrived at—of not much consultation going on, apparently—is unacceptable when framing legislation for Welsh children. The resulting controversy surrounding the commissioner rather confirms that. He is not controversial himself, and nor are any of these proposals particularly controversial; indeed, I am sure that we could get over the problems. Rather, we are unhappy with the lack of consultation.

We now know that the Children's Commissioner for Wales, the children's commissioner for Scotland and the children's commissioner for Northern Ireland were not consulted. Inevitably and perhaps unfairly, some people draw the conclusion that in terms of consultation, "every child matters" but some matter more than others. In fact, I asked the Minister seven times and in various ways about consultation with children in Wales. Eventually, I got an answer by letter. She said:

> "The Committee questioned me about whether children in Wales had been consulted on the proposals in the Green Paper . . . I answered that, to the best of my knowledge, my Department had not carried out any specific consultation exercises with children in Wales, and I can now confirm that this is indeed the case."

I turn to another vexed question—a problem that taxes us in Wales frequently: the role of the Welsh language. It is a vexed question not because of anything to do with the Welsh language itself, but because the Government have given it insufficient consideration, if any at all. Here, there is a contrast with the establishment of the Children's Commissioner for Wales. He runs a proper bilingual service—it was planned from the very first day, rather than after extensive consultation with the Welsh Language Board—and there is proper financing. Provision of service by the commissioner in Welsh or in English is not a problem, therefore; it is entirely normal. As such, it is a model of good language planning.

By contrast, so far as I can tell from the Minister's replies, the Government's proposals ignore the Welsh language at this point, and they seem certain to mire this much-needed Bill in language controversy. At a fundamental level, the reality of bilingualism in Wales requires the planning of services with both languages in mind. Sadly, in her evidence to the Committee the Minister did not give the impression that she has any real idea of the amount of Welsh spoken in Wales. Certainly in my constituency, the language is central to Welsh life, both public and private. Nor, regrettably, was any understanding shown of the Welsh language's legal status under Welsh language legislation of 1983 when compared with other UK languages—apart, of course, from English. The Minister helpfully referred to the 160 languages spoken in her constituency; the Welsh language's status is somewhat different.

We know that the Government intend that the new commissioner will not be involved in individual cases, although I cannot see why, given that the Welsh commissioner does so very successfully and gleans a great deal of information from such contacts. I shall give the House a simple example of the potential pitfalls of working in a bilingual context with only a monolingual mindset. One child says, "Mae fy llysdad yn fy ngharu", and another says, "Mae fy llysdad yn fy nhuro". There is a difference of only two letters, and the two sentences sound similar. However, one child is saying, "My stepfather loves me", and the other is saying, "My stepfather beats me." I have long experience of trying to persuade English colleagues that they cannot work successfully with children in Wales without an appreciation of such subtleties. Indeed, sometimes such differences are not so subtle.

[Hywel Williams]

To the dismay of the Committee, the Minister also revealed that she had no contact with the Welsh Language Board, had not considered the Welsh language scheme and had no information on how a service—bilingual or otherwise—for Welsh children would be provided in practice. Significantly, she was also wholly unclear as to the financial resources available to provide a proper bilingual service.

Unfortunately, there is a widespread perception that the English commissioner will not be as independent as the Children's Commissioner for Wales, the children's commissioner for Scotland or the children's commissioner for Northern Ireland. There is an argument to be had on this issue—I do not want to enter into it—but that is the perception. Of course, the Children's Commissioner for Wales can inquire into cases as he sees fit. He has produced work on this issue, and he can require an answer from the Government within three months. He has the power to review proposed legislation and policy for the National Assembly, to consider its potential effects on children, and so on. As I said, the current commissioner has made the direct involvement of children and young people pivotal to the work of his office.

The European network of ombudsmen for children is also concerned about the establishment of a commissioner in England and Wales. They have said that the powers are the weakest available to any existing commissioner in the European network, and they have suggested that the new commissioner would be unable to join the network because of the lack of autonomy. That is not rabble-rousing Opposition politicians speaking; it is the European network of ombudsmen for children. I am afraid that, rightly or wrongly, this perception will hamper the commissioner's work, whether he is working in England or in Wales.

This is not an argument about devolution, as the Minister alleged in her evidence to the Welsh Affairs Committee. Indeed, the Prime Minister said as much to me in a letter, after I wrote to him expressing my concern that this worthwhile legislation was likely to be mired in controversy. If I may, I shall briefly quote the words of Earl Howe in the other place:

> "it is odd, to put it at its kindest, that the lines of accountability that the Government are proposing for these two commissioners appear to put legalistic considerations ahead of common sense. Children do not understand devolved and non-devolved powers; they want a simple system. They need to be able to access a single commissioner whom they regard as the champion of their interests across the board."—[*Official Report, House of Lords*, 4 May 2004; Vol. 660, c. 1066.]

I put it more bluntly—or, as some might have said, more obscurely—when I said that if the Children's Commissioner for Wales acted as a proxy for the English children's commissioner, he would then be wearing two hats, each of which would be invisible to the children he was facing, and that his position would be undermined if the lack of independence was real.

I could cite several other quotes from the other place. For example, Baroness Finlay of Llandaff, Lord Thomas of Gresford and Lord Prys-Davis made similar comments. I will end, however, with a quote from a Scottish colleague, Professor Marshall, who said in giving evidence to the Welsh Affairs Committee:

> "I think it is a question of whether you fit the children into devolution or whether you fit the government structures to meet the needs of children."

As an ex-social worker, I, too, start with the client—the children. That is where the emphasis should be: we should fit the system to the way that children see the world and how they organise their lives. We do not need two commissioners for children in Wales: we need one with proper powers. We already have a Comisiynydd Plant Cymru—and he is quite good enough for me.

8.30 pm

Mr. David Kidney (Stafford) (Lab): I start by emphasising the importance of having regard to the interests of all children. In the United Kingdom, that means 14 million individuals—11 million in England—which is more than one fifth of the entire population. I say that not because children are entitled to a due proportion of our time befitting the proportion of the population that they represent, but for the good reasons enumerated by my hon. Friend the Member for Lancaster and Wyre (Mr. Dawson).

Children matter in so many different ways. They matter because they need others to enable them to have their say and be listened to and for actions to follow. Because of their special vulnerability, they need others to ensure that they are protected. I believe that they need people like us to ensure that we give free rein to the talents, ambitions and optimism that they have for the future of the society that they will take over from us.

It is therefore right to begin by looking at the overall protection and promotion of children and their interests. For example, when the Government set a target to eradicate childhood poverty within a generation, it benefits every child and all parts of our society. When the Government divert greater resources towards early years provision—free nursery places, Sure Start centres, children's centres in every town and city—that, too, benefits all children and all parts of society.

It is also important to consider parents and support what parents do. The first lesson of life for all of us ought to be that children's rate of learning—their capacity to learn and their speed of learning—is greatest between the years nought and three, long before any formal education such as Sure Start takes place. Every parent is not only a creator, provider and protector of children, but their first teacher. That may sound simple and obvious, but when I spoke to home start volunteers about the sort of families they supported in their own time for free, they described the homes that they went into as having no books at all. They described going into book shops to buy books with their own money to take into those homes. That brings home to us the fact that not everyone has yet got that important starting message.

It is the same when we think about what parents are for. It seems so simple and everyone says that they know it, but my hon. Friend the Member for Wakefield (Mr. Hinchliffe) mentioned how, when he became a parent, he had not the slightest idea about where to start. The starting point should be the message that if all children were brought up in the sure knowledge that they were loved and wanted, many of the social problems that we witness today would be matters of history within a generation.

Every parent matters as well as every child, so it is important to have universal services for parents. When they need information, advice or even greater support through parenting programmes, those services should be available to them when and how they want them. I am not talking about a nanny state stepping in, because I am talking about parents who ask for help and it is right that it should be there when they need it.

The same goes for detecting abuse and neglect. Clearly, not every child is a victim of abuse and neglect, but I believe that the range of risks is out there among all children. That is why, when the Government talk about having a database that is broad and not narrow, they are right and their opponents are wrong.

There are dangers in setting up large databases and we might end up subject to the law of unintended consequences. Children's confidentiality might be breached and, as hon. Members have pointed out, another danger is that, if professionals can log vague expressions of concern, an important piece of information might be lost among the verbiage when it is logged. Another danger is mentioned in the Women's Aid briefing—an excellent briefing that my hon. Friend the Member for Cambridge (Mrs. Campbell) drew to the House's attention. If a wider range of people are allowed access to the database, abusers might be able to use it to track down their victims. That is a serious concern.

I join other hon. Members in praising the Bill in its present form on the appointment of a children's commissioner for England. All the points that I have just made about all children in all parts of society would form part of the role of the children's commissioner. It follows, therefore, that I approve of the broader role given to the commissioner by the amendments in the House of Lords rather than that envisaged by the Government. That will create challenges later, when we come to vote.

I have talked about all children, but I shall move on to the issue of some children—those without parents to care for them, perhaps because of death, mental illness, abuse or many other reasons. Some people would say that it is the job of local authorities to step in and that the children should become looked after. However, I ask everybody to stop and think about the rest of the family. Other family members such as grandparents should be asked whether they could care for children whose parents cannot care for them. It is in the checklist in the Children Act 1989 that grandparents should be considered, but that does not always happen. Indeed, in practice, obstacles are often set up—legal and financial—that stop the people who would do the best job being the carers for children. I hope that we will have the time to consider that point in the passage of the Bill.

When children are looked after by local authorities, it is not necessarily in children's homes. The majority are looked after by foster carers and we need to support foster carers who do fantastic work. Some 50 per cent. receive less than the recommended amounts in allowances for the cost of looking after children. In cases of private foster care—and Victoria Climbié was in such care—I see no difficulty in a system of registration to aid parents in choosing safe foster carers. After all, we already have a registration system for childminders who look after children for shorter periods than do foster carers.

Local authorities are directly responsible for looking after some 59,000 children in England. The Bill rightly places councils at the heart of the new arrangements for safeguarding and protecting children's interests in the future. I welcome, as many hon. Members have already done, the duty that will be imposed on councils to promote the educational achievement of looked-after children. We might have some interesting debates during the progress of the Bill about how to ensure that local authorities and schools work in partnership to raise the academic achievements of children in care.

I also wish to consider the situation of those children whose parents part. I do not know the numbers in cases where the parents are unmarried, although I praise the change in the law last year that enabled both parents to attend to register the birth of a child and thereby acquire parental responsibility. That has made an important difference, as I heard when I visited the local registration officer in Stafford recently.

A huge number of married parents separate and divorce—about 150,000 a year—and dependent children are affected in more than two thirds of those divorces.

Apart from cases where continuing contact is impossible, due to death, or problematic, due to abuse, the welfare of the child usually means that separating parents should co-operate to maintain contact of both parents with their children. Most parents achieve that without outside intervention, but we must ensure that all parents understand the importance of contact. In cases where parents continue not to co-operate about contact, we must intervene early and nip problems in the bud.

In the Green Paper published in July, the Government turned their attention to what more needed to be done in the smaller number of cases involving a small group of obdurate parents, as Mrs. Justice Bracewell described them in the case of V *v.* V in May 2004. In that case, Mrs. Justice Bracewell made public in open court her concerns about the difficulty for the courts in ensuring that contact takes place. As she said, there is limited room for procedural change in court practice to assist; what is needed is new legislation. Bleakly, *The Daily Telegraph* report of her comments ended:

"No such legislation is being brought forward".

That conclusion is probably unkind, given the consultation paper, and it is probably too much to think that the Bill could incorporate the type of legislation that the judge wanted. However, I hope that, during the Bill's passage, the Government can give us a commitment that the legislation that has been shown to be necessary, both by the judge's comments and by the responses to the Green Paper, will be put on to the statute book.

Finally, I echo the comments made by many Members about the UN convention on the rights of the child and the aspects in which this country is not compliant. The convention sets out reasonable standards to which most decent people would sign up. Indeed, a previous British Government signed up to the convention. We are, however, still deficient on the treatment of young children in the criminal justice system and in nationality and immigration issues and on the defence of reasonable chastisement. The 10th report in the 2002-03 Session of the Joint Committee on

[Mr. David Kidney]

Human Rights was on the UN convention, and I recommend that we look at the report and the Committee's comments on those three matters.

The report recommended a children's commissioner for England. The Bill provides that and I hope that, by the time it reaches the statute book, it will meet the other recommendations in the report.

8.42 pm

Mr. Adrian Flook (Taunton) (Con): The aim of the Bill is twofold: to raise national standards, which is vital, and to right the wrongs so ably expressed by Lord Laming.

It is worrying that 30,000 children nationally are registered as at risk of abuse. To put that at the level of the House, there are 50 such children in each constituency. Each week, at least one child will die as a result of cruelty. It is especially chilling that a quarter of all rape victims are children.

I welcome the Bill and the enabling tone of the legislation. It is very positive indeed. I have two main concerns, however. First, as we have heard, far too much of the detail about the information-sharing schemes is still missing. As my hon. Friend the Member for East Worthing and Shoreham (Tim Loughton) said, the database seems to be about ticking boxes—as though merely to appear on it will address the child's needs. That is obviously not the case. Barnardo's has picked up that concern and has said that the clause means that the database will

"fail to contribute to better outcomes".

Secondly, where will the staff to implement the Bill's provisions come from? Who will knock on doors to investigate the abuse of children and work with others to root out that abuse? As we are probably all aware, social work staff are on low pay; they are poorly trained, opportunities are few and far between; and they suffer from inadequate resources. It would appear that those staff are in a worse position than the average housing officer, and it is lamentable that they will be the vanguard for many of the young children who will be looked after, we hope, under the Bill.

The hon. Member for Chatham and Aylesford (Jonathan Shaw) mentioned how impressed he is with Sure Start, and the hon. Member for Stafford (Mr. Kidney) also said that parents must have a say, but neither of them picked up the fact that that already exists in a charity called Home-Start—not Sure Start, but Home-Start—which is volunteer driven and professionally organised. I have met the local Home-Start team in my constituency, and the lady who runs it, managing 30 or so volunteers, was previously a social worker. She said that she had initially been extremely sceptical about Home-Start, but she experienced a conversion to its importance because she could see that it was about prevention rather than cure. She said that today's social workers are striving and moving from crisis to crisis. That cannot be right: we cannot allow social workers to do what needs to be done under the Bill if that is what is happening to them.

To put it starkly, with £1,000 a year, Home-Start can deliver what is needed during a child's life to help parents be good parents. For those families, £1,000 a year can probably mean safeguarding spending the £1,000 a week that it would cost if that child went into care. So there are real lessons. The whole of Home-Start in Taunton costs £60,000 a year—admittedly, some of that is funded by Sure Start, but that sum represents the cost of looking after one child in care in Taunton. That is a very powerful, stark statistic.

In Somerset, probably as in every area, the education authority and social services are undertaking a big review, but I get the impression from speaking to David Taylor, the officer in charge who has been tasked with putting together a plan for Somerset, that the Government just want to wave a wand and make everything happen in all those areas. Things probably will not just happen.

The emphasis that those in Somerset have to place on a reform agenda to put children at the heart of their policies, protecting children at risk and those with needs, will create huge ructions in my constituency and the other constituencies in Somerset. They are intensely aware of the need to make improvements in other areas where children are involved, such as children's mental health care, which is currently being poorly delivered in Somerset, even on their own admission. They hope to remove the barriers to achievement, but they have to be mindful that they do not go too far in pushing the principle of inclusion. So there are concerns in Somerset—very much so—in trying to implement such a Bill.

The possible costs have hardly been touched on in the debate. It has cost Hertfordshire more than £7 million to implement such proposals, and I am told that those involved are considering change again. In Somerset, the first year of full implementation is expected to cost £1 million, with another £1 million in year two. To put that into perspective, we are looking at a budget of about £60 million.

Engaging schools will be very difficult. That is obvious and important, but it will not be particularly easy to get school governors to take up this issue, with all its complexity, and their efforts will go into all the other bits of paper that they finally have to get round to looking at. The pace of change is therefore at some risk. Somerset will want to implement the Bill by 2006, but the impression I get is that it has until 2008, and it will not be a huge problem if it has to take that time. I do not think that is what Lord Laming envisaged when he suggested that these things should be implemented quickly, within two years of the date of his inquiry report.

There are problems involved with linking the Bill to the health agenda. There is no requirement for a health authority to do anything whatever. We will not be able to rely on Action for Somerset Health, which is made up of representatives of the county council and other individuals interested in health getting together, to push things forward, because it seems to lack teeth at the moment, as do the patient forums—perhaps because they have not been around for long enough. However, we expect them to take up cudgels under the Bill and work with social services and the education authority. I

am told that the national service framework contains no specific targets for children, so it is extremely difficult to know how we will measure progress.

Dr. Ladyman: I cannot let the hon. Gentleman get away with that. The national service framework for children will be mandatory on the national health service in its entirety throughout the 10-year life span.

Mr. Flook: I thank the Minister for his intervention, but I am only reporting the way in which senior officers in a well respected county council perceive the situation. They think that there are currently no targets for children, so they do not know how to plan how they will go forward next year.

There will be a complex process of change in even a reasonably small authority such as Somerset county council, and it will not be easy to point 700 staff in the right direction. After the niggling worries about the children's fund earlier this year, when budgets could be set yet slashed in the future, a lot of people who were once bitten will be twice shy. That means that change could be delayed beyond "as soon as possible"—although that is what we all want—which would be a shame and a pity not only for the way in which people regard the laws that we make but for the children who will suffer as a consequence.

8.51 pm

Mr. Martin Caton (Gower) (Lab): I shall be brief because I know that several hon. Members wish to contribute to this important debate. I shall focus the main thrust of my remarks on the Bill's impact on Wales and Welsh children, but before I do so I must mention other issues that have been raised in the debate.

I welcome the Bill, which comes as a direct result of the horrifying treatment and tragic death of Victoria Climbié. The approach in large parts of the Bill is exactly right because it tries to establish integrated children's services; extends the duty to safeguard and promote the welfare of children; improves information sharing within and among responsible agencies; provides for better regulation of private fostering; and introduces a new duty on local authorities to promote the educational attainment of looked-after children. All that good stuff is important.

Like other hon. Members, however, I believe that there are gaps in the Bill, and areas of policy on which we are not going far enough. I, too, received the briefing on the Bill from the Refugee Children's Consortium, which makes a powerful case for specific provisions to ensure that refugee children are better protected. Like the consortium and my hon. Friend the Member for Bridgend (Mr. Griffiths), I do not know of a good reason to omit agencies with responsibility for immigration and asylum from the list of agencies in clause 8 with a duty to have regard to the need to safeguard and promote the welfare of children when discharging their normal functions. If we really mean that every child matters, surely those who are responsible for immigration removal centres, the National Asylum Support Service and those who deal with refugee children at ports of entry should be included on the list.

Despite Lord Lester's amendment in the other place, the Bill does not take the opportunity that we should grasp to deal with the physical punishment of children. If we start with the knowledge that physical punishment is an ineffective and counterproductive method of disciplining children, as we should; consider research from Save the Children and others showing the physical and emotional damage to children that such punishment causes; recognise, as we all can, the essential inequality of letting only one group of human beings—the most vulnerable group, which is our children—be beaten; consider our international responsibilities, especially under the UN convention on the rights of the child, which protects children from all forms of physical violence; and examine the actual experience of European countries that have removed the legal defence for the physical chastisement of children, we must conclude that now is the right time to do the right thing and completely abolish the 1860 defence of reasonable chastisement.

Like my hon. Friend the Member for Wakefield (Mr. Hinchliffe), I believe that we should have a free vote on this issue.

I am worried about how well the new children's commissioner for England will be able to function. While her or his powers have been improved as a result of Lords amendments, my right hon. Friend the Minister for Children made it clear that she wants to take a different approach to the commissioner from the one adopted in Wales, Scotland and Northern Ireland, and will seek to reverse the changes made by the Lords. If she maintains that approach, there is a serious danger that the children of England will get a second-class service from their commissioner. As I represent a Welsh constituency, perhaps I should leave it to Members representing English constituencies to explore the issue further.

I shall concentrate on the ramifications for Wales and Welsh children if the role of the children's commissioner for England is established as the Government intend. First, however, I accept that most of the Bill—which, as my right hon. Friend the Minister pointed out, includes many provisions that apply to Wales—is very good and deserves our support. I particularly welcome the transfer of responsibilities from the Children and Family Court Advisory and Support Service to the National Assembly for Wales, which is sensible and will facilitate joined-up government on children's policy and services in Wales.

The position of the new commissioner is a little unclear. In the original Bill, she or he was meant to encourage people engaged in children's activities to take account of children's views, advise the Secretary of State on those views, consider and research the operation of complaints procedures affecting children and any other matters relating to the interests of children. They would not initiate their own investigations, but could be required to undertake such investigations by the Secretary of State. In the other place, the commissioner's powers were beefed up so that they could initiate inquiries. Even if that power is allowed to remain, the commissioner can still be directed by the Secretary of State, which raises a serious question about their independence. In the original Bill, the English commissioner was intended to act as UK commissioner on non-devolved matters, but an amendment was accepted in the other place to remove that responsibility. Amendments to extend the existing powers of the Welsh, Scottish and Northern Ireland commissioners to

[Mr. Martin Caton]

cover non-devolved matters, however, were not accepted. We are therefore in limbo, but I assume from my right hon. Friend's opening remarks that the Government intend to introduce an amendment to reinstate their original position so that the English commissioner will have a UK-wide remit on non-devolved matters.

I hope that the Government can be persuaded not to introduce such an amendment, and will take the alternative route of extending the powers of the other commissioners to cover all matters affecting children in their country. The problem with the Government's approach, especially for us in Wales, is that it will lead to confusion for our children, and will threaten the independence of the Welsh commissioner, which was a central tenet in the creation of that post. How will children know which commissioner is responsible for which policy area in Wales? The Government want to provide the English commissioner with a role in Wales on non-devolved matters, but they do not intend to establish an office there. It has been suggested again today that the Welsh commissioner should act as an agent for the English commissioner on non-devolved matters, and a memorandum of understanding was mentioned by my right hon. Friend. Leaving aside the question of independence, to which I shall return in a minute, even if that were achievable, the situation remains confused. On some matters, the Welsh commissioner could act on a child's behalf, but on others they could not do so unless the English commissioner thought that the child's problem had a wider significance.

One consequence was spelled out by Peter Clarke, the Children's Commissioner for Wales, who gave the Select Committee on Welsh Affairs a telling example:

> "Not all children are able to receive an equal service from the Children's Commissioner for Wales despite similar circumstances. This may even be the case where they are receiving services from the same provider. For example, two children from the same street, but resident in Hillside secure accommodation in Neath, might be affected by this anomaly. One might be placed by the local authority, and the other via the youth justice system. The [Welsh] Commissioner has extensive powers in respect of the child placed by the local authority, but only the power to make representations via the National Assembly in respect of the other child. The establishment of the new 'UK' Children's Commissioner as set out in Part 1 of the Bill offers such a child or young person no greater support or protection than at present, because of the role's limited powers."

Surely the simple, straightforward way to eliminate that differential treatment is to extend the powers of the Welsh, Scottish and Northern Ireland commissioners to non-devolved matters.

The other main reason for doing that is to honour the determination of this Parliament and of the National Assembly for Wales to have a completely independent Children's Commissioner for Wales. I cannot see how that is possible if the Welsh commissioner ends up acting as a sort of agent for the English commissioner on non-devolved matters. As has been pointed out, the English commissioner can be directed by the Secretary of State for Education and Skills to undertake inquiries. The result will be the Welsh commissioner, previously wholly independent of any political direction, including that of the Welsh Assembly, doing the bidding of the British Government. We do not have to do it that way. It would be much better and much more straightforward and understandable for the children who our commissioners are created to champion simply to make each commissioner in England, Scotland, Wales and Northern Ireland responsible for all policy areas that have an impact on children.

The Bill is a valuable and important measure. Let us use the next stages of its consideration to make it even better.

9.1 pm

Virginia Bottomley (South-West Surrey) (Con): I am pleased to have the opportunity to contribute to this debate. I offer profuse apologies to the Minister for Children—I hope that the Under-Secretary of State for Health, the hon. Member for South Thanet (Dr. Ladyman), will pass them on to her—and to my hon. Friend the Member for East Worthing and Shoreham (Tim Loughton) for my late arrival as a result of an unavoidable commitment, of which I had informed Mr. Speaker. I thank my office team for recording faithfully every comment made by the right hon. Lady and my hon. Friend, so that I could have the benefit of their wise words.

I pay tribute to the army of extraordinarily impressive charities that we have in this country that are concerned with children. I am thinking of the quality of their briefings, their campaigns and their commitment to improving the well-being of children. It is a privilege to work with them. I should declare my interest as one who spends her time bringing talented people in to run public services and many of our leading charities, so that the policy that we debate here can be turned into the reality of change on the ground. When talking about the Climbié case and the need for change, Herbert Laming did not quarrel with the basic elements of the legislation to which the hon. Member—I almost said my hon. Friend—for Wakefield (Mr. Hinchliffe) referred, the Children Act 1989, which I had the privilege to implement and which established the paramountcy of the welfare of the child. Lord Laming focused on the tragedy, the horror, and the lack of proper management and leadership and of effective implementation in the Climbié case. That was shameful for all of us.

I was the Minister who signed the United Nations convention on the rights of the child, so I have enjoyed the many comments about it in the debate. At the time, I was agnostic about the role of a children's commissioner and whether it was the right time to introduce one, but I am delighted that the Bill contains a commitment to establish a children's commissioner for England. I share with others the strong belief that the Government should hold true to the principles established in another place. I give particular credit to my noble Friend Earl Howe, but many others worked with him to ensure that the changes were made.

The deliberate killing of or cruelty to a child is an obscene and disgraceful event. I speak not only of Victoria Climbié, but of the hundreds of children killed during the appalling events in Beslan in Russia last week. However, we should not let our minds be clouded to the enormity of the suffering of many other children who are neglected, but whose cases do not give rise to sensational public headlines or shock us to such an

extent. Millions of children are dying in Darfur in Sudan, but closer to home we must face the appalling fact of 80 children each year being killed by their parents or carers, and almost 200 children each year being killed in road traffic accidents.

The point of real concern, which many here will share with me, is that around 200 children each year take their own lives. I welcome the comment there has been about the disgraceful state of affairs in our young offender institutions. If I had to be frank, I would say that the only time during my 20 years in this place when I was unhappy about the steps taken by my party and my Government was when we introduced secure training centres. My disappointment when Labour came to power in 1997 was that the Government accelerated that programme rather than reversing it. I do not think it right that a prison institution and its officers should care for children. I am deeply concerned about the state of the criminal justice system, and we should do much more through this Bill and in many other ways to rectify the balance.

The greatest threat to the health of our generation, according to the World Health Organisation, is adolescent mental health. We cannot debate the Bill without taking more seriously what is happening to the emotional and mental health of our adolescents. Only today, a preliminary report of an article to be produced in *The Journal of Child Psychology and Psychiatry*—a journal in which I published a number of articles long ago when I had a proper job—describes the deteriorating mental health of many of our adolescents. Holland has not seen that deterioration, and in the United States it was arrested. Here, we have seen, year after year, numbers of children with nervous disorders—not just suicide and self-harm but a great range of conditions.

I ask the Under-Secretary of State for Health to say what he is doing to ensure that child and adolescent mental health services are given the proper priority and recognition by primary care trusts. We all appreciate what has happened in the health service: if a thing is not targeted, it does not count; if it is not a waiting time or one of the key priorities, it is of pretty peripheral significance. How will the Minister ensure that, at a time when only 5 per cent. of spending on mental health services is on children, we can make a reality of the aims and aspirations of the Bill? How will he deliver that on the ground and in practice?

There is similar concern about the challenges and dilemma of parenting. I am delighted that so many hon. Members have referred to Home-Start. The late Lord Joseph made his original speech about the cycle of deprivation at a pre-school playgroup annual meeting in about 1973. I was there as the Child Poverty Action Group representative, I am pleased to say. Lord Joseph was the great champion of Home-Start as an organisation to befriend vulnerable parents. I ask Members to think about the dilemma that parents face. They are supposed now almost to be techno-managers. They, too, have the target culture as they ask whether their children will survive tests at school and achieve under all the different criteria. Is there space, still, just for nurture and parenting?

The Government speak much about the steps that they have taken to promote children and family life. They stand accused of behaving aggressively in their early years in government towards mothers who wished to stay at home. Single mothers may have an awful lot to contend with, but, almost coercively, they were expected to go out to work, and that caused a great deal of distress and worry in many groups who believe that parenting should be valued, difficult as it is and unsuccessful as many of us have been in surviving the task, without having had to deal with the workplace.

I should like to speak briefly about the progress that Surrey has made in taking forward its policies. The director of education there has become the director of children's services. He is one of the most highly regarded officers in that county council. How delighted I am that he has taken that step.

What steps will Ministers take to monitor the quality of people who take over as directors of children's services? Surrey has a particularly impressive record, both in education and in social service delivery, and I am impressed with the decision that the council has made, but I am concerned that in authorities where the director of social services is appointed, and where the educational support services and psychological services support the director of children's services, there may be a greater polarity between the culture of testing attainment in schools and the more nurturing culture in social services and social care.

The House should be under no illusion about the clash of cultures between the social care models, the education models, the health model and the criminal justice models. Professionals in all those areas have trained separately and work separately. Often, their budgets are separate. We can speak fine words about collaboration and co-ordination, but it is extremely difficult to achieve. I do not seek to undermine the aims and objectives of the Bill, but simply describing a structure is not sufficient to ensure that we get the psychology and the relationships right to deliver the change for which we are all hoping.

Perhaps the Minister can tell us what has happened to the chief nursing officer's review of the health visiting, nursing and midwifery contribution to this crucial work. For a young family, one of the most acceptable professionals on the doorstep is the health visitor. The health visitor has licence to see the child with no clothes on, and licence to ask all sorts of personal questions. Would that the training of health visitors included a little more on the emotional and relationship side. Nevertheless, health visitors are a crucial element. I am sure the Minister has taken to heart the concern about shortages of social work staff and many others.

Will the Minister also respond briefly to last week's report by Baroness Helena Kennedy about paediatric pathologists? Tragically, parents do kill their children, but it is equally appalling wrongly to accuse parents of damaging their children. The evidence is that there are fewer and fewer expert paediatricians who want to be expert witnesses, and a real lack of paediatric pathologists as a result of the present circumstances.

There are all manner of other points that I should have liked to address, but there is no time if my hon. Friends are to make a contribution. On reasonable chastisement, I apologise to my children and grandchildren if, on occasions, I have unreasonably chastised them. I do not want to translate into law a measure that might criminalise my hon. Friend the

[Virginia Bottomley]

Member for Worthing, West (Peter Bottomley) or, while she lasts, the right hon. Member for South-West Surrey. I can only say to my children and grandchildren—all four of them—in mitigation for the moments of unreasonable chastisement that sometimes a smack is preferable to cruel, harsh words. When one hears the lengths that parents who never smack their children sometimes go to, one feels that a smack would be less cruel than the ongoing programme of rebuke and humiliation. I may be persuaded otherwise as the years go by, perhaps in time for my great-grandchildren.

The Bill is important. There are a great number of matters to be discussed in Committee and I wish it well. We have the lowest birth rate that we have ever had in this country. We owe it to those fewer children to do our very best to protect and safeguard them.

9.14 pm

Liz Blackman (Erewash) (Lab): I shall be brief. Like every other hon. Member, I congratulate the Government on introducing the Bill which, by putting the needs of children at its heart, represents a step change. Its timing should be set in context. It builds upon a huge commitment to meet children's needs, both through the amount of investment and funding that my Government have put into children's services and support services since 1997, and through innovative programmes that are admired on both sides of the House, such as Sure Start and quality protects.

The Bill builds on structures at a local level and provides for new ways of working and for changing cultures. Many gaps still exist, so the legislation is timely. The Bill creates a statutory framework of co-operation between local authorities and relevant partners, so that universal and specialist services can work together.

I was extremely pleased by the wideness of the consultation, which included at its heart not only statutory and voluntary bodies, but children themselves. It is also worth noting, as many hon. Members have, that when the Bill was in the other place, both sides adopted a spirit of co-operation, which explains the extent to which the Bill was amended before it came here.

I welcome the commissioner's role, which is a huge strategic position promoting and safeguarding the rights and interests of children and representing their views. I am pleased that the commissioner's focus of accountability to Parliament is set against outcomes, which is crucial, and am also pleased that the commissioner will be free to engage with all sectors and to investigate and report on all areas of children's lives.

Like many hon. Members, I believe that the commissioner's role should not be investigative or casework-based, which would detract from the commissioner's opportunities to listen to children, but to ensure that services are responsive and acceptable and to influence policy making accordingly. That model will be far more effective than an investigative approach. A Lords amendment means that the commissioner can investigate cases that raise wider issues of public policy, and I look forward with interest to the amendments to clause 2.

On clause 7, which concerns co-operation to improve well-being, it is logical that the local authority is the lead body with responsibility for promoting co-operation between itself and its partners. Clause 7 also promotes the development of children's trusts. That will put decision making in the hands of local partnerships, which will be able to commission services. Crucially, it will also enable budgets to be pooled, creating flexibility to meet local needs.

On clause 8, I am concerned that schools and general practitioners are not included on the face of the Bill. I look forward to the Minister explaining how schools can be drawn into that chain of responsibility and accountability without their being included in the Bill.

Clause 9 provoked much debate in the other place and many hon. Members have stressed that it is crucial for all children, because it will help professionals identify those children who do not access appropriate services. It is not intended exclusively to support children at risk of harm, which is right because other children in the system, such as children with disabilities, trauma or learning difficulties, also need to be picked up. Clause 9 is central to protecting children from harm, and the Local Government Association, the NHS Confederation and the Association of Directors of Social Services—social services are often at the sharp end of criticism on child protection—fully support it.

All the cases that I know of child abuse that resulted in murder are characterised by professionals holding some information but not sharing it. In the Victoria Climbié case, two housing departments, four social services departments, two child protection teams from the Met, a specialist centre run by the National Society for the Prevention of Cruelty to Children and two hospitals, where she was admitted and harm was suspected, were involved, but did not share the information.

Three years ago, Chelsea Brown, a two-year-old girl in my constituency, was murdered by her father. Information was held by social services and by health services, but it was not shared.

I agree with the hon. Member for Hertsmere (Mr. Clappison) that it is crucial that the clause allow us to reach a conclusion on who has access to the database. I am pleased that the Lords accepted the amendment on what information is to go on to the database. The issue is going out to consultation and there will be affirmation in Parliament once the guidance is presented. It is crucial to share information, because in all these dreadful cases the evidence is there to see. Although it is not a substitute for action, it will enhance and make robust the system, save lives, and support children.

Sharing information is a good thing. However, as chair of the all-party group on autism, I want to point out, as has the National Autistic Society, that some behaviours associated with autism can lead professionals, especially those with a low awareness of autism, mistakenly to believe that a child is showing signs of abuse. Indeed, until the 1960s autism was known as refrigerator mother syndrome. I thank the Minister for assuring me that regulations relating to the database will be carefully scrutinised and that the Department will continue to be alert to ensure that such misdiagnosis is avoided.

On clause 14, the director of children's services is a key role and I agree with the right hon. Member for South-West Surrey (Virginia Bottomley) that it is essential that directors' performance be properly monitored. The appointment of such key people should be made as open as possible in terms of criteria, job specification and reasons for choice, as well as follow-up monitoring. The lead council member for children is important in ensuring a high profile at political level. I note that most directors will be in place by 2006 and a few more by 2008. Why will it take two extra years to put the final pegs in the hole?

I shall finish to allow other Members to have their say. This is an excellent Bill that offers us huge opportunities to do things better, but it is not a substitute for good professional judgment and practice or for high-quality management and the continued development of capacity and services. We must do both. Bills do not replace people; it is talented, committed professionals who will, together with the provisions in the Bill, make a difference to children's lives.

9.24 pm

Mr. Roger Williams (Brecon and Radnorshire) (LD): I shall be brief. I support the general thrust of the Bill, but I urge the Minister to take account of the amendments that were made in another place, which I believe add to the measure and make it more effective.

I want to comment on the Children's Commissioner for Wales. The Minister is putting legislation before Welsh children's interests. Much has been said about children's interests being paramount, but I agree with Baroness Finlay, who said:

> "I must ask whether the bureaucracy of the devolution settlement is getting in the way of the arrangements that would serve children best."—[*Official Report, House of Lords*, 30 March 2004; Vol. 659, c. 1245.]

Let me give one example. As I understand the Bill, the children's commissioner in England would not have the ability to take up individual cases brought by children but could only deal with the wider national interest. Let us imagine the position of a child who, believing that he or she had suffered an injustice, would have to consider first whether the matter was devolved or reserved, and secondly whether it affected them as an individual or had a wider national interest. All that would be at a time when the child was under great stress because of the injustice that he or she believed had been suffered.

The only way out is to do as the hon. Member for Gower (Mr. Caton) suggested and use the opportunity that the Bill affords to extend the powers of the Children's Commissioner for Wales, the Northern Ireland Commissioner for Children and Young People and the Commissioner for Children and Young People in Scotland.

I make one last comment as the Minister returns to her seat. She has done what I believed was impossible: she has united the body politic in Wales on this matter. All Welsh Members of Parliament, all Assembly Members and all local authorities and non-governmental organisations believe that the power of the Children's Commissioner for Wales should be extended. I hope that the Minister can do that.

9.26 pm

Julie Morgan (Cardiff, North) (Lab): I shall be brief. I want to make three points. I congratulate the Government on introducing the Bill, which is an excellent measure. I especially welcome some of the proposals for Wales. It is excellent that the Children and Family Court Advisory and Support Service is being devolved to Wales. It is right that it is under the jurisdiction of the Minister for Children in England, and it should be under that of the Minister with responsibility for children in Wales. It has always been difficult for CAFCASS Cymru and some of the issues that relate to Wales to be understood in London. That body's devolution to Wales means that it will be possible to examine the issues that are relevant to Wales, especially the Welsh language, and that the voices of children in Wales will be heard more clearly in CAFCASS. I strongly support that provision.

Secondly, I want to consider the children's commissioner, about whom we have had many discussions. The Children's Commissioner for Wales has had a strong impact. He was appointed as a result of the Waterhouse inquiry, which showed that children in Wales had no rights and no proper complaints system. Children in Wales were seen and not heard. The office of the Children's Commissioner for Wales has given authority, credibility and recognition to children's rights in Wales. It has made a huge difference. The commissioner has published two full annual reports. One was on child poverty, which had implications in the Assembly and led to its establishing an action programme. The second report, which has been mentioned today, was on child and adolescent services. Consequently, there is more funding from the Welsh Assembly Government for such work.

There is no doubt that the Children's Commissioner for Wales has substantially influenced policy in the Assembly. Although he is funded by the Assembly, he and his office are totally independent and able to be very critical. They have been critical of the Welsh Assembly Government and of Westminster. We should welcome that, because we want an independent body that can be critical. Some elements of the post of English children's commissioner need to be considered because it is essential that the Secretary of State should not have power of direction over the commissioner.

I regret that there was not more consultation with the Children's Commissioner for Wales before the Bill was framed because we could have learned a lot from each other. The importance of devolution is that sometimes we do things differently but it is vital to learn from the experiences in the devolved bodies. I therefore regret that there was not more consultation, but I am pleased that the Government accepted the amendment that provided for the children's commissioner in England to take account of the United Nations convention on the rights of the child. I hope that that will be maintained.

The Children's Commissioner in Wales takes up individual cases. That is important, because if we are to be open to the voices of children in Wales, we need to be able to take up the cases that those children bring to us. I am also pleased that children will be involved in the appointment of the English children's commissioner. That happened in Wales, and it is important to involve

[Julie Morgan]

children from all parts of society, including disabled children and children from ethnic minorities, in these appointments.

We must also resolve the issue of non-devolved matters and how they are dealt with. It is important that there should be one voice in Wales, and the easiest and most effective solution to this issue is for the Children's Commissioner in Wales to have the power to take up the non-devolved matters. I know that that is what the commissioner himself is suggesting, with the support of the commissioners in Scotland and Northern Ireland. That would be the most sensible and effective way forward, and it would ensure that the voice of the children would clearly be heard. For those reasons, I believe that the Bill should be amended.

On the physical punishment of children, I believe that they should have the same protection from assault as adults do. It would be a terrible shame if the Bill went through without our having taken this issue forward. I do not support clause 49, which was passed in another place. In fact, I think that it would make the situation worse. We would be better off without it, because it appears to condone some form of physical punishment. I do not see how we can support the idea of a fully grown adult hitting a small child, and it is essential that we do something about this issue.

Mrs. Betty Williams: Can my hon. Friend give me one good reason why we cannot have a piece of legislation in this country similar to the ones that have proved themselves in countries such as Sweden for many years?

Julie Morgan: My hon. Friend is absolutely right. We have heard today about the examples of other countries that have gone forward in this way, and we should do so as well. I am dismayed that the Government are not going to give Members a free vote on this important issue of conscience. I hope that, by the time we reach Report and Third Reading, they will at least agree that we should be able to exercise our conscience on an issue on which we would traditionally expect to have a free vote. I feel strongly that we should have a free vote, and I hope that the Government will reconsider this issue and think about their duty to children, the most vulnerable members of our society, and get rid of the defence of reasonable chastisement.

9.32 pm

Ms Sally Keeble (Northampton, North) (Lab): I very much welcome the Bill, and I just want to make a few remarks on one specific point relating to housing on which it is unclear. Clause 7(2)(a) to (e) contains five categories that are supposed to cover all the needs of a child. There is specific reference to health and education, but no explicit reference to housing. It is assumed that the Children Act 1989 contains an obligation on social services to ensure that the housing needs of children are met, but this has recently been interpreted by the courts as ensuring that the housing needs of children in an area are met generally, rather than ensuring that the specific needs of an individual child are met. That is a whole different ball game. Homeless families are therefore told that they can go to social services, but that their children might be taken into care. This virtually takes us back to "Cathy Come Home", and it illustrates the need to tackle homelessness, to keep families together and to house children with their parents when that is appropriate for them.

The importance of housing for children was well recognised in "Every Child Matters", in which homelessness was identified as the factor second most closely associated with poor outcomes for children. Unfortunately, this recognition was not carried through to the various structures and procedures needed to overcome the risks involved. The Green Paper was not explicit about that; nor is the Bill. That will leave a major gap in the services needed to protect the welfare of children. I have discussed this a number of times with my right hon. Friend the Minister, along with some of the cases that I have dealt with in my constituency that have resulted in children living in appalling conditions, including that of a woman with three small children who was the victim of domestic violence. She was rejected for housing, declared intentionally homeless and has had to live in two tiny rooms in a refuge for more than 15 months.

There is clear evidence that the number of families being turned down for housing on the grounds of being intentionally homeless is on the increase. Intentionality was cited as a reason for refusing housing in 5,000 cases in 1997–98. In March this year, the figure leapt to 13,000, and in my region, the figures almost trebled from 250 to 700 over the same period. Clearly, something needs to happen for families to be refused such housing, be it antisocial behaviour or rent arrears. There is a clear desire not to drive a coach and horses through local authorities' housing powers, but the fact is that those families do not go away, and some way must be found to protect children from the consequences of their parents' homelessness, other than taking them into care.

I therefore ask my right hon. Friend to consider three issues. First, will she make sure that priority is given to homelessness as a risk to the well-being of children; that "Every Child Matters" is made a reality in the legislation; and that she considers some of the proposals to do that, including those that have come forward from Shelter? Secondly, will she work with colleagues across government to ensure that there is provision, possibly in the form of special accommodation, and possibly through support services, to enable antisocial families to rehabilitate themselves and sustain independent tenancies, as in the special projects in Dundee, Manchester and north Wales? Thirdly, will she make sure that the possibly unintended consequences for children of other aspects of Government policy are fully understood, so that if more families are being declared intentionally homeless, or evicted from their accommodation, careful consideration is given to what happens to the children? Perhaps when there are two parents in the family, and when one parent works, they have more options. It seems likely, however, that single parents, who have less income and fewer options, will end up in a complete housing dead end, with devastating consequences for their children.

The provision of decent-quality, secure housing is one of the basics for the welfare of children. In many of the appalling child abuse scandals that we have seen, insecure housing has been a factor. As I said, the role of housing is well recognised in the Green Paper, but many children still do not have the housing protection that

they need, unless they are taken away from their parents and placed in care, when the outcomes for them are often worse. The legislation will not introduce the measures that are needed to get to grips with that, and I ask my right hon. Friend to make sure that the opportunities provided by this legislation are taken to put that right for children.

9.37 pm

Mrs. Eleanor Laing (Epping Forest) (Con): This has been a good-natured and amicable debate, most unusually. We have a general consensus that, as the Minister said at the beginning of her remarks, every child matters. We all agree on that, and it has been instructive to listen to contributions from both sides of the House this evening. I pay tribute to Lord Laming, the National Society for the Prevention of Cruelty to Children, Barnado's, Women's Aid and many other excellent voluntary organisations, whose work, not only recently but for a long time, has informed our debate. We welcome all the help and support that they gave us on practical matters.

We agree with the two principles that the Minister expressed in her speech—the importance of putting children first and the essential necessity of early intervention. Our arguments have been constructive and designed to improve the Bill, which I hope that the Minister will appreciate. I have never doubted that her intentions are good. As we examine the practicalities, however, we will suggest some better ways of proceeding, all with the very best of intentions, and putting every child first.

The hon. Members for Bridgend (Mr. Griffiths) and for Caernarfon (Hywel Williams) and various other Members have given us the benefit of their valuable experience in Wales, which already has a Children's Commissioner. I am certain that we will all pay attention to their contributions when we discuss these matters in Committee.

The Minister for School Standards (Mr. David Miliband): The right hon. Member for Wokingham (Mr. Redwood) is watching you!

Mrs. Laing: I do not care if he is. That is all right with me.

The hon. Member for Mid-Dorset and North Poole (Mrs. Brooke) made wide-ranging points about many aspects of children's lives, but I should say to her that it is essential for us now to concentrate on the key aims that the Bill can achieve. We must not dilute it by looking too widely.

Not for the first time, the hon. Members for Wakefield (Mr. Hinchliffe) and for Chatham and Aylesford (Jonathan Shaw) spoke at length about Sure Start. The hon. Member for Chatham and Aylesford will be disappointed to hear me say that he is absolutely right. Many aspects of Sure Start are working well, and we will build on them when we return to government.

Jonathan Shaw: I am grateful to the hon. Lady for mentioning my remarks about Sure Start. I have challenged her on past occasions by asking why, given her praise for Sure Start—which I welcome—she did not vote for the money that pays for it.

Mrs. Laing: We have guaranteed the funding of Sure Start. I know that the hon. Gentleman will be disappointed to hear me say that, because he wants to paint me as the wicked witch who does not care about children, but I am afraid that I do care about them. I am sorry to disappoint the hon. Gentleman, but I hope I am not disappointing my hon. Friends.

The hon. Member for Wakefield will, I hope, forgive me for having left the Chamber during his speech. Just as he was saying—quite rightly—that the most important influence on a child's development was his or her home life with his or her parents, I realised that it was 3 minutes to 7 and that my own three-year-old son was about to go to bed, which he could not happily do until I had phoned to say good night. I hope I shall be forgiven for my absence from the Chamber for what I consider to be my most important duty.

My hon. Friend the Member for Hertsmere (Mr. Clappison) is right to defend clause 2 in its present form. To be effective, a commissioner must be independent, responsible not to a politically partisan Secretary of State but to Parliament.

Both my hon. Friend the Member for Isle of Wight (Mr. Turner) and the hon. Member for Erewash (Liz Blackman) spoke about the database. I share my hon. Friend's concern. If a database is overloaded with the names of some 11 million children, the vast majority of whom are not at risk, it is likely that the relevant names of those who actually are at risk will be overlooked. It is a bit like trying to find the relevant e-mails among all the spam that comes to all of us every day. I hope that "spam" is parliamentary language, Mr. Speaker.

The hon. Member for Lancaster and Wyre (Mr. Dawson) made his usual thoughtful speech. I pay tribute to him for his many years' experience in this area. Amazingly, I agree with him on two important points. The first rule for an MP should indeed be to ask himself, "Is what we are about to do good enough for my own child?" The answer to that question must always be yes, if the measure deserves to be passed by the House. I also agree that this is the most important Bill that the House will consider this week. That is not what the media will say—they prefer foxhunting—but those of us who are here this evening know that it is on what happens to families and children that the future of our society depends, not on the sporting habits of part of the population.

The hon. Member for Stafford (Mr. Kidney) is right about separated parents. The welfare of a child is usually best served by the maintaining of contact with both parents. Only in unusual circumstances—where criminal or unreasonable behaviour has occurred—is that not the case. I take issue with the Minister when she says that it is not possible to have a rebuttable presumption of equal parenting while also putting the child first. Of course it is possible to do both those things—indeed, we must do so in order to preserve the coherence and importance of families. In fact, is not only possible; it is also right.

The Minister's mistake is that she is concerned with rights—with the view, "This is mine; this is what I want"—rather than with duties and responsibilities. Rights exist only if there are corresponding duties and responsibilities to give those rights. Parents have responsibilities to their children before they have rights

[Mrs. Laing]

over them. This is about not a conflict of rights, but a sharing of responsibilities that we should try to achieve for future generations.

Mr. Dawson: Does the hon. Lady not accept that it was her colleague, the right hon. Member for South-West Surrey (Virginia Bottomley), who abolished the concept of parental rights in 1989?

Mrs. Laing: No.

I understand that while we have been debating this important Bill, a man dressed as Batman has climbed on to Buckingham palace. *[Interruption.]* I agree that that seems to be a security breach. The man appears to represent a group called Fathers 4 Justice, but he is doing no service to the many separated fathers who are trying to do their best for their children. Unfortunately, his irresponsible behaviour tarnishes the reputation of the many organisations that are well meaning and responsible in their efforts to achieve equal parenting for children, where that is the right thing to do.

My hon. Friend the Member for Taunton (Mr. Flook) spoke with passion, as ever, about the lessons from his own constituency. The hon. Member for Gower (Mr. Caton) is absolutely right to demand a free vote on the defence of reasonable chastisement and the whole issue of smacking. I do not want tabloid coverage of the key aims of this vital Bill to be swept away by an over-concentration on the issue of smacking. But the very fact that we are discussing this issue tonight will itself help to open up the public debate and raise awareness of the problems arising from physical chastisement.

What our society and vulnerable children in particular need is not changes to the criminal law, fine words and more rules and regulations imposed from above. Rather, what is needed is a complete change in attitude, which can come about only through a consensus of public opinion and a change from within. So let us hope that the newspapers are right about this issue, but not in a jocular, silly or oppressive way. We need to say that physical chastisement is never the best way to exert discipline on a child. A small amount might sometimes be justified, but we have to draw the line at a very low threshold. The right way to do that is not by changing the criminal law.

My right hon. Friend the Member for South-West Surrey (Virginia Bottomley) made a very important contribution to the debate, and I pay tribute to the many achievements for which she was responsible when in government. I agree with what the hon. Member for Northampton, North (Ms Keeble) said about homelessness and the need for housing. I hope that we will be able to discuss these matters in greater detail in Committee, and I can assure the Minister that when we do, we will co-operate to the best of our ability. We commend the Bill and thoroughly support it, and we are glad to see it at last before this House.

9.49 pm

The Parliamentary Under-Secretary of State for Health (Dr. Stephen Ladyman): We have heard, as I expected we would, about a number of cases in which children were let down, sometimes with terrible consequences. It is crucial that we learn the lessons of those cases. The Government and all their partners, including the voluntary, community and private sectors, have a responsibility to work together and with children and families to do so. We must ensure that we provide services for children and young people that are built around a proper understanding of their needs. It is particularly important for the most vulnerable that services focus on prevention and that there are clear lines of accountability.

The Bill will play a key role in achieving that. As my right hon. Friend the Minister for Children said, the legislative measures that we are debating today are only a small part of our wider programme of change for children, building on the vision set out in "Every Child Matters". They are vitally important none the less.

One of the things that we must all work on is more effective joint working between different disciplines at every level of the system, including central Government, which is why a Health Minister is winding up the debate. The Department of Health continues to have responsibility for children's health. That means that my right hon. Friend and I have to work very closely and set an example from the top.

At the centre of the programme for change are the outcomes set out in "Every Child Matters"—being healthy, staying safe, enjoying and achieving, making a positive contribution and economic well-being. The outcomes are derived from extensive consultation with children and young people themselves. Central to our agenda is ensuring that the outcomes, rather than process or the bureaucracy, become the focus of policy making, planning, commissioning and delivery of all children's services.

Good health in its fullest sense is essential to well-being. It is crucial that we ensure that health agencies and professionals work with their colleagues in education, social care, youth justice agencies and those in the private and voluntary sectors. There must be shared understanding and effective multi-disciplinary working at every level, and we must ensure that the legal framework and the messages sent out from central Government support that process. That means that the Department of Health and the Department for Education and Skills must be jointly responsible for ensuring that the children's trust approach works. That approach encourages health agencies and their local partners to find new and innovative ways to improve services for children, including preventive services.

The Government are continuing to drive the development of good practice in this area, with provision being built around the needs of children and their families. Measures in the Bill will enable and incentivise partnership and integration. In particular, the Bill requires local agencies, including health partners, to co-operate to improve well-being and remove barriers to the pooling of budgets and resources. It will also strengthen safeguarding arrangements and ensure that they are properly co-ordinated across local agencies.

Let me emphasise at this point that health services will not be allowed to stand remote from this agenda. For many children, general practitioners provide the entry point into children's service provision. They are a

universal service with the potential to impact on the well-being of all children registered with them. GPs and other primary care professionals operate under contract to primary care trusts. PCTs are subject to the duties in the Bill to co-operate to improve the well-being of children and to have regard to the need to safeguard and promote their welfare.

Virginia Bottomley: Will the Minister give way?

Dr. Ladyman: I am afraid I will not. If I do not make progress, I will not be able to answer the right hon. Lady's points.

We are working with PCTs, GPs and the key national representative organisations to ensure that GPs are appropriately tied into these arrangements. However, what is perhaps more crucial is to ensure that GPs are supported in engaging in child-focused, multi-agency or co-located working arrangements and effective sharing of information, where appropriate.

My right hon. Friend and I have also been working closely together on the preparation of the national service framework for children, young people and maternity services, which will be published this week. I join my hon. Friend the Member for Wakefield (Mr. Hinchliffe) in congratulating Professor Aynsley-Green on his inclusive approach to producing the new national service framework. The NSF will establish national standards for children's health and social care for the first time in this country—and, to the best of my belief, for the first time in any country. During the 10-year span of the NSF, we will see a step-change in service quality for children. It will play an important role in driving cultural change within health services for children and young people at all levels. At its heart is a fundamental change in the way we think. It will promote a move towards services that are designed around the needs of children and their families, not organisations.

I turn to some of the comments made in the debate, and I shall start with those made by the hon. Members for East Worthing and Shoreham (Tim Loughton) and for Taunton (Mr. Flook) and, in a similar vein, by my hon. Friend the Member for Lancaster and Wyre (Mr. Dawson). I very much enjoyed the speech by my hon. Friend, as I normally do, and I can tell him that he will be sadly missed when he leaves this place. All three mentioned the importance of social workers and the need to recruit them. I am happy to say that there are signs that the number of applications for social work training is increasing, but I spotted an important difference between my hon. Friend and the Opposition Members I mentioned. All three willed the ends, but only my hon. Friend joins the Government in willing the means. It is only by increasing the budgets for social services that we will increase the recruitment of social workers. The hon. Member for Epping Forest (Mrs. Laing) said that the Conservatives would preserve spending on Sure Start, but the shadow Chancellor has committed his party only to preserving spending on schools and health, not on social care or social services.

My hon. Friend the Member for Stafford (Mr. Kidney) and the right hon. Member for South-West Surrey (Virginia Bottomley) mentioned the importance of parents. As someone who lost his father a fortnight ago, I know the benefits of having great parents. Sometimes we take them for granted, but it is only when everybody has great parents that we will start to achieve the changes that we are looking for. That means providing parents with the support that they need. The right hon. Lady asked specific questions about expert witnesses and the report that came out last week. My right hon. Friend the Minister for Children and I pre-empted that report by asking the chief medical officer to review the recruitment and training of expert witnesses. We hope that that review will lead to a way forward. The right hon. Lady also asked about the chief nursing officer's report, and I confirm that that was published on 10 August.

My hon. Friend the Member for Northampton, North (Ms Keeble) was alone in raising the important issue of housing and homelessness, and I have no doubt that my right hon. Friend has heard what she said. Several hon. Members, including those for Hertsmere (Mr. Clappison) and for East Worthing and Shoreham, and my hon. Friends the Members for Bridgend (Mr. Griffiths), for Wakefield (Mr. Hinchliffe) and for Gower (Mr. Caton), mentioned the Lords amendments to clause 2. We do not believe that the current wording would help the commissioner to discharge the strategic role that we intend and we will table amendments in Committee to reverse most of the changes introduced by the amendments made in the Lords. We believe that the commissioner's role should be a strategic one. He should have the opportunity to investigate issues widely and we do not want him to become bogged down in individual cases, as other commissioners sometimes have. My hon. Friend the Member for Lancaster and Wyre made the point that transport is a children's issue, and I agree. The commissioner that we intend to introduce would be able to write a strategic report about the impact of transport on children because he would not get bogged down in day-to-day issues. The hon. Member for Caernarfon (Hywel Williams) mentioned the fact that the Children's Commissioner for Wales has written two reports. I make no criticism of that commissioner, but had he not put most of his resources into individual cases and then taken the more strategic approach that we propose, he might have been able to produce more than two such reports.

The hon. Members for East Worthing and Shoreham, for Taunton and for Mid-Dorset and North Poole (Mrs. Brooke), and my hon. Friend the Member for Erewash (Liz Blackman), raised the issue of engaging schools. It will not be possible to deliver on our aim to provide coherent support for children unless we get schools playing a central role. We have many good examples of how extended schools are working well with local partners to do that already and many have been the inspiration for what we are doing. We intend to ensure that schools play a full part.

Unfortunately, time will not allow me to address all the points that were raised in the debate. However, let me just say that the Bill is one part of the major infrastructure that we are putting in place for children. It will dramatically improve the quality of care for children and I commend it to the House.

Question put and agreed to.

Bill accordingly read a Second time.

CHILDREN BILL [*LORDS*] (PROGRAMME)

Motion made, and Question put forthwith, pursuant to Orders [28 June 2001 and 6 November 2003].

That the following provisions shall apply to the Children Bill [*Lords*]:

Committal

1. The Bill shall be committed to a Standing Committee.

Proceedings in Standing Committee

2. Proceedings in the Standing Committee shall (so far as not previously concluded) be brought to a conclusion on Thursday 21st October 2004.

3. The Standing Committee shall have leave to sit twice on the first day on which it meets.

Consideration and Third Reading

4. Proceedings on consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.

5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.

6. Sessional Order B (programming committees) made by the House on 28th June 2001 shall not apply to proceedings on consideration and Third Reading.

Other proceedings

7. Any other proceedings on the Bill (including any proceedings on consideration of Lords Amendments or on any further message from the Lords) may be programmed.—*[Mr. Watson.]*

The House divided: Ayes 241, Noes 72.

Division No. 241] **[9:59 pm**

AYES

Abbott, Ms Diane
Anger, Nick
Ainsworth, Bob *(Cov'try NE)*
Alexander, Douglas
Allen, Graham
Anderson, rh Donald *(Swansea E)*
Armstrong, rh Ms Hilary
Atherton, Ms Candy
Atkins, Charlotte
Battle, John
Bayley, Hugh
Beard, Nigel
Bell, Sir Stuart
Betts, Clive
Blackman, Liz
Blears, Ms Hazel
Blizzard, Bob
Blunkett, rh David
Bradley, rh Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Bryant, Chris
Burnham, Andy
Cairns, David
Campbell, Mrs Anne *(C'bridge)*
Casale, Roger
Caton, Martin
Challen, Colin
Chapman, Ben *(Wirral S)*
Clark, Mrs Helen *(Peterborough)*
Clark, Dr. Lynda *(Edinburgh Pentlands)*
Clark, Paul *(Gillingham)*
Clarke, rh Charles *(Norwich S)*
Clarke, rh Tom *(Coatbridge & Chryston)*
Clelland, David
Coaker, Vernon
Cohen, Harry
Cook, rh Robin *(Livingston)*
Cox, Tom *(Tooting)*
Crausby, David
Cruddas, Jon
Cryer, Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cunningham, Jim *(Coventry S)*
Cunningham, Tony *(Workington)*
Davey, Valerie *(Bristol W)*
David, Wayne
Davidson, Ian
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Denham, rh John
Dobbin, Jim *(Heywood)*
Dowd, Jim *(Lewisham W)*
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Ellman, Mrs Louise
Farrelly, Paul
Field, rh Frank *(Birkenhead)*
Fisher, Mark
Fitzpatrick, Jim
Fitzsimons, Mrs Lorna
Flint, Caroline
Flynn, Paul *(Newport W)*
Foster, rh Derek
Foster, Michael *(Worcester)*
Foster, Michael Jabez *(Hastings & Rye)*
Francis, Dr. Hywel
Gapes, Mike *(Ilford S)*
George, rh Bruce *(Walsall S)*
Gerrard, Neil
Gilroy, Linda
Goggins, Paul
Griffiths, Win *(Bridgend)*
Grogan, John
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hanson, David
Harris, Tom *(Glasgow Cathcart)*
Havard, Dai *(Merthyr Tydfil & Rhymney)*
Henderson, Doug *(Newcastle N)*
Henderson, Ivan *(Harwich)*
Hendrick, Mark
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, Keith *(Streatham)*
Hinchliffe, David
Hodge, Margaret
Hoey, Kate *(Vauxhall)*
Hope, Phil *(Corby)*
Hopkins, Kelvin
Howarth, George *(Knowsley N & Sefton E)*
Howells, Dr. Kim
Hoyle, Lindsay
Hughes, Beverley *(Stretford & Urmston)*
Hughes, Kevin *(Doncaster N)*
Hurst, Alan *(Braintree)*
Hutton, rh John
Iddon, Dr. Brian
Illsley, Eric
Irranca-Davies, Huw
Jamieson, David
Jenkins, Brian
Johnson, Alan *(Hull W)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Joyce, Eric *(Falkirk W)*
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keen, Alan *(Feltham)*
Kennedy, Jane *(Wavertree)*
Khabra, Piara S.
Kidney, David
Kilfoyle, Peter
Knight, Jim *(S Dorset)*
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, David
Lawrence, Mrs Jackie
Laxton, Bob *(Derby N)*
Lepper, David
Leslie, Christopher
Levitt, Tom *(High Peak)*
Lewis, Ivan *(Bury S)*
Linton, Martin
Lloyd, Tony *(Manchester C)*
Love, Andrew
McAvoy, Thomas
McCabe, Stephen
McCafferty, Chris
McDonagh, Siobhain
MacDonald, Calum
MacDougall, John
McFall, rh John
McGuire, Mrs Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
Mackinlay, Andrew
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
McWalter, Tony
McWilliam, John
Mahmood, Khalid
Mallaber, Judy
Mann, John *(Bassetlaw)*
Marsden, Gordon *(Blackpool S)*
Marshall, David *(Glasgow Shettleston)*
Marshall-Andrews, Robert
Martlew, Eric
Meacher, rh Michael
Meale, Alan *(Mansfield)*
Michael, rh Alun
Milburn, rh Alan
Miliband, David
Miller, Andrew
Moffatt, Laura
Moran, Margaret
Morgan, Julie
Morley, Elliot
Morris, rh Estelle
Munn, Ms Meg
Naysmith, Dr. Doug
O'Brien, Mike *(N Warks)*
O'Hara, Edward
Olner, Bill
O'Neill, Martin
Osborne, Sandra *(Ayr)*
Owen, Albert
Palmer, Dr. Nick
Perham, Linda
Picking, Anne
Pickthall, Colin
Pike, Peter *(Burnley)*
Plaskitt, James
Pond, Chris *(Gravesham)*
Pope, Greg *(Hyndburn)*
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Prosser, Gwyn
Purchase, Ken
Purnell, James
Quinn, Lawrie
Rapson, Syd *(Portsmouth N)*
Raynsford, rh Nick
Reed, Andy *(Loughborough)*
Reid, rh Dr. John *(Hamilton N & Bellshill)*
Robinson, Geoffrey *(Coventry NW)*
Ross, Ernie *(Dundee W)*
Ruddock, Joan
Salter, Martin
Savidge, Malcolm
Shaw, Jonathan
Sheerman, Barry
Sheridan, Jim
Simon, Siôn *(B'ham Erdington)*
Simpson, Alan *(Nottingham S)*
Skinner, Dennis
Smith, rh Andrew *(Oxford E)*
Smith, rh Chris *(Islington S & Finsbury)*
Smith, Geraldine *(Morecambe & Lunesdale)*
Smith, Jacqui *(Redditch)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Soley, Clive
Southworth, Helen
Squire, Rachel
Starkey, Dr. Phyllis
Stewart, David *(Inverness E & Lochaber)*
Stringer, Graham
Stuart, Ms Gisela
Taylor, David *(NW Leics)*
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth *(Harrow W)*
Timms, Stephen
Touhig, Don *(Islwyn)*
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr. Desmond *(Brighton Kemptown)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Vaz, Keith *(Leicester E)*
Vis, Dr. Rudi

Walley, Ms Joan
Ward, Claire
Wareing, Robert N.
Watson, Tom *(W Bromwich E)*
Watts, David
White, Brian
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, Betty *(Conwy)*
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Woolas, Phil
Wright, Anthony D. *(Gt Yarmouth)*
Wright, David *(Telford)*
Wyatt, Derek

Tellers for the Ayes:
Gillian Merron and
Mr. John Heppell

NOES

Amess, David
Arbuthnot, rh James
Bacon, Richard
Barker, Gregory
Beith, rh A. J.
Bellingham, Henry
Boswell, Tim
Bottomley, rh Virginia *(SW Surrey)*
Brooke, Mrs Annette L.
Browning, Mrs Angela
Burt, Alistair
Calton, Mrs Patsy
Campbell, rh Sir Menzies *(NE Fife)*
Carmichael, Alistair
Chope, Christopher
Clappison, James
Clarke, rh Kenneth *(Rushcliffe)*
Davis, rh David *(Haltemprice & Howden)*
Field, Mark *(Cities of London & Westminster)*
Flook, Adrian
George, Andrew *(St. Ives)*
Gidley, Sandra
Gillan, Mrs Cheryl
Green, Damian *(Ashford)*
Greenway, John
Heath, David
Heathcoat-Amory, rh David
Hogg, rh Douglas
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Laing, Mrs Eleanor
Lamb, Norman
Lansley, Andrew
Liddell-Grainger, Ian
Lilley, rh Peter
Loughton, Tim
Luff, Peter *(M-Worcs)*
McLoughlin, Patrick
Mitchell, Andrew *(Sutton Coldfield)*
Mose, Malcolm
Norman, Archie
Oaten, Mark *(Winchester)*
O'Brien, Stephen *(Eddisbury)*
Ottaway, Richard
Prisk, Mark *(Hertford)*
Pugh, Dr. John
Redwood, rh John
Rendel, David
Robertson, Laurence *(Tewk'b'ry)*
Russell, Bob *(Colchester)*
Simpson, Keith *(M-Norfolk)*
Spink, Bob *(Castle Point)*
Stanley, rh Sir John
Steen, Anthony
Streeter, Gary
Stunell, Andrew
Swayne, Desmond
Syms, Robert
Taylor, Ian *(Esher)*
Teather, Sarah
Thomas, Simon *(Ceredigion)*
Thurso, John
Turner, Andrew *(Isle of Wight)*
Tyler, Paul *(N Cornwall)*
Tyrie, Andrew
Watkinson, Angela
Webb, Steve *(Northavon)*
Whittingdale, John
Williams, Hywel *(Caernarfon)*
Williams, Roger *(Brecon)*
Willis, Phil
Young, rh Sir George

Tellers for the Noes:
Mr. Hugo Swire and
Mr. David Ruffley

Question accordingly agreed to.

CHILDREN BILL *[LORDS] [MONEY]*

Queen's recommendation having been signified—

Motion made, and Question put forthwith, pursuant to Standing Order No. 52(1)(a) (Money resolutions and ways and means resolutions in connection with Bills).

That, for the purposes of any Act resulting from the Children Bill [*Lords*], it is expedient to authorise the payment out of money provided by Parliament of—

(a) any expenditure incurred by the Secretary of State by virtue of the Act, and

(b) any increase attributable to the Act in the sums payable out of money so provided under any other Act.—*[Mr. Watson.]*

Question agreed to.

EUROPEAN COMMUNITY DOCUMENTS

Motion made, and Question put forthwith, pursuant to Standing Order No. 119(9) (European Standing Committees).

Establishment Of A Community Fisheries Control Agency

That this House takes note of European Union Document No. 9149/04 and Addendum 1, draft Council Regulation establishing a Community Fisheries Control Agency and amending Regulation (EC) No. 2847/93 establishing a control system applicable to the Common Fisheries Policy; takes note of the Government's welcome of the proposal and supports the Government's objective of playing a constructive part in detailed discussion of the proposal whilst seeking to ensure that the role of the Agency will not undermine the control and enforcement responsibilities of individual Member States or cut across the policy aim of increased regionalisation of the Common Fisheries Policy.—*[Mr. Watson.]*

Question agreed to.

Buckingham Palace (Security Breach)

10.15 pm

The Secretary of State for the Home Department (Mr. David Blunkett):

With permission, Mr. Speaker, I wish to make a statement to the House on the incident earlier today at Buckingham Palace. Following the terrorist attacks on 11 September 2001, I authorised a review of external security at the main royal palaces, which was conducted by the Security Service, MI5. The work resulted in an extensive new alarm and camera system outside and inside the palace and the strengthening of the palace perimeter.

As the House will be aware, a separate review of the internal security of the royal households also took place earlier this year, but it is not relevant to today's events. The facts as set out to me tonight by the commissioner and deputy commissioner are as follows. At about 2.20 pm this afternoon, three men erected a ladder outside the palace walls. Their presence directly outside the palace triggered an alarm, and police both inside and outside the building took immediate steps to protect the integrity of the palace. An armed police officer on the other side of the railings confronted the intruders as they approached the colonnade. Within minutes, the external perimeter of the palace had been sealed and armed police had secured the palace from within. One of the men moved quickly along the roof of the colonnade adjacent to Constitution hill. Police officers took the entirely correct decision that that individual was a protester not a terrorist. That judgement was made easier by the fact that no members of the royal family were present. The palace, as the House will know, is open to the public at this time of year. It will also be aware that the Metropolitan police have now arrested the protester and one accomplice.

Sir John Stevens has stated quite clearly tonight that, if the individual had been assessed as a threat, he would have been shot before he could have entered the building. I am also clear that the alarm and camera systems installed over the past three years worked and that the police acted correctly in assessing the threat that he posed. Nevertheless, the speed with which the intruders were able to scale the wall is of concern and the Metropolitan police and my officials are urgently reviewing with the royal household any further measures required. However, it is worth bearing it in mind—this has been true for many years—that the royal family have always wanted the palace to remain accessible to the people of the United Kingdom and tourists from around the world, as it is; they do not want it to become a fortress. I share that view.

We live in a time of a heightened terrorist threat, when our police and security services are fully stretched in protecting our safety and way of life. While today's protest showed that the alarm and camera system worked, the protester could have been killed and the Metropolitan police have once again been diverted from protecting the public from terrorism by the need to deal with a public stunt. I hope that people who support such action will reflect on that and recognise that it is not just themselves they put at risk by their actions. That is why we treat such incidents with the seriousness they deserve. They should be treated seriously, but they need to be put in their proper context as well.

David Davis (Haltemprice and Howden) (Con): I thank the Home Secretary for advance sight of the statement and I commend him on coming straight to the House to make it this evening. That at least is exemplary, but it is the only part of this sorry business that is.

This is the fifth or sixth breach of royal palace security since June last year, following security breaches at Buckingham palace, Windsor castle and the Palace of Westminster. At a time when the terrorist threat has never been so real or so great, the latest episode is extremely serious. The Home Secretary said that the security commission report on a previous breach of security at Buckingham palace is not relevant. I beg to differ. I quote:

"the most likely source of . . . threat to the Royal Family are from the press and individuals seeking to 'test' security measures or cause embarrassment. But any weakness which can be exploited by these groups can also be exploited by terrorists."

After the penetration of Windsor castle by Aaron Barschak dressed as Osama bin Laden, the Home Secretary said:

"I am determined that lessons should be learned from this incident."—[*Official Report*, 24 June 2003; Vol. 407, c. 868.]

Then, five months later, after the breach of Buckingham palace's security, the right hon. Gentleman made a statement to the House in which he said,

"It is important to be clear that we . . . learned the lessons of Windsor."—[*Official Report*, 19 November 2003; Vol. 413, c. 777.]

Nevertheless, the Home Secretary admits today that the speed with which the intruder was able to scale the wall is of concern. He does not point out that the intruder got a further 30 m and climbed another wall. The right hon. Gentleman quotes Sir John Stevens saying that if the intruder had been assessed as a terrorist, he would have been shot. Will the Home Secretary tell us how anyone can ever be sure that such an incident is a prank, and not a terrorist masquerading as a prankster? In the terrible logic of these events, the terrorist has only to be lucky once. We have to be lucky every time.

In the hours since the protest, has the Home Secretary been able to establish the following aspects of what went wrong today? Were procedures not followed and the failure therefore operational, or were the recommendations inadequate and the failure therefore one of policy? Does he accept that today's irresponsible action advertises weaknesses in our security and that the long series of security failures could itself encourage terrorist attempts? Will he tell the House tonight how many times Members of this House, the British public and the royal family will have to tolerate such scandalous incompetence?

Mr. Blunkett: I am deeply sorry that the shadow Home Secretary has adopted the tone he has tonight—*[Interruption.]*

Mr. Speaker: Order. As has already been stated, I always encourage Ministers to come to the House to

give statements. This the Home Secretary has done. It does not help when hon. Members barrack a Minister who has been good enough to come to the House.

Mr. Blunkett: The point that I was about to make, Mr. Speaker, is that there is a perfectly legitimate and reasonable role for Opposition parties in holding Ministers to account for their failings. However, an Opposition who aspire to Government have to address issues in the way that they feel they would were they in government. The question raised tonight might have been about whether we had done enough to ensure that the alarm and camera systems worked. The answer to that question is yes, we did so on the recommendation of the Security Service, and we had put new and enhanced measures in place since 2001. I spelled that out. Following the incident at Windsor, having learned the lessons, we massively enhanced the system there.

Whenever there has been an incursion into a palace, lessons have been learned. They were learned twice in 1992, when there were two incidents at the palace. They were learned again in 1994, and again in 1995, when my predecessors had to deal with similar incursions. We will take any action necessary to ensure that, and we will do so with the royal household—because we are dealing with its palaces, not our own property—in a way that is acceptable to it.

The cameras worked, the electronic alarms worked and the armed police were in place and secured the palace inside and out. The police also ensured that the individual could move no further and the accomplice was ordered down at gunpoint from the palisade, but subsequently attempted to escape. All those things worked.

The judgment to which Sir John Stevens referred was whether the police should take pre-emptive action by firing on the individuals concerned. Is that what Opposition Members are advocating? If there are—no matter how good security is, there are and always will be—people who will attempt to breach security, the police have to make a judgment about the level of armed force that they use. They do that day in and day out when any major incident takes place, particularly where there is a threat to life. They did it today, and I commend them for it. The proportionality of their response was in keeping with their judgment. The way they handled the incident ensured that it was dealt with so that people were taken down safely without loss of life or limb.

Someone engaged today in a publicity stunt and it was a foolish, silly thing to do that has harmed a very reasonable cause. Let me make it clear that if anyone in the House believes that they would have had greater wisdom than the security services, the Metropolitan Police, Ministers and my officials, let him or her get up and say so. Let them not criticise what was done, but say what might have happened had the police not acted in the way that they did to secure the palace and the lives of those involved. The police did not overreact in circumstances that would have led to fatality. In that case, I would have been answering very different questions tonight, and I would have been deeply concerned if I had had to do so.

Mr. Mark Oaten (Winchester) (LD): I thank the Home Secretary for advance notice of his statement and for coming to the House so quickly after this afternoon's events. This is a serious issue, made worse by the fact that we have faced similar breaches of security in the past. I hope that he understands that this is at best highly embarrassing and at worst could have had terrible consequences.

I agree with the Home Secretary's concerns about the activities of the protesters. Not only do they endanger their own lives but, at a time of heightened terror alert, they make the work of the police even harder.

The Home Secretary welcomed the fact that the alarm and camera systems worked, but they largely concern detection. Should we not have a system in place that makes the perimeter fence itself physically harder to climb in the first place? When the security commission reported earlier in the year, it found that the existing framework for dealing with security for the royal family was considered sound. Is the Home Secretary still confident about that statement?

Can the Home Secretary confirm who has responsibility for security in the royal household grounds? Is it the police, the Home Office or the new royal director of security? Does he acknowledge that with three organisations in charge of royal security, there will always be problems with communication and lines of accountability? Will he confirm how many of the commission's recommendations have been put in place? Will he tell the House whether the agreed annual plan on security at the palace has yet been agreed?

I hope that the Home Secretary will acknowledge that there are only so many times that lessons can be learned and actions promised before the public lose confidence in the security systems that we have at both Buckingham Palace and the House of Commons.

Mr. Blunkett: Of course it is embarrassing when such incidents take place. That is self-evident and it is important to learn from it. The hon. Gentleman mentioned different incidents, and we have to be clear about who is responsible. Inside the Palace of Westminster, it is the House authorities. Inside Buckingham palace, it is the royal family and the new director of security, Brigadier Cook. All the recommendations of the Butler-Sloss commission have been put in place. Security outside the palace and security for the palace itself is the responsibility of the Metropolitan police, and they took that responsibility today, as I spelled out.

The hon. Gentleman asked about securing the outside fence. We are talking about two fences and a wall. A judgment was made, and nobody raised any objection when we put it in place after 11 September 2001, that the external view of the palace and its environment outside should be maintained as reasonably as possible. Of course it is possible to secure any building in the capital by making it impossible for anyone to get anywhere near that building or monument. That does not take a genius. It just takes great lumps of concrete and a terrible environment that ruins the capital city of our country and ensures that people cannot enjoy walking about and seeing monuments and palaces in a reasonable fashion.

The royal family do not want that, and I agree with them. We must therefore ensure proportionally that security protects life, while reasonableness secures an environment in which to live, walk and have our social

[Mr. Blunkett]

life—an environment that is not destroyed by the terrorists putting us in such fear that we cannot get anywhere near such buildings, including this building, which is the heart of our democracy. It is that proportionality that all of us seek to maintain.

Sir Stuart Bell (Middlesbrough): The House will welcome the Home Secretary being with us tonight and his reasonable response. Is it not a fact that for centuries in this country we have lived under the rule of law? No matter what the grievance, we must respect the decisions of the courts. Nothing, therefore, justifies taking the law into one's own hands.

The Home Secretary mentioned proportionality on at least two occasions. While it is right and proper that there be a proportionate response, those who conspire to breach the rule of law should be severely dealt with. Is it not a fact that the conspirators were on television giving interviews for their cause even before their arrest? If we believe in the rule of law, proper sentencing and proper deterrence, will that not deter the publicity stunt?

Mr. Blunkett: I certainly agree with my hon. Friend about the rule of law. The individuals and their group do a reasonable cause great ill. I agree that action needs to be clear and decisive. I have made it clear that the biggest threat to those individuals was the potential for a misjudgement to be made about their intentions. Had that happened, one or more of them might well be dead tonight. To those who think about carrying out similar stunts in future, I say that the more the tension rises and the greater the cry for action, the more likely it is that those who seek to protect us and the royal family will make a judgment at that moment that could lead to loss of life. That is why the incident was so serious.

Mr. James Arbuthnot (North-East Hampshire) (Con): What action did the Home Secretary personally take to ensure that this sort of thing did not happen?

Mr. Blunkett: I have held regular meetings with the Metropolitan police. Last week, I held a meeting with Sir Ian Blair, the deputy commissioner, and with the head of SO 13 precisely to review progress in respect of the royal palaces. Had I not been holding regular meetings, and had I not been holding to account last week those who have operational responsibility, I would have been much more sheepish in entering the House for a statement this evening.

Tom Levitt (High Peak) (Lab): Does my right hon. Friend agree that those who seek to publicise what appears to be a responsible cause in such an irresponsible and high-risk manner do that political cause no good at all, not least when seeking to influence Members of the House? In fact, their actions today will have a negative effect on the cause that they were seeking to promote.

Mr. Blunkett: I very much regret that that will be the case. Any judgment about the responsibility of those who seek to act as role models for their own children and to promote a decent, genuine cause concerning the rights of fathers must be that these people do tremendous harm to themselves and to their cause. I agree entirely with my hon. Friend.

Mr. Douglas Hogg (Sleaford and North Hykeham) (Con): Does the right hon. Gentleman understand that he should not be making a statement tonight, because it only gives publicity to people whose views we do not respect? Does he also understand that, when he discusses shooting individuals, he should make it plain that one should consider that course of action only if the threat to third parties is urgent and immediate, which was clearly not present in this case?

Mr. Blunkett: If you will forgive my introducing a lighter note, Mr. Speaker, I have just won a pound, because I bet someone earlier this evening that the right hon. and learned Gentleman would make such an intervention. If I had not made a statement tonight, an urgent question would undoubtedly have been tabled tomorrow, and the question why I was not holding myself to account to the House would have been raised.

The right hon. and learned Gentleman is right on his substantive point, which is why the armed police officers present made a judgment. Police officers make a judgment on whether people who are armed or who threaten to take life in some other way are likely to carry out that threat, which is why the police officers involved today made that judgment.

Mr. Keith Simpson (Mid-Norfolk) (Con): In a perverse way, the activities of a number of individuals—whether they tried to get into Windsor castle, the Palace of Westminster or, indeed, Buckingham palace—have highlighted weaknesses within those palaces' security systems. To pick up one point that the Home Secretary touched on, is he satisfied that the obvious overlapping authority, rather than seamless authority, between those palaces and the Metropolitan police should continue, or, like a number of hon. Members, does he think that one individual should be appointed with the authority to deal with security both inside and outside all royal palaces?

Mr. Blunkett: This is my difficulty in answering that question how I want to: this House, not me, determines the line between security inside and outside the Palace of Westminster. In Buckingham palace—this is, of course, true of other palaces—the decision where the line between the royal household's authority and the Metropolitan police's authority lies is for the royal household. Following the Butler-Sloss report, we agreed a particular approach to the running of the royal household and the internal appointment of a director. It was agreed then that a clear division should be made, by which the Metropolitan police continued to act and to have authority on the palace's external protection. It is not for this House or me to determine tonight any change in that direction, but we must constantly examine whether we can ensure that the meeting of those two different franchises works effectively, and that is our challenge.

Bob Spink (Castle Point) (Con): What information has the Home Secretary got for us tonight on the third man who was directly involved in the incident? Will he

tell the House how many royal security breaches are allowable before a ministerial resignation is appropriate?

Mr. Blunkett: Obviously not two, otherwise the current Leader of the Opposition would have resigned in 1995. The question is very silly and unworthy of what has been a perfectly reasonable process of questioning and accountability. It is not difficult for the police to identify the third individual involved—after all, television cameras were mysteriously present from the beginning of the incident. Even though the level of apprehending those who commit crimes in our country is less desirable than I would wish, I am sure that we will have him by tomorrow.

Gregory Barker (Bexhill and Battle) (Con): Does the Home Secretary think that it has been a satisfactory and efficient use of taxpayers' money for him to authorise the spending of hundreds of thousands of pounds on new cameras and alarm systems if the response to those systems is inadequate to prevent intruders from gaining access to the roof and then on to the front of the palace? What is the point of such equipment if the response is too slow?

Mr. Blunkett: The first armed officer's response was rapid. One of the individuals, who was dressed as Robin, gave an interview describing how he was ordered down and was told that he would be shot if he did not do so. That particular individual was apprehended almost immediately. *[Interruption.]*

Well, I described in my statement how the danger was sealed off inside the palace and externally. In my view, that is a rapid response. The issue that we have addressed tonight is whether we can put anything in place to distance people around the palace from being able to mount the colonnade in future. That must be discussed with the royal family because of its impact on the palace.

Lisbon Agenda

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Watson.]*

10.40 pm

Keith Vaz (Leicester, East) (Lab): Thank you, Mr. Speaker, for giving me the opportunity to raise in this House the very important topic of economic reform of the European Union. The House has never before held an Adjournment debate on the Lisbon agenda. I am glad that my hon. Friend the Financial Secretary is here. I congratulate him on his recent return to the powerhouse of the Government's economic policy, which is so different from post office closures. I am also delighted to see my hon. Friend the Minister for Europe.

After the Lisbon summit on 24 March 2000, the Prime Minister said in his statement to the House:

"The Lisbon European Council represents a turning point in Europe's approach to economic and social policy. With a sound macro-economic framework in place and the euro safely introduced, the concrete actions agreed at the Council should help to deliver an increase in the European Union employment rate over the next 10 years."—[*Official Report*, 27 March 2000; Vol. 347, c. 22.]

That was a bold and impressive commitment by the Prime Minister to the economic reform agenda.

We are now rapidly approaching the mid-term of the Lisbon agreement, and I value the opportunity to debate Britain's position and what needs to be done to move the agenda forward.

At the Lisbon European Council, the member states agreed to put economic and social development at the very top of the political agenda in order to create a European Union that would position itself in the lead of the international financial markets. The Lisbon summit committed all national governments to a 10-year programme of reform that was going to make the EU

"the most dynamic knowledge based economy in the world by 2010".

I had the privilege of being at the Lisbon Council as the then Minister for Europe. Lisbon was different because it set out a series of benchmarks. Its language was not the usual Eurospeak whereby everybody congratulates everybody about the success of a summit, but a clear and precise list of achievable objectives.

The key targets and objectives of the Lisbon agenda were employment; research and innovation; the single market; social cohesion; and sustainable development and the environment. The main benchmark on employment was to reach, by 2010, an overall employment rate of 70 per cent. of the EU population. The female employment rate was to rise to 60 per cent., and the employment rate for older workers was to rise to 50 per cent. of the EU population. The Lisbon agenda also set out to increase the retirement age by five years and to reduce the number of 18 to 24- year-olds with only basic secondary education by 50 per cent.

The benchmarks for research and innovation would see spending on research and development approach 3 per cent. of gross domestic product by 2010 and 100 per cent. of schools connected to the internet by 2002.

In terms of the development and progress of the single market, the Lisbon agenda stated that we would see full implementation of the risk capital action plan by 2003.

[Keith Vaz]

and of the financial services action plan in 2005. We were to have a transposition rate of 98.5 per cent. for internal market directives. No internal market directives were to be more than two years overdue in their transposition.

The energy markets were to open for business by 2004 and for domestic users subsequently. Finally, the single market goals set out the prospect of a single European sky by 2004.

As for social cohesion, Lisbon was meant to halve the number of school leavers not continuing in further education, and reduce the numbers living at risk of poverty by 2010.

On sustainable development and the environment, visible progress towards reducing greenhouse gas emissions was suggested. Lisbon set a clear target for electricity generated from renewable resources as well as ending the loss in biodiversity. Lisbon agreed to recycle 55 per cent. of all waste by 2008.

The United States is the main economic challenge to the European Union. The current EU, at 25, has a single market of approximately 450 million consumers compared with approximately 380 million in the US. At Lisbon, we were informed that the US managed to create 10 million jobs in the 10 previous years, whereas the EU created only 1 million.

That is why, in my view, it is vital that all member states adopt the euro. Only with the same currency and the minimising of trade barriers can the EU catch up with the US. We have to encourage the citizens of Europe to spend their money in the eurozone instead of elsewhere.

The Lisbon agenda set out ambitious goals and, although progress has been made, much more needs to be done. It is important is to see the Lisbon agenda as a clear strategy forward for Europe. Only by setting the targets at a high level will we progress in the way that is necessary for the stability and the future of the European Union.

The mid-term review of the Lisbon agenda, which is due in March 2005, is intended to give an indication of how Europe is doing, and also to consider how the Lisbon goals can be best met by 2010, especially in the light of enlargement and the new member states.

Although the European Council reaffirms that the process and goals remain valid, a change of pace of reform is needed to achieve the targets by 2010. I want to know from the Financial Secretary the Government's view of the way forward. Overall, a north-south divide has emerged between the relatively good achievers—Austria, Denmark, Luxembourg, the Netherlands, Sweden and the United Kingdom—and the Mediterranean's less successful countries such as Greece, Italy, Portugal and Spain. The employment rate has grown, but not substantially.

Productivity growth remains low, and substantial weaknesses remain in competitiveness and the development of the internal market. Only last week, the Chancellor of the Exchequer demanded a new sense of urgency from Brussels, and rightly said that the so-called Eurocrats must drop their inward-looking mindset and tackle the growth problem immediately.

My constituents in Leicester, East need the Lisbon agenda to succeed. So many businesses in Leicester trade with the rest of Europe, as the Chancellor of the Exchequer noted when he recently visited the city. The main problem that they experience is the over-regulated way in which some other EU countries operate. More jobs will be created in Leicester if the goals set out in the Lisbon agenda are met. That applies not only to the textile industry, which has been the bedrock of the city, but the new service industries and engineering.

As a city, we are ideally placed in the heart of England, with major road networks all around us. We can succeed if the economic climate is right in Europe and we can become a powerhouse of financial prosperity. We are already a Premiership city as far as trade is concerned. Although the Foxes have left the Premiership, they will be back next season, following their splendid victory over the Minister for Europe's football team on Saturday.

As hon. Members know, in addition to the mid-term review, the former Prime Minister of the Netherlands, Wim Kok, is heading a high-level group, which has been commissioned to carry out an independent review of the achievements on the Lisbon agenda so far. The decision to set up that group was made by the European Council in March 2003. The high-level group is composed of several highly qualified individuals who are able to reflect the views of all stakeholders. Among those represented are Mr. Will Hutton, chief executive of the Work Foundation, and Mr. Naill Fitzgerald, chairman of Unilever. The remit of that high level group is to make proposals to the Commission to give new stimulus to the Lisbon strategy and improve delivery.

The report is due to be presented to the Commission by November 2004, and will identify the measures that have been taken so far in the member states' economies to achieve the Lisbon objectives and targets.

One of the key factors in achieving the goals set out in the Lisbon agenda and creating the most competitive knowledge-based economy in the world is accessibility to broadband. The online newspaper, euobserver.com, recently reported that the new member states are set to overtake the old EU 13 in broadband internet penetration rates by 2010. They are set for a rapid catching-up process that could see them forging ahead in the next few years. This is the enthusiasm and willingness on which the whole of the EU must build. All member states must be equally excited about strengthening their own standing, and thereby that of the whole EU. Equal commitment from the individual member states is the only recipe for success in the long term.

The enlargement of the European Union, increasing the number of member states from 15 to 25, was an extraordinary success, and Europe is now set to go forward in building on unity, strength and co-operation. A union of 25 member states has the possibility and capability to be a strong—indeed, the strongest—player in the world arena, but it needs structure and leadership in order to build on its strengths. The unique combination of diverse skills and cultural richness that defines Europe gives it every opportunity to achieve the goals that have been set out.

In just 33 days, on 1 November, the new President of the European Commission will start his term of office, and he has given a clear indication that he wants his

Commission to be strong and united. Mr Barosso has stated that he intends to boost the Lisbon agenda and has promised that economic reforms will be at the heart of his five-year tenure. He will chair a group of Commissioners who will seek to enhance the reform process and give new impetus to Europe's economy. He has said:

"The goal of becoming the most competitive economy in the world is one we can achieve, and we should not feel discouraged".

Mr. Wayne David (Caerphilly) (Lab): Does my hon. Friend agree that one issue that has to be tackled by the Commission and the European Council is the fact that so many nations agree to the directives that make up the Lisbon agenda but fail to transpose them into their own national law? My understanding is that, according to a report to the European Council produced in the spring, two northern European countries, France and Germany, were at the bottom of the league table in that regard, along with Greece.

Keith Vaz: My hon. Friend is absolutely right. That area needs to be looked at if we are to make the progress on the Lisbon agenda that I have asked for, and I hope that the new Commission will ensure that that happens. Given the quality of the people who have been appointed to it, I think that it can be achieved. I want to congratulate Peter Mandelson on his appointment as the EU Commissioner for the United Kingdom, with responsibility for the trade portfolio. Both he and the Spanish Commissioner will play an important part in ensuring that this agenda is furthered.

The EU is falling further behind the United States in terms of gross domestic product per head, and the growth has been below the target of 3 per cent. More labour needs to be employed more productively in the member states to generate growth. This requires an increase in both the employment rate and in investment which can only come about if we start taking the structural reforms seriously by relocating resources from declining to growing sectors. We have to give fiscal and structural policy a chance to put Europe back on the path of sustainable growth.

The responsibility for the success of the Lisbon agenda lies with all member states and their willingness to implement the targets. The Commission has few powers on national employment laws, social welfare legislation, tax rates and education and research policies, or any other tools to enhance EU competitiveness. The role of the Commission, therefore, is to assist the national Governments in finding the right policies and setting a framework for economic reform.

Intrinsically linked to the development of the economic union is the development of the political union. At the Brussels summit on 18 June, all member states agreed to the wording and contents of the draft treaty of the European Union. The ratification of that treaty is a unique development in the relationship of the member states. The EU constitution will finally give Europe stability and strength, after two decades of constant negotiating of new treaties. For all the reasons put out by the Foreign Secretary and the Minister for Europe, it will consolidate the treaties that have gone before. In Britain, this means winning the referendum on the constitution over the next few months.

My view is that we are not lacking the political will to put our country at the heart of Europe. That has been the Government's agenda since 1997. What we need to do is to ensure that that political will is understood by the British people. That means that all Ministers must heed the words of the Prime Minister by making the positive case for Europe, so that people can form their opinions on the basis of what their elected leaders say. And the Government must explain precisely what they intend to do.

We have great challenges ahead, but Europe is the reality in which we live and work, and Britain needs strong leadership and guidance in the important period that lies ahead. Next year will be crucial: we will take over the presidency of the European Union, and in July we will host the G8 summit in Scotland. That will put Britain at the centre of attention and action, and many countries in the EU will look to Britain for guidance.

To remain a strong international player, Britain must adopt the constitution, implement the euro, and look to its partners in the G8 to work towards sustainable development and fair trade. I call on the Government to go out and make that case for Europe. I know that the Minister for Europe and the Financial Secretary will do so in the months that lie ahead.

As the Chancellor has said, there must be a speedier implementation of EU agreements and policy making at national level to create sustainable growth and more and better jobs. Higher employment rates are critical to achieving growth and to further social inclusion. On Lisbon, it must be our Government, who are so much in the forefront of pursuing the reform agenda through the excellent work of the Prime Minister, the Foreign Secretary, the Chancellor and the Minister for Europe, who hold Europe to account. It is our agenda: let us make it work for the people of Britain and for all of Europe.

10.56 pm

The Financial Secretary to the Treasury (Mr. Stephen Timms): I congratulate my hon. Friend the Member for Leicester, East (Keith Vaz) on securing this debate, and I am grateful to him for his kind remarks. I welcome the early opportunity that he has provided for me to respond to the issues that he has raised.

We are strong advocates, as my hon. Friend said, of economic reform in Europe. Europe can only meet the challenges of globalisation by increasing the pace of reform. It has not been quick enough to date, as he has rightly pointed out. To realise the gains of globalisation, Europe needs to become more flexible, more open and more outward-looking.

In the past three years, cumulative economic growth has been 3 per cent. in Europe but 5.5 per cent. in the US and 6 per cent. in the UK. Living standards in Europe are a third lower than in the US. Eighteen million people in the European Union are out of work. US productivity is more than 14 per cent. higher. We need to speed up the pace of reform.

We are very pleased that, as my hon. Friend has pointed out, Wim Kok is chairing the high-level group on the mid-term review of Lisbon. We want to see that deliver a step change in the pace of reform. Last week, my right hon. Friend the Chancellor published the UK

[Mr. Stephen Timms]

submission to Wim Kok's group, setting out proposals for sharpening the focus of the Lisbon programme and increasing the incentives for reform.

At this weekend's European Finance Ministers meeting in the Netherlands, there was unanimity that the Lisbon programme is getting more important, not less. The challenges of globalisation are coming faster—developing countries accounted for 5 per cent. of world manufacturing exports a few years ago, and will soon account for nearly 50 per cent. I was in China last week, and saw something of the pace of development there.

The challenge for Europe is to combine economic growth while retaining the priority on social inclusion that sets us apart from the United States. Raising employment is the critical link that will allow us to achieve that balance. As Wim Kok said at the weekend, there is no option of economic security without change. We all need to make labour markets more flexible and adaptable, and reform our tax and benefit system so that it pays to have a job.

The Lisbon programme has been expanded over the past few years, diluting its original aims. The International Monetary Fund suggests that there are now 102 Lisbon benchmarks. We need to prioritise. We need a renewed focus on the objective: long-term growth, through increased employment and productivity.

We need to benchmark member states' performance. We should introduce annual Lisbon score cards at spring council meetings to rank members states' progress with economic reform, and enable Europe's leaders to set out specific plans for reform in the year ahead. We need to do more to sell the benefits of reform to European's citizens, and explain the costs of inaction.

The goal of long-term growth demands, in our view, progress in five areas as a priority. The first is further regulatory reform, building on the four-presidency initiative of January this year to reduce the burden of new and existing legislation on enterprising and innovative businesses. The second is urgent reform of labour markets, with all member states implementing the November 2003 European Employment Taskforce report. The third is the taking of further steps to create a competitive single market, liberalising services and developing a more effective competition policy. The fourth is promoting innovation and enterprise, improving the regulatory environment, swift agreement on the Community patent and improved access to finance for fast-growing firms. The fifth is trade and investment liberalisation, with EU leadership in world trade negotiations and a stronger transatlantic economic relationship. Let me say a little about each of those.

Good regulation underpins effective markets. Proportionate, clear rules make it easier to deal with market failures, such as monopolies that raise prices and reduce choice; but badly designed or excessive regulation can have a heavy cost. It can discourage enterprise, markets can be made less dynamic, and competition can be stifled. There is persuasive evidence that regulation in Europe is dragging down growth. In the United Kingdom as much as 50 per cent. of new legislation originates in Brussels, so improving the regulatory climate means taking action at European level. That is why, with the Dutch, Irish and Luxembourg Governments, we launched our four-presidency initiative for regulatory reform, spanning this year and next year. It was endorsed by all 25 Heads of State and Government at the spring European Council. In addition, the Dutch and Irish presidencies have launched a major simplification exercise, requesting priority areas from member states. Some 20 Governments responded over the summer.

As we look towards the EU presidency, we remain committed both to implementing the measures we have already set out and to developing further proposals to improve regulation in Europe. That is a key pillar of our strategy for economic reform.

As for labour market reforms, Europe—as my hon. Friend said—is in real danger of missing the 2010 employment targets, particularly the one he mentioned relating to older workers. We cannot rely on smaller nations such as the Netherlands and Scandinavia to do well enough to allow us to achieve our goals; all of us need to reform. Unless we are much more successful in moving people from economic inactivity to productive work, we will not have the work force that we need. It is right to create flexible labour markets and to equip people to cope with change—through investment in skills and training, through the best transitional help for people moving between jobs, and through policies to make work pay.

Member states need to act urgently to modernise the public employment services, using active job search to reduce long-term unemployment; to reform tax and benefit systems to tackle the disincentives to taking jobs; to ensure that we make work pay through targeted tax and benefit policies; and to invest in human capital to increase skills and lifelong learning. That approach has been successful in the UK, and needs to be taken up very widely.

The single market has been a big success story for Europe. It has allowed countries and regions to specialise in their strengths, and allowed companies to consolidate and become more efficient. It promotes the flow of ideas, and strengthens competition. It is estimated that since 1992 the single market has generated an extra £4,000 for every household in the European Union. Costs have fallen, and quality and choice have increased. But substantial barriers remain. Price differences suggest that competition is still not as open and fair as it should be. Too often Governments try to undermine market opening by building up national champions and protecting short-term interests.

So we have identified a number of priorities for extending the single market. Europe needs to stick to the deadlines and targets that it set itself in sectors such as telecoms and energy, which I know well from my previous work, as my hon. Friend mentioned. Political commitments that everybody signs up to need to be delivered. Moreover, competition policy at every level should be proactive and independent. The European competition authorities should not just respond to cases; they should be proactive in investigating markets and sectors. We need to reduce unnecessary, overly complex regulation, thereby cutting costs to businesses and employees and helping to make markets more open

and dynamic. We also need to remove unproductive, old-style industrial subsidies, while allowing innovative approaches to tackling market failure.

Fourthly, enterprise and innovation are very important drivers of progress. To compete effectively in an integrated global economy, Europe needs to improve its capacity to innovate, and to build an entrepreneurial culture. Some member states stand out as strong performers, but as a whole Europe continues to underperform compared with major international competitors. For example, it lags behind the United States in 10 out of 11 European Commission innovation performance indicators, and rates of entrepreneurial activity are about half those in the US.

Europe needs to become a more attractive place in which to invest in research and development by improving the regulatory environment and the sustainability of research funding, and by achieving speedy agreement on the Community patent. It needs to continue to improve access to finance for new and fast-growing businesses—those that we need most to generate new jobs and to boost productivity. We have also proposed that the EU introduce a new competition for a city of enterprise, so that, just as we compete to become the capital of culture, we will compete to find the most enterprising town or city in Europe.

The last of the five areas concerns an outward-looking Europe. Greater external openness to trade and investment reinforces the drivers of productivity and growth. Structural reforms and more open global markets need to be pursued together. We need to turn away from an inward-looking trade bloc model of Europe and instead be outward looking and globally competitive. Concluding a successful and liberalising multilateral trade round is a priority. Following achievement of the World Trade Organisation framework agreement in July, Europe needs to maintain its commitment and flexibility, particularly on agriculture, to make real progress by the next ministerial meeting in December 2005. Protectionism is hurting our economies and those of developing countries. Global income could be boosted by $500 billion a year—two thirds of which would go to developing countries—by a good, liberalising, pro-development conclusion to the Doha round.

We need to deepen co-operation with the US, which is our biggest trade and investment partner. The EU and the US should work together to eliminate the most difficult behind-the-border barriers, and to reduce the costs for business and consumers arising from duplicated regulatory systems. We welcome the call at June's EU-US summit for the consulting of business and others on the future of EU-US economic co-operation, leading to a road map for enhanced co-operation at next year's summit. The study by the Organisation for Economic Co-operation and Development on the economic benefits of transatlantic liberalisation that my right hon. Friend the Chancellor and the US Treasury Secretary have called for will provide an important evidence base for that work.

Accelerating the pace of economic reform is vital if Europe's economies are to become more flexible, dynamic, competitive and outward looking, and if we are to create a truly global Europe. That requires making progress in dealing with reform of the common agricultural policy. Some progress has been made, but we need a great deal more. Work needs to be done on the EU state aid regime, in respect of which a number of difficulties remain. There is also a good deal of work to be done on the future financing framework. In our view, the current Commission proposals do not meet the demands and challenges that need to be faced.

We will continue to work with other member states on the priorities that I have set out: further regulatory reform; urgent reform of labour markets; further steps to create a dynamic and competitive single market; promoting innovation and enterprise; and trade and investment liberalisation. I very much welcome my hon. Friend's reminding the House of the importance to us all of making progress on the priorities set out—

The motion having been made after Ten o'clock, and the debate having continued for half an hour, MADAM DEPUTY SPEAKER *adjourned the House without Question put, pursuant to the Standing Order.*

Adjourned at ten minutes past Eleven o'clock.

House of Commons

Tuesday 14 September 2004

The House met at half-past Eleven o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

HEALTH

The Secretary of State was asked—

Mental Health Care Hospitals

1. **Tony Baldry** (Banbury) (Con): What the Government's policy is on the optimum size of mental health care hospitals. [188501]

The Minister of State, Department of Health (Ms Rosie Winterton): It is for local trusts to determine the configuration of their provision according to their assessment of the needs of their population, the range of community and residential services already in place, and the resources available to them.

Tony Baldry: For many years, Banbury has had residential community mental health care, but that facility is being closed and will in future be centralised in Oxford. My constituents and many people in Oxfordshire want to understand how these ever-larger mental health care units are compatible with the concept of care in the community.

Ms Winterton: As the hon. Gentleman knows, it is for local primary care trusts to commission appropriate services for their population needs in the light of national guidance and the resources available. Care for people with mental health needs is increasingly being provided by the crisis resolution teams, home treatment teams and assertive outreach teams that are developing in all areas. The idea is as far as possible to keep people out of hospital and to provide care in people's homes, which is where they and their carers wish to have it.

Dr. Brian Iddon (Bolton, South-East) (Lab): Does my hon. Friend agree that there is a need to separate men from women and older patients from younger patients where they have incompatible lifestyles? Does she also agree that drug addicts and alcoholics can be a nuisance on wards, and that a larger hospital should be able to achieve such separations better than a smaller one?

Ms Winterton: I agree with my hon. Friend. Our evidence is that more than 99 per cent. of NHS trusts now provide single-sex sleeping accommodation. Obviously, patient safety is paramount, and we have recently issued further guidance on that matter. Since 1997, about £720 million has been spent on upgrading psychiatric facilities to deal with the points that my hon. Friend raises. Later this week, my right hon. Friend the Secretary of State, with the Secretary of State for Education and Skills, will publish information on these issues, including children's services.

Sir Michael Spicer (West Worcestershire) (Con): What is the budgeted cost of the Mental Health Bill?

Ms Winterton: Overall, we have spent around £300 million extra on mental health over the past three years. "Shifting the Balance of Power" provides for local primary care trusts to use the massive amount of extra investment that is being made available as they see fit within the national service framework. That investment will have increased by up to £90 billion by 2007. Within that, an extra £300 million has already been spent on mental health services, and we expect that amount to increase within the next few years.

Tim Loughton (East Worthing and Shoreham) (Con): Notwithstanding the answer that the Minister gave just now, if she is taking the whole subject of hospital mental health services seriously, can she explain why Mind, in its report "Ward Watch", which was published last week, found that 23 per cent. of recent and current in-patient respondents were accommodated in mixed-sex wards a year after the Government claimed 99 per cent. compliance, that a third of patients did not have access to single-sex bathroom facilities, and that a climate of fear, harassment and abuse exists on mental health wards, with cleanliness leaving a lot to be desired? When are the Government going to treat mental health patients on an equal basis with everyone else in the NHS?

Ms Winterton: Perhaps the hon. Gentleman did not hear some of the facts that I stated earlier. I accept that Mind issued its "Ward Watch" campaign document. Its survey was fairly small, covering 4 per cent. of people with experience of mental services, approximately only 2 per cent. of whom were being treated by mental health services when it was conducted.

The hon. Gentleman needs to recognise the additional investment—£720 million extra—to upgrade psychiatric facilities that has been made since the Government came to power. We believe that 99 per cent. of wards now provide single-sex sleeping accommodation. However, when I met Mind representatives last week, I said that if they wished to provide information in relation to wards where that was not happening, we would take the matter up. They accepted that their figures did not tally with ours, but I promised to look into any instances that they provided of mixed-sex sleeping accommodation.

Children's Hospices

2. **Mr. Peter Luff** (Mid-Worcestershire) (Con): What assessment he has made of the contribution that children's hospices make to palliative care. [188502]

The Parliamentary Under-Secretary of State for Health (Dr. Stephen Ladyman): Children's hospices make a very important contribution to the support of children with life-threatening illnesses and their families, and in providing emergency, respite and end-of-life care.

Mr. Luff: I am sure that the movement will be pleased to hear the Under-Secretary's endorsement in advance of next week's children's hospice week. However, does he share my concern about the much lower amount of funding that children's hospices receive from statutory sources, as compared with adult hospices? Does he understand that a hospice such as Acorns children's hospice, which will open in Worcester next year and serve a large geographical area—most of the south-west midlands and Gloucestershire—has to look for funding packages from up to 33 different primary care trusts? Has the time not come to consider again the quantum and management of funding for children's hospices?

Dr. Ladyman: First, the hon. Gentleman mentioned the children's national service framework, which we intend to publish tomorrow, not next week.

Mr. Luff: No, I mentioned children's hospice week.

Dr. Ladyman: My apologies—I thought that the hon. Gentleman referred to the children's NSF.

Acorns Children's Hospice Trust is currently in discussion with the local primary care trust, which is being supportive. I hope that the hon. Gentleman will be happily surprised by the outcome of the discussions. He made a point about a general uplift in funding. He must realise that children's hospices provide one of a range of services of which children with palliative care needs may make use, which include home care and hospital care. We could set a blanket figure for the proportion of funding that comes from the national health service only in one of two ways: either by unbalancing the mix of care, which would mean that some children who currently receive home care would no longer receive it, or by providing more money. The hon. Gentleman's commitment to 40 per cent. funding for hospices might make an interesting press release, but he does not intend to provide that extra money for the health service.

Mr. Michael Foster (Worcester) (Lab): Further to the comments of the hon. Member for Mid-Worcestershire (Mr. Luff) about the Acorns trust in Worcester, and given that it serves the three counties of Worcestershire, Herefordshire and Gloucestershire, will my hon. Friend write to the range of primary care trusts and local authorities in those counties to ensure that they do what they can to provide a more secure statutory funding basis for it, thereby making sure that it is there for children who will need it in future?

Dr. Ladyman: I am happy to ensure that the primary care trusts in those areas realise what their responsibilities are—I shall certainly do that for my hon. Friend. However, I assure him that they do understand those responsibilities. They are in active negotiation with the Acorns trust, have a close relationship with it as regards its two existing hospices, and are in discussion, which I hope will prove fruitful, about the one that is proposed for the near future.

Mr. Lindsay Hoyle (Chorley) (Lab): My hon. Friend makes a reasoned case, but he should examine the inconsistency between the funding for adult hospices and that for children's hospices. The poor relationship between the two in getting direct funding is the important issue. Derian house gets so little funding. We get some from the local primary care trust, and although children come from as far away as Scotland and London, the funding must be raised locally. We should ensure that we get equal match funding as between adult and children's hospices directly from the NHS. The sooner that happens, the better. It will ensure that the required service continues.

Dr. Ladyman: While I share my hon. Friend's desire to see the children's hospice movement succeed, I cannot agree with the solution that he proposes. That is because children's palliative care is a very different proposition from adult palliative care. Adult palliative care tends to involve end-of-life provision, whereas children's palliative care tends to involve long-term provision, respite or emergency care, and managing chronic conditions. It is therefore important that primary care trusts ensure that there is proper balanced provision and full availability of home care in their area. It might not be appropriate to have the same level of funding for an adult hospice as for a children's hospice in any particular area, so I cannot agree with my hon. Friend's solution to the problem.

Care Homes

3. **Mr. Andrew Stunell** (Hazel Grove) (LD): If he will make a statement on the availability of care home places for the *(a)* elderly and *(b)* physically disabled. [188503]

The Parliamentary Under-Secretary of State for Health (Dr. Stephen Ladyman): The independent Laing and Buisson survey shows that there is sufficient capacity to meet the demand for care home places nationally. We recognise that there are supply problems in some areas and have given councils extra funding to tackle them. However, going into a care home is not an inevitable outcome of growing old or being vulnerable, and we are giving people a choice as regards when and where they receive care.

Mr. Stunell: I thank the Minister for that reply. He cited the survey a little selectively, because 9,600 places have been lost nationally in the last year, 2,100 of them in the north-west. Does he accept that that will mean more bed blocking and less choice for patients and clients? Will he undertake to make it easier for social services to pay a viable rate for high-quality care, to keep those places available for my constituents?

Dr. Ladyman: The hon. Gentleman has given us an object lesson in quoting selectively. He did not mention the fact that Laing and Buisson also said that the demand for care home places fell by almost the same amount as the number of places that were lost. He did not mention that Laing and Buisson said that there were now 486,000 places available, which is 16,000 more than they identified as being available last year. He did not say that his own council, Stockport, has had a 71 per cent. cash increase since 1997 to fund these measures. If the council is not taking strategic responsibility for ensuring that there are no problems in the hon.

Gentleman's constituency, it will hardly come as a surprise to the rest of us, as that council is Liberal Democrat controlled.

Mrs. Claire Curtis-Thomas (Crosby) (Lab): Will my hon. Friend be kind enough to inform me how people with diminished responsibility who are incapable of making decisions on their own behalf can access health services to ensure that they do not become physically ill?

Dr. Ladyman: My hon. Friend will be interested in the forthcoming debate on the Mental Capacity Bill, which will allow for provision for people to receive the appropriate support when they have to make such decisions. Generally, in regard to older people's care and the care of people with learning disabilities and other problems that might diminish their capacity to make decisions, we expect councils and national health service bodies to work closely with those people and their families and advisers to ensure that they are able to access all services and to take the best possible decisions in their own interest.

Mr. Simon Burns (West Chelmsford) (Con): On the question of the occupancy and availability of care home beds, will the Minister tell the House how many people have been wrongly charged for their care in a care home in the past seven years? How many people have been reimbursed for being wrongly charged since the health service ombudsman uncovered this scandal? Why, when many of these people are dying during the delays in sorting the mess out, has the Minister missed so many of his own targets relating to reporting to the House? Has he met the target that he set in June, which was that every outstanding case up to 31 March this year would be dealt with by 31 July?

Dr. Ladyman: First, the hon. Gentleman is referring to NHS continuing care, which is not necessarily provided in care homes. He is absolutely right to say that there were a great many cases in which we believe mistakes to have been made, and we are working hard to deal with them. However, those cases do not primarily involve people who are still alive. Strategic health authorities have prioritised ensuring that compensation claims are dealt with and wrong decisions are corrected in regard to people who are still alive. The backlog that remains relates to people who have passed away, and we are now dealing with their estates. The hon. Gentleman knows that perfectly well, because I reported the relevant figures in my last written statement. I promised to make another written statement to the House as soon as possible. I never promised to make a statement on 8 September; I promised to do so as soon as possible, and I will. It would be inappropriate for me to give the House figures now, before I have made a full statement to the House.

Hospital-acquired Infections

4. **Bob Spink** (Castle Point) (Con): If he will give the most recent rate of hospital-acquired infection for *(a)* the NHS and *(b)* private sector health care providers. [188504]

The Minister of State, Department of Health (Mr. John Hutton): It is estimated that hospital-acquired infections affect 9 per cent. of NHS in-patients, which is broadly similar to the level in other European countries. For example, estimates for the Netherlands and Spain are 7 per cent. and 8 per cent. respectively, and it is estimated that rates could be as high as 10 per cent. in France. There are no estimates available for rates of hospital-acquired infections in the independent sector.

Bob Spink: What is undeniable is that these superbugs are growing like Topsy. They are afflicting more and more people, and will continue to do so unless we tackle the issue. Does the Minister, who is an excellent Minister, agree that one way to tackle it would be to publish clear statistics for every single hospital in the country, and to give patients the right to choose? That would put the onus where it ought to be, and force the system to correct itself. The right to choose is the way forward.

Mr. Hutton: The hon. Gentleman is an excellent Member of Parliament, too. I agree with him both in relation to publishing this information and giving patients the right to choose. Those are the Government's policies. In relation to publishing rates of MRSA infections, we have been doing that, and that information is available. In the case of Southend hospital, for example, which serves his constituency—it is also an excellent hospital, because both my mum and two of my sisters have worked there—last year, the trust reported an improvement in its MRSA infection rates. Obviously, there is more to be done, but it is equally true that many parts of the NHS are engaging properly with that debate right now.

Ms Gisela Stuart (Birmingham, Edgbaston) (Lab): When my right hon. Friend considers infection rates, will he take into account the fact that a significant number of patients entering hospital already have such an infection? Research shows that something like 17 per cent. of patients in nursing homes are infected, and University Hospital Birmingham NHS Trust found that something like 40 per cent. of patients had it in their blood culture. So the figures are not necessarily a direct reflection of the hospital's performance, but of a much wider picture.

Mr. Hutton: My hon. Friend is right, for the simple reason that, as we all know, MRSA is widespread in the community at large. It is not a bug that is simply manufactured and cultivated inside hospitals—obviously not. What we record are incidences of bloodstream MRSA infections, which is important if the national health service is to have a proper understanding of the nature of the problem. There is concern on both sides of the House, which I share, and we need to do more. I understand that, and we are trying to do that. It ill behoves Opposition Members to point the finger of blame at us for not doing enough, given that they were the ones who refused to collect the information in the first place.

Mr. Peter Lilley (Hitchin and Harpenden) (Con): Can the Minister explain why, in the years during which I

have been pursuing the issue of hospital-acquired infections, an increasing number of consultants, doctors and nurses have contacted me to say that in their hospitals the problem is made worse by the fact that clinical priorities are overridden by Government targets and bureaucratic priorities? Could that be the reason why the situation is worse in this country than in most countries of Europe, and according to the European Commission, is getting worse faster in this country than in the rest of Europe?

Mr. Hutton: I pay tribute to the right hon. Gentleman, who has been clear in his concerns, which he has raised over several years, but there are no data connecting waiting times targets with levels of HAIs. Bed occupancy rates in the US, for example, are very much the same as here, and it has similar rates of hospital-acquired infections. We need to focus on initiatives that we know work: the hand hygiene campaign, for example, will make a significant difference. It is not the case, however, that all those unfortunate infections can always been prevented. We estimate that up to a third can, and it is important that the NHS does all that it can to focus on those cases on which it can do more. That is what we are doing.

Mr. Stephen McCabe (Birmingham, Hall Green) (Lab): Obviously, I am interested in the views of consultants who write to the right hon. Member for Hitchin and Harpenden (Mr. Lilley), but can we contrast those with the views of trade union leaders and nurses who write to me saying that the problem has got worse since the contracting-out of cleaning services, for which his Government were responsible?

Mr. Hutton: I am grateful to my hon. Friend, who has restored a bit of balance to this debate. We have raised such issues with the right hon. Member for Hitchin and Harpenden (Mr. Lilley) previously, and we differ from him and his colleagues on this matter. I do not believe that the pursuit of compulsory competitive tendering led to an overall increase in standards of cleanliness in our hospitals—and the buck for that policy, I am afraid, rests entirely with him and his hon. Friends.

Mr. Andrew Lansley (South Cambridgeshire) (Con): If the right hon. Gentleman is an excellent Minister, he will have taken steps to identify and investigate the circumstances reported by the National Audit Office in which infection control teams recommended bed and ward closures. What practical steps has he taken?

Mr. Hutton: The guidance on ward closures still exists. It dates from the time when the hon. Gentleman's party was in government, and the Cooke report. We have made no changes whatever to the guidance that the hon. Gentleman—I assume—supported, as an active Conservative.

When the hon. Gentleman referred to the NAO report figures last week, he spoke of about 12 per cent. of cases in which ward closures did not result from the advice of local infection teams. That is a matter for concern. It is not clear from the report—the hon. Gentleman has no data and nor, unfortunately, have I—where the decision was countermanded. Was it countermanded by, for instance, clinical directors or other medical staff in the hospital?

What the NAO report does say—I am surprised that the hon. Gentleman did not confirm this—is that in nearly 90 per cent. of cases the advice was followed. I think that that is progress in the right direction.

Mr. Lansley: It is precisely in regard to that 12 per cent. that the Minister has told us that he has no information—no data. What steps is he taking?

It is true that when infection control teams make recommendations, they do so on the basis of risk assessments. It is in patients' interests, and necessary for their safety, that the recommendations be followed. Ninety per cent. is not a good enough result. In 12 per cent. of cases, the advice was not followed: it was countermanded by hospital management. The NAO said that in 2 per cent. of cases it was advised against by the strategic health authority, which is directly under the Minister's control. Will he now tell us that on no future occasions when infection control teams have made the appropriate risk assessments and recommended a bed or ward closure will that recommendation be ignored for the purpose of pursuing the hospital's waiting list targets?

Mr. Hutton: As my right hon. Friend made clear in last week's debate, we have always believed that these are matters for clinical judgment and clinical priorities, which should always be dealt with on that basis in the national health service.

General Practitioners

5. **Mr Adrian Bailey** (West Bromwich, West) (Lab): What change there has been in the provision of general practitioners since 1997. [188505]

The Secretary of State for Health (Dr. John Reid): Since 1997, there has been an increase of 3,081—11 per cent.—in the number of GPs, excluding retainers, registrars and locums, and an increase of 1,096—no less than 81.6 per cent.—in the number of doctors training to be GPs. In March 2004, there were 31,127 GPs, the highest number in the history of the NHS. I believe that those record numbers show the Government's commitment to expanding the GP work force.

Mr. Bailey: Those figures are reflected in my constituency, which has historically been underprovided with GPs. There are still shortages, however, and to get around the problem local practices have been pooling resources, sharing information technology, appointment systems and the recruitment of positions' assistants. What steps are being taken to promote such examples of best practice in other areas with chronic shortages, and ensure that everyone everywhere enjoys the standard of service that we should expect?

Dr. Reid: I am aware of the steps that have been taken by my hon. Friend's local primary care trusts, particularly Wednesbury and West Bromwich PCT. In partnership with Birmingham and The Black Country strategic health authority and other local PCTs, it has been developing a fairly radical plan to improve its own GP recruitment and retention.

Nationally, we are taking action to ensure that the current record number of GPs can work in partnership whenever possible, to ensure excellent primary care provision. For example, the national primary care development team is working with practices to promote primary care modernisation, and some 5,000 practices are taking part. That covers more than 32 million patients in England. Not only do we have a record number of GPs; increasingly, GPs are working in partnership to produce an even better service.

Mr. A. J. Beith (Berwick-upon-Tweed) (LD): Is the Minister aware that one of the changes of which constituents are most conscious is the withdrawal of practices from night cover, which has resulted in my constituency in an area of 1,000 square miles having resident within it only one doctor on duty between midnight and 8 am? That has put great pressure on the ambulance service, and some health authorities have been reported as having to recruit doctors from Germany to provide night cover. One Scottish health board has had to pay £1,000 a night for health cover. Has this part of the new contract not gone rather worryingly wrong?

Dr. Reid: I do not believe that it has gone worryingly wrong. That part of the new contract, allied with the record number of general practitioners in this country, is meant to give a greater, better and faster service to patients. However, if the right hon. Gentleman brings to my attention examples about which he is concerned as the arrangements develop, I will certainly look further into specific cases. As a general point, it is necessary to make it absolutely plain—everyone must understand this—that we are committed to ensuring that patients have access to high-quality, appropriate and timely health care out of hours. I can tell the right hon. Gentleman that the Minister of State, Department of Health, my right hon. Friend the Member for Barrow and Furness (Mr. Hutton) will shortly be publishing requirements that clarify exactly what is expected of out-of-hours cover. I can make it absolutely clear in the meantime that that will include access to home visits—this is very important—from a GP, should a patient's condition require it, and access to a Saturday morning surgery.

Andrew Mackinlay (Thurrock) (Lab): May I remind the Secretary of State that one aspect of the Government's policy and programme that both he and I enthusiastically support is the development of the Thames gateway? I should like to draw to his attention the need for him to discuss with the Minister for London and with my primary care trust the acute shortage that already exists in Thurrock—a new town with an urban development corporation and an awful lot of single GP practices. If we are to succeed in our policy objectives, we need truly joined-up government as between my right hon. Friend the Secretary of State and the Office of the Deputy Prime Minister, to ensure that my constituents' needs for GPs are met. I am currently facing a crisis and there must be sufficient GP provision as we build up the area and make it a quality place in which to live.

Dr. Reid: My hon. Friend will have heard what I said about the national picture in England and about the record number of GPs. He will also know that, throughout the country, about 19 out of 20 patients can now see a GP within 48 hours and a nurse practitioner within 24. However, I recognise that there are regional variations and particular problems in certain areas. Nineteen out of 20 implies that some people do not secure that access. On the implications of the Thames gateway project, I can tell my hon. Friend that we are aware of it; that we have made more money available because of it; and that we are ahead of him in that we are already entering discussions, through my right hon. Friend the Minister of State, with the local primary care trusts. I hope that my hon. Friend does not feel that the door is so open that he has fallen through it, but he is certainly pushing a door that is already ajar.

Dame Marion Roe (Broxbourne) (Con): I welcome the Government's target of 2,000 new GPs, but does the Secretary of State agree that simply referring to the total number of GPs does not reveal the difference between whole-time equivalents and part-timers? After all, the British Medical Association says that we need 10,000 new doctors. Will the Secretary of State tell the House how and when this target will be achieved and what plans he has to recruit more GPs?

Dr. Reid: That is an excellent question from an excellent Member of Parliament. First, I welcome her support—*[Interruption.]* Indeed. She followed another excellent Member of Parliament in the previous question. I welcome her support for sensible targets and objectives for increasing the number of doctors. Secondly, I can assure her that we not only have a record number of GPs in terms of head count, but the biggest ever increase in terms of whole-time equivalents as well. Thirdly, I would say that this is a slightly different thing from saying that we have as many GPs as we want and need. We do not: there is still a shortage. The addition of 19,000 doctors in our seven years in office is something about which we can have some satisfaction, but it does not make us in the least complacent.

Finally, in respect of achieving all the objectives that the hon. Member for Broxbourne (Dame Marion Roe) so sensibly outlined, it would be a disaster to approach that task by reducing the money going to the mainstream NHS and introducing charges for NHS patients. Perhaps she should have a word with hon. Members on her own Front Bench about that.

Sir Patrick Cormack (South Staffordshire) (Con): May I congratulate the Secretary of State on his admirable bedside manner? Does he agree that the best general practitioners are those who know their patients as individuals? To revert to a point made by the right hon. Member for Berwick-upon-Tweed (Mr. Beith), what percentage of GPs offer an out-of-hours service, compared with the percentage that obtained in 1997?

Dr. Reid: The number of GPs offering out-of-hours services is changing as a result of the new contract, but I would not like to say that it has changed dramatically. There has been a gradual change in such provision over the period as, for example, more co-operatives and locums have come to be used. Opposition Front-Bench Members should not pretend that that did not happen under the previous Government. Things are changing

because of the new contract, and we will keep a close eye on that, but I have made it plain already that we fully expect that those who need a GP call-out can get one, and that Saturday morning surgeries will be provided. My right hon. Friend the Minister of State will repeat that message in more specific terms later this week, and he may even offer more detail later today.

NHS Dental Services

6. **Mr. Peter Pike** (Burnley) (Lab): If he will make a statement on progress in the north-west in providing NHS dental services. [188506]

The Minister of State, Department of Health (Ms Rosie Winterton): An extra £7.5 million was allocated in July to strategic health authorities in the north-west to improve immediate access to NHS dentistry. In the longer term, we are radically reforming the way in which dentistry is delivered, supported by £368 million of additional investment. That includes recruiting the equivalent of 1,000 extra dentists by October 2005, and training an extra 170 dentists each year.

Mr. Pike: I thank my hon. Friend the Minister for that answer and for her personal interest in the provision of NHS dentistry in Burnley and east Lancashire. I am pleased to hear what the Government are doing to address the problem, but I am sure that she will know that more constituents write to me every week about this matter than about any other. One of the biggest problems is that people who are entitled to free NHS dental services often cannot afford to go to the places where they can receive them. What can we do to deal with that matter as a priority?

Ms Winterton: My hon. Friend is right to say that there are problems with immediate access and that one of them is the distance that people have to travel to obtain NHS dentistry. That is why we have asked each primary care trust to draw up a dental action plan, saying how they will use some of the extra money that we have made available now to overcome those problems. I have looked at the plan in my hon. Friend's area and can assure him that it will improve access for about 37,500 people. Not all of those will be new patients because some will be NHS patients who will not have to travel as far as they do at the moment.

Mrs. Ann Cryer (Keighley) (Lab): Is my hon. Friend aware of any innovations, either in the pipeline or being tried out, that could help the situation in the north-west and in my constituency, where there is a severe shortage of NHS dentistry provision? For example, would it be possible to use mobile dental surgeries?

Ms Winterton: My hon. Friend is right, and a number of dental action plans will involve mobile surgeries. At the same time, we are looking at international recruitment and at encouraging dentists who may not be practising at the moment to return to work. We have had 186 inquiries in response to our advertisements about that. However, we also want PCTs to look locally at how they can attract dentists into their areas, perhaps by moving people to the new contract more quickly or by considering some of the ideas in respect of international recruitment or mobile surgeries. Every PCT is drawing up a plan to say how it will spend the extra money with which we have provided it.

Mid Yorkshire Hospitals NHS Trust

7. **Mr. John Grogan** (Selby) (Lab): If he will make a statement on the financial situation of the Mid Yorkshire Hospitals NHS Trust. [188507]

The Parliamentary Under-Secretary of State for Health (Miss Melanie Johnson): The West Yorkshire strategic health authority is currently working with the trust to agree a sustainable financial recovery plan that delivers an appropriate level of health care for the local community.

Mr. Grogan: Is my hon. Friend aware that I have been told that, in order to meet financial targets, senior managers at the trust are considering bringing forward proposals within the next month that would involve the closure of the accident and emergency unit at Pontefract general infirmary? Such proposals would be completely unacceptable to the people of mid-Yorkshire as far east as the villages of Sherburn-in-Elmet and Osgoldcross in my constituency. Can she provide me with any reassurances and will the Secretary of State agree to meet local Members of Parliament to discuss the financial situation of the trust?

Miss Johnson: My hon. Friend will probably be aware that all six Health Ministers had the pleasure of a visit to Yorkshire at the start of September. Indeed, the Minister of State, my hon. Friend the Member for Doncaster, Central (Ms Winterton), visited the accident and emergency department at Pontefract as part of that visit. I assure my hon. Friend that 24-hour A and E services will be maintained at the Pontefract general infirmary and I assure other hon. Members who represent the area that no closures of A and E departments are proposed. We will of course consider any requests for meetings that we receive and see if we can provide any further assistance.

Mr. David Hinchliffe (Wakefield) (Lab): In the local media last week, the finance officer for the trust gave a positive picture of the way in which it is addressing the deficit. However, will my hon. Friend examine the amount of money that the trust has spent out of the additional money allocated by the Government on securing care in the private sector locally to meet Government targets and ensure an improvement in star ratings? That is a significant factor in the problem of the deficit that the trust faces.

Miss Johnson: I am grateful to my hon. Friend for his question. There has been and continues to be an unprecedented level of investment in the NHS, including in Yorkshire and the Wakefield area. We are investigating whether we can get an even better deal out of the provision that has been made through purchasing in the private sector and we are always seeking to achieve a more cost-effective use of resources. I am sure that my hon. Friend will join me in welcoming all the additional investment that Yorkshire has received from this Government.

Hospital Star Ratings

8. **Bob Russell** (Colchester) (LD): How many acute hospital trusts have three stars; and how many trusts have lost this status since it was introduced. [188508]

The Parliamentary Under-Secretary of State for Health (Dr. Stephen Ladyman): In 2003–04, 74 acute NHS trusts received three stars, compared with 35 in 2000–01. That demonstrates that overall trust performance has improved. Twenty trusts lost their three-star status in the most recent year's figures.

Bob Russell: Does the Minister agree that the star system is misleading the public and is grossly insulting to medical and support staff in those trusts that have gone from three stars to two stars and then to one star, given that their work rate has not diminished? The staff are working their socks off, but for other reasons such as the way in which the accounts are done or the privatised cleaning services, the star rating has been dragged down. On the clinical focus measure, one-star Colchester comes ahead of two-star Ipswich, two-star Chelmsford and three-star Southend. Given the choice, where would the Minister prefer to go and which of those hospitals provides the best clinical focus for patients?

Dr. Ladyman: The hon. Gentleman completely misunderstands the purpose of the star-rating system. It is, first and foremost, a tool to help management improve the overall standard of the hospital. Secondly, it is a tool to ensure that local people understand in a simple way what is happening in their local trust. He says that financial management and accounting are unimportant. Does not he realise that every £1 wasted means less treatment for his constituents? Every £100 or £1,000 that is not spent properly means delays to someone's operation. That is why financial stringency is important in the ratings system.

Mr. Kevin Barron (Rother Valley) (Lab): Does my hon. Friend agree that both attaining and retaining three-star status is a challenge for everybody working in the national health service? Will he congratulate both my local hospital, Rotherham general hospital, which for the third year running has retained three-star status, and the primary care trust, which has attained it for the first time? Does he agree that hard work locally and increased funding nationally is improving health care and the health of the people of Rotherham and the surrounding area?

Dr. Ladyman: I entirely agree with my right hon. Friend. As he says, attaining and keeping three-star status is difficult, and it is doubly difficult because, of course, we make the standards higher every year. The fact that the hospital had three stars last year and this year means that it is continuing to improve and my right hon. Friend should be proud of, and congratulate, all the people in the NHS who have contributed to that, as well as the Government for the funding that made it possible.

Mrs. Patsy Calton (Cheadle) (LD): What warning did the Department of Health give hospitals seeking foundation trust status that they would not receive the £1 million achievement award under the capital bonus scheme for maintaining three-star status if they were successful in achieving foundation status? I hope that, as a reasonable Minister, he will reconsider that decision, given that it is causing particular problems for hospitals that had expected to receive that £1 million bonus.

Dr. Ladyman: The Minister of State, my right hon. Friend the Member for Barrow and Furness (Mr. Hutton), who deals with those matters, takes a sympathetic attitude and he assures me that such hospitals are receiving the £1 million.

Mr. Bob Blizzard (Waveney) (Lab): Will my hon. Friend look closely at the fine detail of the process for assessing performance for star status? My local hospital, the James Paget Healthcare NHS Trust, was a three-star hospital and worked out that this year, if in a particular month it had carried out fewer operations, it would have retained its three-star status. Does he agree that we should not have a system in which through some bizarre quirk a hospital can lose a star because it did more work?

Dr. Ladyman: I can give my hon. Friend the assurance that he seeks. The Commission for Healthcare Audit and Inspection—a body completely independent of Government—is responsible for both devising the mechanism for inspection in the star-rating system and carrying it out. The commission is reviewing the inspection process to ensure that some of the anomalies are removed and that there is richer and broader representation of issues about which the public have every right to know—a right that the Conservatives would take away from them.

Mr. John Baron (Billericay) (Con): With regard to the Minister's answer to a previous question, he should at least accept that public confidence in the star-rating system is very low, with recent research by the Consumers Association showing that 50 per cent. of patients would not use star ratings to help them choose a hospital. Is that any wonder when star ratings tell a person whether their local hospital has long waiting lists but not about the waiting list for their particular condition and when star ratings unfairly tar all departments, whether good or bad, with the same brush? Will he recognise that stars may be a good way of measuring hotels but not complex organisations such as hospitals and will he stop fiddling with the system? Will he scrap it and replace it with clinical standards and better information, which would be far more useful to the patients?

Dr. Ladyman: I wonder how members of the public would know anything about their local hospital if we implemented a policy that took that information away from them. Of course, the Consumers Association found that a significant proportion of people would not rely only on the star-rating system to judge their local hospital; I would not either and nor would my hon. Friends. We all make judgments based on a mix of information, including local experience, family referrals, the views of local staff and the star-rating

system, but at least the star-rating system gives a basis for people to make sensible decisions and obtain objective information.

Mr. Harry Barnes (North-East Derbyshire) (Lab): In determining star status, how much weight is given to whether a dedicated stroke unit has been established in a trust? Unfortunately, the Chesterfield and North Derbyshire Royal Hospital NHS Trust has not yet established such a unit, so what action is being taken to assist, encourage and press trusts to set up such essential units?

Dr. Ladyman: First, I can tell my hon. Friend that an indicator on stroke care is part of the clinical focus score card used in assessing star ratings. Every acute trust ought to have a dedicated stroke unit. That is one of the priorities that we set under the national service framework for older people. I am sorry to hear that his local trust has not yet achieved that, but I assure him that it should be working to achieve it as soon as possible and I will certainly do everything that I can to encourage it to fulfil that objective.

Hospital-acquired Infections

9. **Tom Brake** (Carshalton and Wallington) (LD): What progress has been made in implementing, "Winning Ways", his Department's policy on hospital infections. [188509]

The Minister of State, Department of Health (Mr. John Hutton): The Department and the national health service are both actively implementing the initiatives contained in "Winning Ways", for example, through new local directors of infection control and a new hand hygiene campaign, which will help to meet our objective of reducing the incidence of MRSA—methicillin-resistant Staphylococcus aureus—in the NHS.

Tom Brake: I thank the Minister for his response. He will be aware that isolating patients is a key tool in tackling MRSA and severe acute respiratory syndrome, yet I understand that no figures are available centrally on what isolation rooms are available in hospitals. Will he instigate a review to look at their availability nationwide to find out whether sufficient isolation facilities are available?

Mr. Hutton: I am grateful to the hon. Gentleman for those comments. We obviously keep such things under careful review, and one of the things that we have been saying to the NHS is that we want more single rooms to be built into new hospital provision. That is an effective way to help the NHS and hospitals to deal with incidents of MRSA infection because, as he says, isolation is very important. We are looking carefully at all those issues.

Mr. Andrew Miller (Ellesmere Port and Neston) (Lab): I welcome my right hon. Friend's initiatives on this matter, but when he publishes the data that he is collecting, will he be careful not to publish a crude league table, as that could be extremely misleading to people? We need to ensure that we are comparing apples with apples. When he publishes that data, will he also include some information about the risks, putting them into perspective? One of the difficulties is helping the public to understand that we are talking about a very small risk.

Mr. Hutton: Again, I am grateful to my hon. Friend for those comments. We have been publishing information about MRSA bloodstream infections for some time. That information is widely available. Next year, we will publish further information about, for example, glycopeptide-resistant enterococci, DNV and orthopaedic surgical site infections. That is part of a suite of information that we want to be available to the public so that they can make informed and sensible choices—very much in the way that we have been encouraged to do by others.

Mr. Archie Norman (Tunbridge Wells) (Con): We had a very constructive debate on this issue last week, but may I ask the Minister specifically about the patient environment action team inspections and the rate of hospital infection? My local hospital in Tunbridge Wells was recently subject to an undercover investigation by the BBC that resulted in very worrying revelations about the standards of cleanliness, and the ubiquitous Professor Hugh Pennington declared it to be the worst that he had ever seen. That hospital was declared to be acceptable by the PEAT, as were all NHS hospitals last year. Will the Minister now accept that what was acceptable to the PEATs is now no longer acceptable as a standard in an MRSA world and that those inspections need thoroughly overhauling to be much more based on taking account of the general standard of hygiene and discipline in hospitals and probably involving microbiological tests specifically for MRSA in high-risk areas?

Mr. Hutton: Again, the hon. Gentleman is quite right: we had a constructive debate last week, and it shows the value of trying to approach these issues in that way rather than by jumping on political bandwagons and shroud-waving to raise anxieties and fears as, I am afraid, some have tried to do. I agree with him about that. I also agree that it is important that we take into account the best scientific advice and intelligence that is available to us on standards of hygiene and cleanliness in our hospitals. That is very much what the chief medical officer is trying to do and I will draw his attention to the hon. Gentleman's remarks.

General Practitioners

10. **Mr. David Cameron** (Witney) (Con): What recent representations he has received about out-of-hours cover for general practitioners; and if he will make a statement. [188510]

The Minister of State, Department of Health (Mr. John Hutton): I have received representations from right hon. and hon. Members, as well as from a number of different organisations. As a result of changes agreed by GPs and by the House last year, primary care trusts now have responsibility for arranging the provision of out-of-hours services, which must comply with national quality requirements, ensuring that patients continue to have access to GP home-visiting services.

Mr. Cameron: I thank the Minister for that reply, but is he aware that, in west Oxfordshire, out-of-hours cover

will no longer be provided by a doctor, but by a paramedic? Those requiring to see a doctor may have to travel to Abingdon, which can take up to an hour. If the point of all the extra money going into the NHS was to ensure a better service, can he explain why many of my constituents seem to be facing a worse service? Does he agree that the policy will have failed if all we get are longer queues at accident and emergency departments such as at the John Radcliffe? Will he ensure that the review that the Secretary of State announced earlier looks specifically at the situation in west Oxfordshire?

Mr. Hutton: I will certainly look at the situation in the hon. Gentleman's constituency. The advice that I have received is that the primary care trust is now providing the service itself, that local GPs are available as part of a multi-professional work force and that GP home visits are being made when that is necessary.

I will obviously take into account the hon. Gentleman's concerns. They are widespread and we have to respond to them. My right hon. Friend the Secretary of State has made it very clear today how we will do that. It is part of a process of change and not a completely new invention. In 1990, the previous Conservative Government gave GPs the right to opt out of providing out-of-hours services themselves and 95 per cent. of them did that. This is therefore the completion of that process, but it is very important, as we make this final change, that the patients and public are properly reassured about the level and quality of service that will be available to them. That will be enshrined in new national legally enforceable standards and requirements, guaranteeing the access of the hon. Gentleman's constituents to the sort of service that he has just been talking about.

Dr. Richard Taylor (Wyre Forest) (Ind): Can the Minister give the House any estimate of the difference in costs between the new methods of out-of-hours cover and the old methods?

Mr. Hutton: Sadly, the information that we used to collect on the cost of out-of-hours-services was not the most robust information that we had. The latest figures that I saw showed that the cost incurred by providing out-of-hours services was about £120 million. This year, we are providing £316 million to provide effective and comprehensive out-of-hours services. It is obviously crucial from our point of view as Ministers and for our accountability to the House that we can satisfy right hon. and hon. Members that that money is being spent to provide a sensible and comprehensive service. We will discharge that responsibility, because all of us understand the importance for our families and friends of people being able to access GP services out of hours. That will continue.

Vaccination

11. **Dr. Vincent Cable** (Twickenham) (LD): If he will make a statement on the launch of the new five-in-one vaccine. [188511]

The Parliamentary Under-Secretary of State for Health (Miss Melanie Johnson): On 10 August, we announced that a new combined vaccine would be introduced for babies from the end of September onwards. While the current vaccines are very safe, the new vaccine is even safer. A range of clear factual information resources for parents and health professionals has been produced to support the programme.

Dr. Cable: Can the Minister explain the terrible confusion that arose at the launch when the Department of Health leaked to the press information about the new vaccine before GP surgeries had been informed of the detail? That resulted in the leading medical centre in my constituency approaching me because hundreds of calls had been received from anxious parents. In particular, can she clear up the issue of the safety of the old stock of vaccine?

Miss Johnson: There are no issues about safety in relation to this. As I said, the old vaccine is very safe and the new vaccine is even better for reasons that I can explain later.

On the hon. Gentleman's point about the leak, it was not a leak. I understand that a relatively junior member of staff in the Health Protection Agency informed somebody about the proposed change and that that person then informed a national newspaper. In consequence, about a week ahead of a letter that was proposed to go out informing the service— *[Interruption.]* But not from the Department of Health. It was not a Department of Health leak, but something from an agency that came out without the chief medical officer's letter that was due the following week. We got the letter out as quickly as we could and staff have been informed. I understand that the new vaccination is receiving a very warm welcome from people who welcome the development of the new safer vaccine that is offered by the five-in-one.

Dental Schools

12. **Mr. Gordon Prentice** (Pendle) (Lab): What plans he has to establish new dental schools. [188512]

The Secretary of State for Health (Dr. John Reid): On 16 July, I announced that we are to fund 170 extra undergraduate dental training places as part of a £368 million funding programme to revitalise NHS dentistry. Capital investment of £80 million over four years will support this expansion.

Mr. Prentice: The extra 170 training places is marvellous news, but the dental work force report told us only in July that there is currently a shortage of 1,850 dentists in England and that the figure may well double by 2011. Will the extra 170 training places close the gap or is the capacity problem so acute that we need to open new dental schools?

Dr. Reid: May I first say that, although this does not deny the challenge on dentistry that we face in any way, the figures that my hon. Friend cites are from an older

report published before we changed the system of commissioning? *[Interruption.]* The hon. Member for New Forest, West (Mr. Swayne) and his colleagues laugh, but they closed two dental schools, which contributed to the problem. One reason why we have a problem is the closure of dental schools by the previous Government and a second is their introduction of a contract in 1992, although they were warned at the time that it would lead to the sort of problems that we now face.

We have tried to remedy the situation piecemeal up until now, but that has not worked, which is why I recently announced a huge injection of cash and the introduction of 170 new places—the equivalent of two or three dental schools, or those closed by the Conservatives. I have also made a firm commitment to recruit an extra 1,000 full-time equivalent dentists in the health service by next October. There is a problem throughout the country, but the Government are taking robust action to remedy it.

Hurricane Ivan

12.30 pm

The Secretary of State for International Development (Hilary Benn): With permission, Mr. Speaker, I wish to make a statement about Hurricane Ivan.

Hurricane Ivan is the most powerful hurricane to hit the Caribbean for many years. It has been moving across the region for several days, causing devastation in its wake. I am sure that the House would first like to express its sadness at the loss of life, injury and damage to homes that many people have experienced.

Initially, Hurricane Ivan was a category 3 with wind speeds of 111 to 130 mph. It was on a course towards Barbados, but veered south, passing the island by about 100 miles. That was, however, still close enough to create tidal wave surges, uproot trees, bring down power lines, rip off roofs and damage hundreds of properties. Fortunately, there was no serious flooding.

Ivan then strengthened to a category 4 hurricane as it reached Grenada on 7 September, bringing sustained winds of 115 mph and gusts of up to 150 mph. Several hundred people from the low-lying areas of St. George's, the Grenadian capital, were evacuated, but 17 people were reported to have been killed, with 60 taken to hospital. Approximately 60,000 people were made temporarily homeless—about two thirds of the island's population. Water and electricity supplies were severely affected. Telephone lines were cut, thus making initial contact with the island very difficult. There were also problems of looting, so security personnel were deployed from Barbados, Antigua, St. Kitts and Trinidad and Tobago to assist security officials in Grenada to restore law and order.

The hurricane caused structural damage to nearly every major building in St. George's, including the island's emergency operations centre, the Prime Minister's residence, several schools, the main hospital and a nearby prison. The immediate help requested by the Government of Grenada was for supplies of plastic sheeting, tarpaulins, tents, roofing material, building supplies, construction tools, food and batteries.

Ever since the development of the first hurricane system to affect the region, which was Hurricane Frances, the Ministry of Defence, the Department for International Development and the Foreign and Commonwealth Office have been working closely together to ensure that HMS Richmond and Royal Fleet Auxiliary Wave Ruler were available, equipped and in position to provide immediate assistance. HMS Richmond and RFA Wave Ruler began helping the Grenadian relief effort at the earliest opportunity on 8 September. They provided a party of 48 sailors to clear debris and undertake the most urgent repairs, including restoring electricity supplies to the hospital. They were also able to provide medical staff, deliver medicines, offer basic air traffic control for the island and help to re-establish the island's emergency operations centre. A helicopter was made available to the Prime Minister and officials for aerial surveillance of the island to help with initial damage assessment.

As a result of preparation for the hurricane by the Caribbean Disaster Emergency Response Agency, and of collaboration between DFID and the United States Agency for International Development, arrangements were in hand to access relief stores from USAID's Miami warehouse. The first emergency relief supplies, funded by USAID, arrived in Grenada on 9 September, including blankets, plastic sheeting, dry food and water for 20,000 people. The Governments of Barbados and Trinidad and Tobago also shipped bottled water, food, tents, generators, plastic sheeting and water bladders using coastguard vessels.

Following a request on 10 September from the Pan American Health Organisation, the UK provided an immediate contribution of £83,000, which enabled emergency personnel to undertake disease surveillance and control, and provide urgently needed medical supplies. DFID also had an aircraft on standby in Miami to deliver 140 rolls of plastic sheeting—enough for 1,400 families—and 11,000 jerry cans. Because of conditions on the ground, the Caribbean Disaster Emergency Response Agency asked for the flight to be held back 24 hours. It arrived in Grenada on 11 September.

The International Federation of the Red Cross has released money from its disaster relief emergency fund—DFID contributes to it annually—which exists to provide urgent help. Further assessment of needs on Grenada is now being undertaken.

The eye of Hurricane Ivan then moved to the south of Jamaica on the night of 10 and 11 September and moved across the Cayman Islands on 12 September. Its strength varied, reaching category 4 in passing Jamaica and variable 4 to 5 on its approach to the Cayman Islands. Initial reports from Jamaica indicate that the impact has, fortunately, not been as severe as first feared, although, tragically, 15 people have reportedly lost their lives and there has been widespread damage. The Jamaican Government have declared a state of emergency and called for international assistance. Initial assessments have been undertaken by the international and regional Red Cross teams, Save the Children UK and Oxfam, and the UK has sent two humanitarian advisers to the region to advise on what help is needed. They are in Jamaica now and will report this afternoon.

Initial reports indicate that the Cayman Islands have been severely affected. There has been extensive roof damage to many homes. As of last night, there were no reports of loss of life, but there are unconfirmed reports of injuries. Contact with the island authorities is still extremely difficult, but HMS Richmond, which is now offshore, reports that travel is very restricted, with 25 per cent. of Grand Cayman under water. The sewerage system is flooded and there has been no power since Saturday. The governor has requested immediate supplies, including plastic sheeting, cots for small children and water purification equipment. We are looking to dispatch those in the next 24 hours. The governor has also imposed a curfew. The DFID assessment team will try to get to Grand Cayman tomorrow.

The hurricane has since moved on to Cuba. Initial reports suggest that it has affected only the far west and south-west of the island, which had been evacuated. There are, however, reports of flooding. We are ready to provide assistance if requested.

[Hilary Benn]

We will continue to monitor the situation on the ground across the Caribbean. The International Red Cross intends to launch a regional appeal in the coming days, and we will contribute to it. I am sure that the thoughts of the whole House are with all those who have been affected by this terrible force of nature. We will continue to do all that we can to help them as they seek to rebuild their homes and their lives.

Mr. Alan Duncan (Rutland and Melton) (Con): May I, first, say that I am delighted to have been appointed the Secretary of State's opposite number? I also thank him for giving me advance sight of his statement. I certainly look forward to working with him to argue for the best way that Britain can champion and help the poorest in the world. I look forward, too, to working with the voluntary and charitable organisations that do so much to alleviate the plight of the world's least fortunate.

May I, briefly, also take this opportunity to thank my predecessor, my hon. Friend the Member for Buckingham (Mr. Bercow), for what Members on both sides of the House say was very sincere work over the past year? I am regularly mistaken for him, but that is, perhaps, what makes us so readily interchangeable.

It is a rewarding part of being British that we all know that we are part of a country whose global reach and historic experience equip us to give so much help to others when they desperately need it, and now is just such a moment. A quick scan of the satellite imagery illustrates the immensity of Hurricane Ivan, with its destructive force extending far beyond the passive eye of the storm. The Secretary of State graphically described fierce winds of over 150 mph whipping through the region, leaving in their path a trail of death and despair. Thousands of homes have been damaged and scores of people have died. Eight countries are affected, five of which are members of the Commonwealth.

The scale of the calamity is enormous, and unless Britain and the international community take immediate and effective action those countries face a miserable aftermath.

Modern weather forecasting allowed us to see that the hurricane was building up, and I congratulate the Secretary of State and his Department on their preparatory action and on sending advisers to Jamaica at the earliest possible opportunity. It is clear from his statement that, through our efforts, we are seriously engaged with host Governments and the United States to do all that we can to help, which I applaud. What, however, is his assessment of how much his Department will spend to alleviate the effects of the hurricane? What are his priorities for the way in which the money will be spent? How will he channel it to the people who need it most? Will he give it directly to the Caribbean Governments, or will he channel it through NGOs on the ground? How does he intend to set the balance between the two? If NGOs are to be given any money, it is best that they know now, so that they know where they stand and can set about their business urgently in the knowledge that they can pay for it.

I salute HMS Richmond and the Royal Fleet Auxiliary Wave Ruler for their rapid response and superb rescue work. Their presence is a timely reminder of the vital importance of the role that British forces can play in humanitarian relief, and is a testament to the professionalism and adaptability of the men and women who serve in them. Given that hurricanes are an annual phenomenon in the Caribbean, however, will the Secretary of State reassure the House that despite the Government's proposed defence cuts the same level of Royal Navy assistance will be stationed in the Caribbean in future? My right hon. and learned Friend the Leader of the Opposition delivered a speech yesterday about climate change and, indeed, the Prime Minister will refer to the topic today. My right hon. and learned Friend said that the problem is inevitable and that there is a serious need to address it. Hurricane Ivan is an acute example of that phenomenon. Will the Secretary of State refocus his Department's resources to adapt to the growing threat posed by climate change, given that the risk of such natural disasters is probably growing rather than receding?

As with any humanitarian disaster, so far we have only seen the initial impact. I do not doubt that the Secretary of State will do all that he can to help everyone hit by the hurricane, but as the news cameras redirect their gaze, we know that the deepest need is just beginning. We all hope that when those hard-hit countries are out of the news the hard work of helping them will still continue.

Hilary Benn: I thank the hon. Gentleman for his kind words. I extend my sincere congratulations to him, and I warmly welcome him to his new responsibilities. I genuinely wish him well in the work that he will undertake. As he will rapidly discover—if he has not done so already—it is a privilege to have the chance to speak for our respective parties on international development in the House. I join him in expressing personal appreciation for the role played by the hon. Member for Buckingham (Mr. Bercow), who will be missed.

I thank the hon. Member for Rutland and Melton (Mr. Duncan) for his kind words about staff from DFID, the MOD, the FCO and, indeed, personnel serving on HMS Richmond and Royal Fleet Auxiliary Wave Ruler for the part that they have played. Our disaster response team, which is part of DFID's conflict and humanitarian affairs department, has been tracking the hurricane for some time, and the fact that I have been able to report to the House the steps that we have already taken is a testament to that preparation. We are proud to have played our part, but the hon. Gentleman is right that much more needs to be done. I cannot at this stage tell him the total spend in response to the hurricane, because that will depend on the assessment of need. Our immediate priority is to deal with the most urgent and pressing problems, and I set out in my statement the steps that we have already taken to respond to the needs communicated to us by people with whom we have been in contact, particularly on Grenada and the Cayman Islands, and by sailors and other personnel serving on HMS Richmond. That assistance will be used to support the Governments of the countries affected and at the same time—this will become more apparent when the Red Cross regional appeal is shortly launched—we will work, as we do wherever possible, through relief agencies on the ground, because they have the capacity. The best thing that we can do is use the

resources that I am prepared to make available through them, thus ensuring that they can undertake the work that is required.

I agree that the presence of HMS Richmond has proved extremely important. It has played a valuable role and shows the continuing importance of that presence to deal with such disasters.

The hon. Gentleman is right to say that there have been a large number of hurricanes this year. Nobody knows for sure whether this is a manifestation of climate change, but he rightly draws attention to the challenge, and the world must respond to it. That is the point that the Prime Minister will make in his speech today. It is often the very poorest people who suffer most from the impact of climate change. We are talking today about flooding in the Caribbean, but only a short time ago there was flooding in Bangladesh, a country uniquely vulnerable to a rise in the water level because so many people live so close to sea level. The UK has made it clear that we intend to make climate change a priority for our G8 presidency next year.

The other truth, which I am sure the hon. Gentleman would recognise, is that unless in the long term we get an agreement that involves action by all the countries of the world, including developing countries and including some, such as China, which are in the process of becoming big emitters, we will never solve the problem.

On the final point that the hon. Gentleman makes about the long term, I recognise that although the cameras have moved on, the process of reconstruction will continue. I can tell the House that the Caribbean Development Bank and the International Monetary Fund have concessionary lending facilities that are designed to help countries recover from disasters of this sort. We will be looking at the assessments that are made by our own people, we will be responding to the appeals made by the Red Cross and others, and particularly in relation to Grenada, where we have a small programme of technical assistance, I will be looking at how we might refocus that to support the country to recover.

Tom Brake (Carshalton and Wallington) (LD): I thank the Secretary of State for providing an advance copy of the statement, and echo the condolences and sympathies that he expressed to people affected by the tragedy. I also pay tribute to the role that British forces are playing in the region. Their presence underlines the need for long-term engagement in that area.

I pay tribute to the hon. Member for Buckingham (Mr. Bercow), who was a real friend of international development. I hope that his successor, the hon. Member for Rutland and Melton (Mr. Duncan), will prove to be so too, and I wish him well in that position.

It is appropriate that the Government's response has been generous and immediate. I should like to ask the Secretary of State about the other action that the Government intend to take. What contacts have we had with other leading Commonwealth countries to see what role they could play? On the Government's position in relation to short-term commitment in the form of humanitarian aid and, just as important, in relation to their longer-term commitment to the region, particularly the need to rebuild the infrastructure, some details about Government plans would be appreciated.

Climate change has been mentioned. Will the Secretary of State raise the matter with the Prime Minister and ask him to raise it in due course with President Bush? The hurricane is the most recent and forceful evidence of climate change in a region close to the United States.

Finally, with reference to Grenada, could the Secretary of State set out what assistance Grenada has asked for, and whether the UK Government would be willing to provide people to assist on the ground? I understand that the problem is not necessarily the quantity of aid available, but getting it out reliably and safely to the people who need it. Grenada, Jamaica and the Cayman Islands are all facing a tragedy. I am sure that if the Secretary of State chooses to push Britain's role even harder and faster in the region, he will receive support from all parts of the House.

Hilary Benn: I thank the hon. Gentleman for his kind words about those who have worked so hard to respond to the crisis. On his first point about the Commonwealth, as I said, a number of Commonwealth countries have already responded—the provision of practical support is, of course, a natural inclination, not least among neighbours and friends.

On the hon. Gentleman's second point about long-term plans, as I indicated to the hon. Member for Rutland and Melton, we must make an assessment based on priorities and the extent to which countries can help themselves. For instance, the Cayman Islands has suffered grievously, and we are providing immediate humanitarian assistance, but it has a relatively high GDP, and its need for long-term support will be different from that of Grenada or, indeed, Jamaica, which is why we must reflect on relative need in deciding how to support long-term reconstruction. We will examine the provision of further assistance, including a response to the Red Cross appeal.

On climate change, the hon. Gentleman knows that we have already raised that point internationally, including making clear our wish that the United States should sign up to the Kyoto protocol, but the United States Administration are not persuaded. We have been strong on both the targets that we have set ourselves in the United Kingdom and pressing the rest of the world to recognise that climate change is a challenge that we must do something about.

Ms Diane Abbott (Hackney, North and Stoke Newington) (Lab): The whole House is grateful to the Secretary of State for his prompt oral statement. He knows that millions of British residents, who have either friends or family in those countries, have watched the course of the hurricane with extreme anxiety hour by hour. Obviously, the Government must wait for a detailed assessment of need before taking steps, but we may need to examine special immigration arrangements for the residents of Grenada. Flexibility was introduced after the volcano in Montserrat, and many Grenadian families have elderly relatives who have nowhere to live. Will the Secretary of State consider whether his officials can brief Grenadian and Jamaican people who are over here and who want up-to-date information?

The real problem for those countries is not the provision of immediate humanitarian aid or even rebuilding infrastructure, but the savage blow that the

[Ms Diane Abbott]

hurricane has dealt to agriculture and tourism, which are the pillars of their economies. They need serious long-term help to rebuild and restructure their economies, because if we leave an economic vacuum in Grenada and Jamaica, the drug trade will move into it. We may need to examine large-scale, sustained economic advice and help so that those societies can remain stable and secure.

Hilary Benn: I thank my hon. Friend for her remarks, and I know that she takes a close interest in the matter. In addition to flights that have left Grenada, which removed people who were there on holiday, I understand that the one flight in carried friends and relatives who want to provide assistance. We will put my statement and other information on to the Department for International Development website, and I am happy to discuss other ideas that my hon. Friend and other hon. Members may have about how those communities that are particularly concerned can be kept in touch with events. I am happy to examine any proposals on reassuring people or telling people how they can provide practical assistance.

I undertake to raise my hon. Friend's point about arrangements for those who might want to bring relatives over to care for them with my right hon. Friends the Home Secretary and the Foreign Secretary. I do not know the answer, but I undertake to look into the matter and to ensure that either my right hon. Friends or I reply to my hon. Friend on that point.

Finally, my hon. Friend made a powerful point about the hurricane's possible long-term impact. The international community's response includes the Caribbean Development Bank, the International Monetary Fund and the European Community. Once we have dealt with the immediate crisis, on which we are focused today, particularly in Grand Cayman, where no one has been able to go ashore, it is essential that we examine supporting those countries in recovering from that terrible catastrophe.

Tony Baldry (Banbury) (Con): When climatic disasters, whether hurricanes in the Caribbean or flooding in Bangladesh, occur, the poorest suffer most, are most vulnerable and are least able to cope with the aftershocks. Britain's presidency of the G8 will be subject to one clear test: can the Prime Minister persuade the United States to sign up to the Kyoto protocol? It is no good the Prime Minister making further speeches unless some action occurs.

Will the Secretary of State confirm that because the Cayman Islands is an overseas territory, it has a particular claim under international development legislation on the first slice of the overseas development budget? Will he estimate the assistance that will specifically go to the Cayman Islands under that claim?

Hilary Benn: The hon. Gentleman is right about the impact of climate change and the importance of dealing with it. He knows the consistent line that the Government have taken in expressing the hope that the United States Administration will sign up to the Kyoto protocol. In the end, it is for the US Administration to take that decision—we hope that they will—but so far they remain unpersuaded, whether it is by the United Kingdom or the other countries that have signed up and have given the same advice.

The hon. Gentleman is right about the Cayman Islands' particular status as an overseas territory, for which we therefore have a special responsibility. As I said, we are exercising that responsibility by providing immediate assistance. We must talk to the Governor and to the Cayman Islands Administration about how we can balance further support with, as I indicated earlier, a recognition that the Cayman Islands is a well-off overseas territory and an assessment of the extent to which it can contribute from its own resources.

Hugh Bayley (City of York) (Lab): Our relationship with the Caribbean goes back hundreds of years to a time before the Union between England and Scotland and our presence in Canada, Australia or New Zealand. Members of my wife's family who live in the Caribbean have told me about the enormously high regard in which Britain is held, because of the speed with which we have responded to previous disasters, and that memory goes back years. I urge the Secretary of State to recognise that speed is everything. It is extremely important that this country retains a naval presence in the Caribbean in order to respond at times such as this.

Hilary Benn: Speed is, indeed, of the essence. We have already seen the benefit of that naval presence, which has been the main means by which we have been able to provide assistance. I hope that the hon. Gentleman and the House feel that our actions, which I described earlier, demonstrate not only that we were tracking the hurricane and were prepared, but that we moved as quickly as could reasonably be expected in the circumstances, bearing it in mind that it is difficult to get in while the hurricane is still blowing.

I pay tribute to the staff at DFID. I am continually and genuinely impressed by the effectiveness with which they go about their job, the information that they have at their disposal and the assiduity with which they deal with crises. It is principally because of their efforts that I can report to the House that we have taken steps, but we must do more.

Dr. Jenny Tonge (Richmond Park) (LD): I echo other hon. Members' remarks about putting real pressure on the United States of America to sign up to the Kyoto agreement. It is no good doing everything that America wants if America does not act in the interests of the whole world in return.

I want to raise the question of the general hospital in St. George's, Grenada. One of my constituents, Dr. Gary Symons, set up the intensive care unit, which has just been completed, in that hospital. Yesterday, he reported to me that although the hospital has its own generator, it has medical and surgical supplies for one more week only. Will the Secretary of State reassure us that it will get the supplies that it needs immediately?

Hilary Benn: The whole House is agreed on Kyoto. I thank the hon. Lady for her report on the availability of medical supplies. As she will know, HMS Richmond brought supplies on to the island as part of its initial response. I undertake to find out from my officials how

ong those supplies are likely to last, and then I will respond to the hon. Lady on what can be done to ensure their continuity over the coming weeks.

Tony Lloyd (Manchester, Central) (Lab): I congratulate my right hon. Friend on making this early statement and on the prompt action taken by his Department and our armed forces. The response of our armed forces in the Caribbean is absolutely vital. In that context, can he comment on the security and communications situations in places—Grenada, Jamaica and, perhaps with less certainty, the Cayman Islands—where we have responsibility?

If the hurricane turns towards Mexico, as still seems to be a possibility, will our armed forces be available to undertake the same kind of work, particularly on communications, in the fragile communities on the Mexican gulf coast?

Hilary Benn: I thank my hon. Friend for his kind words. On communications, the airports in Grenada and Kingston are open. The airport on Grand Cayman—the other two Cayman islands have been evacuated in anticipation of the arrival of the hurricane, and the entire population is on Grand Cayman—is open for light aircraft, and it is hoped in due course to make it available for larger relief aircraft. One way or another, everyone will do all that they can to get supplies in by that means. As I said, communications remain particularly difficult on Grand Cayman.

On security, there has been some looting in Grenada. Security forces from neighbouring countries have come to help, and there is a curfew. Some looting has taken place in Jamaica, with unconfirmed reports of three people having been killed as a result of the violence. There have been concerns about law and order in the Cayman Islands, where a curfew has been imposed. I hope that that gives my hon. Friend the information that he needs.

On Mexico, the honest truth is that we will need to identify the continuing requirements in providing support to the countries in the Caribbean for which we have a particular responsibility. At the moment, the immediate priority for HMS Richmond is to provide support to the Cayman Islands.

Mrs. Cheryl Gillan (Chesham and Amersham) (Con): To continue on that theme, this morning my office received a phone call from a constituent who is extremely worried about his family on Grand Cayman but is unable to contact them. I understand that no electricity is available and that mobile phones have gone down. Can the Secretary of State give us some idea of how communications can be secured on the island and whether HMS Richmond will do that as a matter of priority? Is there a helpline that concerned people in this country can ring, either at the Foreign Office or in his Department, to enable contact to be made swiftly?

When the assessment teams have gone into Grand Cayman, how swiftly will the Secretary of State be able to react to the demands of that community?

Hilary Benn: There has been some communication, albeit intermittent, with the governor of Grand Cayman. As the hon. Lady suggests, re-establishing communications will be a priority for HMS Richmond and the team that it hopes to send ashore as soon as possible. As intermittent telephone conversations have been the only means of talking to those on the island, there is no way in which relatives, who are understandably deeply concerned, can make those links. That is why it is very important that communication be re-established as soon as possible. We are considering how to get in as quickly as possible—I hope that it will be within the next 24 hours—the initial relief supplies for which we have been asked. That is our immediate priority.

I shall reflect on the hon. Lady's point about sources of information and contact for concerned relatives. I recognise that concern, but at the moment we are having real difficulty in talking to people on the island ourselves.

Chris Bryant (Rhondda) (Lab): Bearing in mind the United Kingdom's historic association with many of the countries in the region, it is important that we play a vital role in providing health and assistance. However, given that many other countries in the European Union have historic ties with the Caribbean, how much co-ordination has there been with our European friends who have relations with the Caribbean? In particular, has Commissioner Nielson been involved in co-ordination or co-operation between member states?

Hilary Benn: My hon. Friend raises an important point. So far, our priority has been to do everything that we can to help. Now that we have provided that immediate response—although getting the help that is needed to Grand Cayman remains the urgent priority—I intend to find out about the response from other European countries. The Red Cross appeal is open to any other countries, including EU member states, that wish to give money. That is intended to help agencies with the capacity to get on to the ground as soon as possible, which is, historically, the most effective way of providing help. That is how we work in principle, because it gets relief there by the quickest route.

Sir Patrick Cormack (South Staffordshire) (Con): I congratulate the Secretary of State on his exemplary attitude and approach. Will he build on that by keeping the House informed of the situation? If there is significant further information, will he make a written statement on Thursday; and when we come back in October, can we have at least a detailed written statement outlining precisely what has been done, especially with regard to those territories for which we have a political responsibility?

Hilary Benn: I am happy to do both those things, and I am grateful to the hon. Gentleman for his suggestion.

Mr. David Heath (Somerton and Frome) (LD): In recent days, I have been in contact with my constituent, Mr. Gerry Copsey, who runs a company called Just Grenada and has been desperately working with other tour operators and airlines to evacuate people from Grenada. He tells me that there are two overriding problems there: the breakdown of law and order and lack of policing; and the lack of prefabricated housing. Is the Secretary of State satisfied that the welcome

[Mr. David Heath]

support from troops from Barbados and Trinidad is sufficient to restore governmental systems and policing on the island; and is there scope for providing a greater supply of prefabricated housing so that people can get back into solid houses, rather than tents, at the earliest opportunity?

Hilary Benn: I am grateful for the information that the hon. Gentleman's constituent has provided. I do not know whether the steps taken with the assistance of those countries have dealt with the problem that was identified, but I can tell him that the response from neighbouring countries and islands is being led by Trinidad and Tobago. As I said, there is a curfew in Grenada. The authorities will no doubt consider what further steps are needed to ensure the peace and stability that are the building blocks of any progress.

I am sure that housing is one of the issues that will be considered in further assessments of what can be done in the medium term, but the hon. Gentleman will understand that the priority has been to ensure that people who had the roofs blown off their houses have sheeting or tarpaulin to put over them so that they at least get shelter from the rain; that is what we are working towards.

Mr. Humfrey Malins (Woking) (Con): I, too, thank the Secretary of State for his full and helpful statement. Will he say a little more about climate change, particularly as it may affect this country? In other words—I hope this is not a naive question—could this awful hurricane perhaps be an indication that we in this country should brace ourselves against possible changes in climate and weather patterns that may affect us as well as other parts of the world?

Hilary Benn: I understand why the hon. Gentleman raises that point, but I am not in a position to forecast the potential impact of climate change on this country. That is beyond my responsibilities and, indeed, my knowledge of meteorology.

Mr. John Bercow (Buckingham) (Con): Surely not.

Hilary Benn: Definitely so. Many people say that we are experiencing increasingly frequent severe weather patterns, and that is understandably generating a debate about whether it is a consequence of climate change. Whether or not that is so, we can see the impact that increasing CO_2 emissions are having. The weight of scientific opinion is clear, and we need to respond. It will be incumbent on all countries, including the UK, to be in a position to prepare themselves in case such eventualities affect them.

Sir Sydney Chapman (Chipping Barnet) (Con): The Secretary of State has graphically described the death, damage and destruction that was wreaked by a hurricane, which could perhaps be most aptly called Ivan the Terrible. As he said, it is the worst one for some years. Given that nearly every hon. Member has mentioned global warming and climate change in the context of such natural disasters, will he assure the House that scientific research is being conducted nationally, internationally or both? If a link can be shown, perhaps that will be the greatest fillip for hon. Members of all parties who want the Kyoto protocol to be adhered to and mankind to take urgent and immediate action. We are all responsible for wrecking, probably irreversibly, mother earth's fragile ecosystem.

Hilary Benn: The hon. Gentleman makes a powerful point, not least about the threat of the process of change to us all, wherever we live in the world. As he knows, a great deal of scientific research is being undertaken. The Government's chief scientific adviser, Sir David King, has spoken about that forcefully. However, Governments and politicians are also required to act. Frankly, that is the biggest challenge that the world faces.

Mr. Henry Bellingham (North-West Norfolk) (Con): As the Secretary of State knows, Britain has a proud tradition of helping the residents of all the Caribbean islands when natural disasters occur. As my hon. Friend the Member for Banbury (Tony Baldry) pointed out, we have an extra special obligation to British overseas territories. The Secretary of State mentioned that the Caymans constitute a wealthy overseas territory, but its residents are nevertheless proud British subjects. Surely that should never be forgotten.

Hilary Benn: I agree entirely. That is why we are trying to fulfil our particular responsibility to the Cayman Islands in the ways I have described, and why we shall continue to do that.

Representation of the People (Ballot Papers)

1.12 pm

Ms Meg Munn (Sheffield, Heeley) (Lab/Co-op): I beg to move,

That leave be given to bring in a Bill to make provision about the order of names on ballot papers used in elections where more than one candidate is to be elected; and for connected purposes.

In all elections in the United Kingdom, the names of candidates are currently listed on the ballot paper in alphabetical order using the surname. When the election concerns parties, such as in the European elections, they are also listed alphabetically. Consequently, someone with the surname "Blair" would find themselves listed above someone with the surname "Howard", or, indeed, Kennedy. The Ant Liberation party, should such a party exist, would appear above the Bring-Back-Doctor-Who party or the Flat Earth party.

That does not seem surprising, as it is the case in many areas of life. At school, our registers were listed alphabetically and when hon. Members vote in this place, our names are recorded in *Hansard* alphabetically by surname. So why should that easily administered and well understood part of the electoral process change?

The ballot paper is fundamental to our democracy. No candidate or party should receive advantage from the ballot paper. If the political process is not fair and equitable to all candidates, it strikes at the heart at our system of democracy. In June 2003, the Electoral Commission produced a report entitled "Ballot Paper Design", which covered a range of issues regarding ballot papers, including alphabetical listing of candidates. After extensive consultation, it considered whether alphabetical discrimination exists: whether candidates with surnames towards the end of the alphabet are less likely to be elected because their names appear lower down the ballot paper, and whether there was evidence that electors were more inclined to vote for those nearer the top of the ballot paper for no reason other than reading those names first.

In the consultation process, the Electoral Commission received little evidence to suggest that, in single-vacancy elections, there is any bias towards those higher up the ballot paper. An analysis of the 2001 election showed an almost equal split between the positions on the ballot paper in which the winning candidates were placed.

My concern arises not from single-vacancy elections but from those where more than one candidate are elected. This year, for example, several local authority councils, such as my authority of Sheffield, were elected on new ward boundaries. That necessitated the election of all members of the council, whereas normally one third of the council is elected. In talking to hon. Members, I found that many provided anecdotal evidence of discrimination which they believed affected candidates placed lower down the ballot paper. Although in many circumstances that is not sufficient to affect the outcome of the election, in some it might.

The Electoral Commission shares that concern and cites academic research analysing the London borough elections in 1994 and the English shire district elections in 1995. The research showed that a smaller proportion of ballots was cast for candidates in the middle or at the bottom of the alphabetical order. It also showed that, among voters who cast all the available votes for one party's candidates, there was a marked bias towards those listed higher in the alphabetical order. Several councils also provided evidence that, when ballot papers had 12 or more candidates for three seats, a significant number of voters used only one or two votes—appearing not to find the third from the favoured party on the ballot paper.

Other factors, such as incumbency, influence the outcome of elections but research that included those factors still demonstrates a bias towards those with names at the start of the alphabet.

There is little evidence that parties or candidates seek to exploit the alphabetical listing by changing their surnames. For example, we have yet to see the appearance of a Robert Aardvark-Silk. I doubt that, if I sought election in a multi-vacancy election, I would choose to use my husband's name to bump me up the ballot paper from "M" to "B"—although, as he is called Bates, I would find myself above many famous names—Blair, Blunkett and Brown, to name but three.

Australia, which uses a randomised system for ballot papers, has experience of people seeking advantage. A famous example is the 1937 Senate election in New South Wales, when four candidates were elected with the names Armour, Armstrong, Arnold and Ashley.

In the case of the use of party lists, such as in the European elections, a campaigning organisation could well try to highlight its cause by adopting a name beginning with "A", in the way some companies do to secure first listing in the "Yellow Pages" telephone directory. A recent article in the *Financial Times* highlighted concerns that, under the alphabetical system, the British National party usually appears at the top of the list.

Residents of London know that, as part of mayoral elections, they are sent a booklet that includes the manifestos of all the candidates. After the first mayoral election, some candidates complained that the public were likely to read only the first few manifestos, and that that gave an advantage to those with names higher up the alphabet. For the election held earlier this year, a randomised system was adopted, with lots being drawn and candidates' manifestos appearing in the booklet in the order in which they had been drawn. However, the practice of listing candidates on the ballot paper in alphabetical order remained.

Many countries list candidates alphabetically on their ballot papers, but a research project on voting systems, the Epic project, found 16 countries that use randomisation for elections to their first Chamber, including Australia, Belgium and Bosnia and Herzegovina. I have not made a detailed study of the different forms of randomisation that are used. However, in Australia, there is a double randomisation system, whereby all candidates are first randomly allocated a number and then the numbers are drawn again. That determines the outcome on the ballot paper. The process is not unduly bureaucratic and burdensome on returning officers and, in my view, would not therefore be in any way detrimental to the process. I understand that drawing lots for the publication of manifestos for the London mayoral election took place openly and was seen to be satisfactory.

[Ms Meg Munn]

The Electoral Commission, in its report on ballot paper design, goes on to suggest that party candidates could be grouped together and that that would assist both electors and counting clerks. That would be achieved by substituting party for candidate in the first draw and then by further randomisation of the candidates' names in the party block.

I am not seeking to add to our view of the world another form of discrimination—that of alphabetism—although my experience of talking to hon. Members whose name begins with "W", a number of whom are in the Chamber today, is that they can tell of many instances in which they feel that their position in the alphabet has affected them. I am seeking to ensure that our electoral system should address the concern that, in elections in which more than one candidate is to be elected, there should be no possibility that having a name beginning with a letter near the beginning of the alphabet could confer an advantage.

Pamela Gordon, the Electoral Commissioner who chaired the review of ballot paper design, has stated:

"The design of ballot papers and nomination of candidates are two crucial areas of election administration. The public's ability to access democracy is dependent on their effectiveness."

The randomisation of names through a system similar to that used in Australia would not be cumbersome or difficult to understand. It would provide the reassurance that accidents of birth—or, indeed, marriage—are not influencing our democratic process and affecting the outcome of elections.

Question put and agreed to.

Bill ordered to be brought in by Ms Meg Munn, Mr. Andrew Mackay, Mr. Andy Reed, Jonathan Shaw, Mr. Barry Sheerman, Dr. Alan Whitehead, Brian White and Mr. Phil Willis.

REPRESENTATION OF THE PEOPLE (BALLOT PAPERS)

Ms Meg Munn accordingly presented a Bill to make provision about the order of names on ballot papers used in elections where more than one candidate is to be elected; and for connected purposes: And the same was read the First time; and ordered to be read a Second time on Friday 15 October, and to be printed [Bill 152].

Opposition Day

[17TH ALLOTTED DAY]

Higher Education

Mr. Speaker: I inform the House that I have selected the amendment in the name of the Prime Minister.

1.22 pm

Mr. Phil Willis (Harrogate and Knaresborough) (LD): I beg to move,

That this House notes with regret the emerging consequences of the passage of the Higher Education Act 2004; believes that fees and expanding student debt create significant disincentives for those considering university entry, particularly from less well-off backgrounds; congratulates the efforts of those in the House of Lords who achieved significant concessions during the passage of the Higher Education Bill, particularly for part-time students; regrets that Her Majesty's Official Opposition has completely ignored the needs of part-time students in its new policy; notes that Conservative proposals ask students to pay for the abolition of tuition fees through higher interest payments on their loans, leaving them no better off; further notes the conclusion of the Institute of Fiscal Studies and others that Conservative proposals penalise the poor in order to subsidise the rich; notes the recent Times Higher Education Supplement/Opinion Panel Research opinion poll of students which finds that 47 per cent. support the Liberal Democrats, 20 per cent. support Labour and 23 per cent. are backing the Conservatives; and therefore calls for the immediate abolition of all tuition fees, the re-introduction of maintenance grants of up to £2,000 for students from low-income homes, and the development of a higher education system which brings together universities, further education and e-learning, opens up routes to vocational and technical as well as academic qualifications, and makes it easier for those who wish to study part-time.

It is a pleasure to speak to a packed House on the important issue of higher education. I should like to begin by welcoming the Minister for Lifelong Learning, Further and Higher Education, the hon. Member for Pontypridd (Dr. Howells), to the Front Bench in his new role. When I first came into the House, he was the Minister for Lifelong Learning, and was incredibly courteous to those of us who were starting our careers here at the time. We remember that, and thank him for it. If today's announcement by the Secretary of State for Education and Skills on post-result applications to higher education is a measure of the Minister's immediate influence, we welcome that, too. The Schwartz committee's recommendations, which have been so swiftly accepted by the Secretary of State, represent an important step towards encouraging university applications from the less traditional groups.

Will the Minister use his influence to dovetail the proposals of the Schwartz committee with the forthcoming proposals by Mike Tomlinson? It is crucial that those two strands of policy development sit together. Schwartz talks almost exclusively of post-A2 level entry into higher education, while Tomlinson shifts the emphasis to four-level diploma entry, with an emphasis on vocational as well as academic credits. I see that the hon. Member for Huddersfield (Mr. Sheerman) is in his place, and I wonder whether this is an issue that the Education and Skills Committee could also look at. It would be sad if two separate silos, each of which placed an emphasis on trying to get under-represented groups into higher education and to further their

education, could not come together. Schools, colleges and universities need a single, integrated entry system, and there is a danger, if we adopt the Schwartz system, that we might prejudice what is proposed later by Tomlinson. I hope that the Minister will take that on board.

We wish the Minister well, however. When I looked at the Guardian Unlimited website this morning, a most unusual fact was revealed to me: the Minister was the Liberal Democrat spokesperson on industrial development between 1995 and 1997! That was a fact that I did not know, but I am sure that the Minister will reap huge rewards from having represented us on that vital brief during those two years.

Such surprises are the magic of the House of Commons, but few surprises can rival the announcement last week that the Conservatives at last have a policy on higher education. It has only been six years since the passing of the Teaching and Higher Education Act in 1998, three years since the Prime Minister launched his review, two years since the White Paper was published, one year since the current legislation was published and three months since it received Royal Assent. However, we welcome their announcement.

I have to confess that I was as nervous as a schoolboy with his first top-shelf magazine when I read the Conservatives' policy. Would it live up to expectations? That was the key question. I am delighted that the hon. Member for Epsom and Ewell (Chris Grayling) has now joined his colleagues on the Front Bench, because it was he who stung me in Committee when I challenged him to tell me when the Conservatives would reveal their plans for higher education. He boldly replied:

"I can assure him that when we publish our policy he will be immensely jealous of it, as it will be much more attractive than the one that either he or the Government propose."—[*Official Report, Standing Committee H*, 24 February 2004; c. 252.]

Hon. Members: Hear, hear!

Mr. Willis: I am glad that the hon. Gentleman has hon. Members' support. However, the initial verdict on his party's policy has not exactly been encouraging.

Professor Nicholas Barr of the London School of Economics, who is regarded as one of the leading international experts in student finance, has said of the Conservatives' policy that it is

"deeply regressive, benefiting merchant bankers at the expense of nurses and teachers".

Mr. Tim Collins (Westmorland and Lonsdale) (Con): Does the hon. Gentleman also believe what Professor Barr says about Liberal Democrat policy, which he utterly condemns?

Mr. Willis: I am quite sure that when the hon. Gentleman has the opportunity to speak, he will comment on the Liberal Democrats' policy, but I am talking about his party's six-year plans for higher education.

The National Union of Students has described the Conservatives' policy as

"a regressive response to the funding crisis in higher education",

and the Association of University Teachers has said that it "could prove a disaster" and that it is "highly regressive". NATFHE has commented:

"This elitist policy would reverse efforts to widen participation in higher education."

Frankly, there is not much to be jealous of, so far.

To be fair to the Conservatives, however, despite the dodgy use of figures, the lack of published sources in their report and the misleading use of the Government's explanatory notes to the Bill, the proposals deserve, and are getting, detailed consideration. I wish to help them in that regard today. Perhaps the hon. Member for Westmorland and Lonsdale (Mr. Collins) could explain why, when using the range of figures from the explanatory notes, he took the lowest figure for fee income and the highest for savings from loan subsidies. That is hardly the research on which to base a credible policy after seven years.

But surely the Conservatives' glaring, unforgivable omission of any mention of part-time students was not a result of sloppy research. Given that 50 per cent. of university students study part-time, that omission is more than a minor oversight. I well remember the hon. Member for Epsom and Ewell saying in Committee that

"the absence of greater focus on part-time studies in the White Paper, the absence of a part-time dimension to the Bill, and some of the shortcomings that the Bill represents for the part-time sector are greatly to be regretted."—[*Official Report, Standing Committee H*, 2 March 2004; c. 428.]

Those were nothing more than crocodile tears, because there is nothing in the Conservatives' proposals for part-timers. Indeed, had it not been for the assiduous work of my noble Friend in another place, Baroness Sharp, who persuaded the Government to include some provision for part-timers and to ensure that the Office for Fair Access—OFFA—considered access arrangements for part-time students within university plans, I doubt whether the Government would have acted at all.

May I ask the Minister, who I know values part-time study greatly, whether he will extend the proposed review of funding at Birkbeck and the Open university to all mainstream universities, rather than just those two institutions?

Will he guarantee that any assistance rightly offered to Birkbeck and the Open university will be offered to mainstream universities, too? That is a relatively small commitment, but it would send out a strong signal to part-time students and to mainstream universities that that mode of study is valued and supported. The failure of the Conservatives to address that and other key issues means that they have missed a glorious opportunity to cash in on disillusionment with Government policy and to make an important contribution to the debate.

The Higher Education Act 2004 represents a significant departure for British higher education. It enshrines a system in which access depends on ability to pay, not on ability to learn, and on tolerance of £30,000-plus debts. It is extraordinary and irresponsible for Labour Ministers to admit that students will graduate with significant debts, and to boast that students will just have to live with that, at a time when the debt culture in our society is viewed as dangerous and unsustainable.

Dr. Alan Whitehead (Southampton, Test) (Lab): On the close examination of Opposition policies on higher

[Dr. Alan Whitehead]

education and the question of student fees, will the hon. Gentleman reflect on whether a such a policy can be described as providing free higher education when proposals exist to impose commercial repayment rates for student loans at 2 per cent. above base rate, I believe? Does he consider that to be a free higher education system?

Mr. Willis: I thank the hon. Gentleman for that point, because that is the crux of the Conservative party's policy. The short answer to his question is absolutely not. What is more pernicious is that to get those funds into universities, that commercial rate of interest is charged on the poorer students, who must pay the greatest amount, because they must borrow the most. That is a classic sheriff of Nottingham policy, imposed by the Conservatives.

Simon Hughes (Southwark, North and Bermondsey) (LD): Before my hon. Friend moves off student debt and the prospect of debt, has he seen the figures that came to me in a parliamentary answer just before the summer, which showed that for the first time in the past 10 years, there was a drop in the percentage of people across Greater London going on to university? That fall was evident in two thirds of education authorities. Does he have any explanation as to why, suddenly, in London, not only are we not moving towards the Government's target but away from it?

Mr. Willis: I thank my hon. Friend for his question. It is interesting that in some of the poorest communities in places such as Barking, Islington and particularly Lambeth—which I know because I live there—in which fewer than 20 per cent. of students now go on to higher education in a city that offers the widest range of higher education institutions, we are seeing such an alarming drop. For Ministers to say that that is nothing to do with tuition fees and top-up fees is fatuous.

The Liberal Democrats consistently argued that tuition fees and top-up fees would be a significant disincentive to potential students, particularly those from less affluent backgrounds, and not simply a disincentive to go to university, but, crucially, a disincentive to attend the top universities. That was the clear and categorical conclusion of the Government's research, commissioned from Professor Claire Callender of South Bank university. The findings were given additional impact by the report, "The Missing 3,000" published by the Sutton Trust in August, which concludes:

"While 45 per cent. of independent school students who obtained the equivalent of an A and two B go to a leading university, only 26 per cent. of state school students achieving the same grades do so."

Are Ministers saying that that is not partly due to debt and the fear of debt? If so, they are burying their heads in the sand.

Mrs. Anne Campbell (Cambridge) (Lab): The hon. Gentleman will recall that, during the Committee stage of the Higher Education Bill, he and I had quite a few debates about the factors that were influential in determining whether students go to university. Does he agree that there is a perception that it is more expensive to go to Oxford and Cambridge than to many other universities? That is blatantly untrue; in fact, the reverse is true. The level of subsidy and number of bursaries available at Cambridge university make it a much cheaper university for those who have the right qualifications.

Mr. Willis: The hon. Lady is right that we have debated these issues regularly. Does she think that adding a £3,000 a year top-up fee creates a fair access policy? I do not care how much is given at the other end. If £3,000 is charged up front, my goodness, let us not pretend that students are getting a different, better provision.

Mrs. Campbell *rose—*

Mr. Willis: Our research shows that the proportion of English school leavers applying to go to university has fallen—

Mrs. Campbell: On a point of order, Madam Deputy Speaker. I am sure that the hon. Gentleman did not intend to mislead the House, but the £3,000 is not paid up front, and it would be helpful if he were to withdraw that last statement.

Mr. Willis: I will gladly withdraw it. The fact is that, although the student who is charged £3,000 does not have to pay it on that day, it is still added to their account. Whether it is paid on the first day, or at the end of three years, when the debt is £9,000, is irrelevant. Let us remember that a Labour Government in 1998 introduced tuition fees, having said that they would not do so in their 1997 manifesto, and a Labour Government introduced top-up fees, having said that they would not do so, and having legislated against it in 2001. Let us not have crocodile tears from Labour Back Benchers about those fees.

Our research shows that the proportion of English school leavers applying to go to university has fallen in each of the past two years. According to Universities and Colleges Admissions Service figures, if the number of 18 to 20-year-old applicants in England had kept pace with demographic trends, an additional 12,250 would have opted to go to university over the past two years, but they have not done so. The Government can hardly claim that six years of tuition fees, and the prospect of top-up fees, have been a triumph for social inclusion.

But what are the alternatives? Will either the Liberal Democrat or Conservative proposals expand educational opportunities for less affluent and under-represented groups? As opposition parties, we have a duty not just to criticise but to propose credible alternatives. The Liberal Democrats not only proposed but published our higher education proposals in "Quality, Diversity and Choice". Copies of our documents were sent to Ministers for perusal in advance of debate on the Higher Education Bill, and the costings were analysed and verified not only by the Government but by the Higher Education Policy Institute as correct.

Hon. Members might disagree with our proposals on where we would raise our money, and where we would spend it, but the Liberal Democrats are the only party that guarantees students that they will not pay tuition fees or top-up fees and that poorer students will get grants, which will be paid for out of progressive taxation—a philosophy and a concept that the Labour party has abandoned totally as it faces the 21st century.

The Conservatives, however, have totally failed to meet the test of credibility. The analysis of their proposals by the Institute for Fiscal Studies is devastating. As was pointed out earlier in relation to the intervention of the hon. Member for Southampton, Test (Dr. Whitehead), the poorest 30 per cent. of students, who are entitled to a full grant and bursaries under the Government scheme, will pay 25 per cent. more in loan repayments under the Tories' proposals. The Higher Education Policy Institute confirms the IFS view that women, those taking career breaks, for whatever reason, and those in low-income employment, particularly in the public sector, would be particularly disadvantaged. Significant numbers of students will never pay off their debts, because the interest on them will rack up to a point at which it will be impossible to pay them off.

The proposals include no calculation of how that debt will be written off. Students taking longer courses in medicine, for instance—*[Interruption.]* The hon. Member for Epsom and Ewell is trying to intervene from a sedentary position. A tiny figure is included in the Conservative proposals, but they include no calculation of the number of students who might not repay their debts. They are, in fact, based on the Labour party's proposals—and for all their faults, those involve a simple tax on the outstanding amount which will depend on a person's income. No real interest is added.

My fear, and that of my party, is that those taking longer courses such as medicine, dentistry and architecture—who are already grossly disadvantaged by the Government's proposals—would find their debts soaring as commercial interest rates were added to loans taken out in the first years of their studies. Or is the hon. Member for Epsom and Ewell saying that loans taken out by medical students during the first three years will be exempt from interest until those people start earning more than £15,000? Perhaps that could be clarified later.

In short, the Conservatives are asking the poorest to pay extra so that the rich will not have to pay any fees. That is a classic Conservative policy: tax the poor to give to the rich.

What about investment? Will the Conservative proposals mean extra investment for our universities?

Chris Grayling (Epsom and Ewell) (Con): More than yours do.

Mr. Willis: I shall have to have a little drink of water, because I am getting excited.

Mr. John Bercow (Buckingham) (Con): The hon. Gentleman is demonstrating very eloquently how sharply to the left of the Government his party stands on these matters. Given the huge funding gap that undeniably exists in higher education, and his and his party's stated opposition to all student payment, can he explain how he would tackle the very real problem of recruitment and retention of the highest quality staff, and how he would stop the brain drain of high-quality academics to the United States?

Mr. Willis: I am grateful to the hon. Gentleman, who is always incredibly courteous in his interventions. I have long enjoyed debating with him.

Let me give a simple answer to the hon. Gentleman's first question. Every single member of our party was elected on the basis of a pledge that we believed in social justice—that we actually believed in what we said in our manifesto—that we wanted to see students from lower social groups gain access to university, and wanted to see those with the necessary qualifications and ability go there. That is what we stand for. What we do not stand for is telling those students after winning seats in a general election, "Now we are going to change our minds, and send you out of university with huge debts of £30,000." Nor will we say, as Conservative Front Benchers have said, that we will add commercial rates of interest to the debts of the poorest students who must take out the largest loans.

I am proud of what our party is doing. I am proud that we are saying that to pay for that, and for social care for the elderly, we will tax the 1 per cent. who are the wealthiest in the land, earning more than £100,000 a year, and make them pay a little more. I am not ashamed to tell the hon. Gentleman that I believe in social justice, and that I believe in progressive taxation to pay for it.

The hon. Gentleman's second point is important, and has been made constantly by us and by the Government. We believe that our universities do need more money. Academic salaries cannot remain at their present level. We cannot have PhD research students working on less than £8,000 a year, which has been happening in many of our universities. We must stop that drain.

We believe that we must match the amount—roughly £1.1 billion—that the Government say they would provide in top-up fees. The hon. Member for Epsom and Ewell has said that he will do more or less the same. It is the assumptions made by Conservative Front Benchers that I now wish to examine. We need to arrive at a fair balance.

Will the Conservative proposals mean extra investment? The Conservatives make two claims: that their proposals will not cost the taxpayer an extra penny, and that their policy will generate an extra £21 billion of investment for universities over 20 years. If it does not come from the taxpayer, where will the £21 billion come from? For one thing, £9 billion of it does not exist at all. It will supposedly be generated by the universities themselves in endowments. If the Liberal Democrats had said "We are going to magic £9 billion which does not exist", you would have roared. Well, you would not, Madam Deputy Speaker, because you are too polite; but the House would have.

After seven years, we hear this proposal to magic £9 billion. Let me tell the House what it actually means. It means the provision of £500 million a year for the next 20 years—and it assumes that private giving to our universities will rise to the level experienced in the United States, not in 20 years' time but on day one!

[Mr. Willis]

Many of our universities are struggling to receive even meagre amounts, but because this will be a Conservative Government, they will flood the universities with money on day one.

Chris Grayling: What about the Thomas report?

Mr. Willis: Well, let us take the Thomas report. *[Interruption.]* A lot of sedentary interventions are being made.

Madam Deputy Speaker (Sylvia Heal): Order. If Members wish to make interventions, perhaps they will do so in the usual way.

Mr. Willis: Thank you for your protection, Madam Deputy Speaker.

Mr. Barry Sheerman (Huddersfield) (Lab/Co-op): The hon. Gentleman is probably being a little unfair on the Conservative party. He may recall that in its last manifesto, the foundation sum for every university that was to be magicked out of another sort of proposal was far more extreme and far more magical than this. The Conservatives' present proposal brings us slightly closer to reality.

Mr. Willis: The hon. Gentleman is most unkind. I thought that we should just forget that episode. The idea that every one of Britain's universities could be endowed by the sale of Channel 4 struck me as immensely fanciful, although it was very exciting at the time.

The hon. Member for Epsom and Ewell mentioned the Thomas task force. He was right to do so. Its report on voluntary giving to higher education states

"The potential for growth is significant . . . if higher education can raise its share of donations to the proportion seen in the USA, the sector would receive £600 million annually."

That is the basis on which the proposals come to us. The report goes on, however, to make it clear that that is an aspiration—perhaps one that could be achieved in 20 years' time. Our universities need the money now. The idea that they could generate income on the scale imagined and in the time scale suggested by the Conservatives is an illusion worthy of their backer Paul Daniels.

Mr. Robert Jackson (Wantage) (Con): People give money to universities in the United States because they are seen as independent institutions—independent of the state, and requiring support from civil society. Does the hon. Gentleman think it likely that people in this country will give money on any reasonable scale to institutions that they see as state-owned, state-run and state-controlled?

Mr. Willis: The hon. Gentleman is partly right. The trouble with basing the UK model on the US model is that the original bases are totally different. With the exception of a very small number of British institutions, our universities depend almost entirely on state funding for not just teaching but research. Although a small, elite set of Russell group universities are already bringing in significant amounts of additional resources, the vast majority of British universities are not capable of being independent from the state, certainly in the short term. The idea of their receiving donations such as those described in the Thomas report is therefore illusory and fanciful.

If the hon. Gentleman is saying that all our universities should be independent institutions—there is a fair argument in that—and that we need to think about how to create them, I believe that some of them could move in that direction over 20 to 25 years. However, if we are thinking about the US, outside the Ivy league and other more prestigious state universities, a significant amount of higher education is supported at a very local level and is certainly not supported by huge voluntary giving.

I come back to the Thomas report, which makes it clear that it is talking about an aspiration. Having established that £9 billion of the £21 billion promised by the Conservatives does not exist, it follows that a further £9 billion out of the total is also an illusion, since it is promised only as matched funding from the proposed student loans corporation. Some of our poorest universities, which prove unable to raise any of those resources, would, under the Conservative proposals for matched funding, not get any money. The new universities in particular, which are contributing the most in terms of expansion and have the largest number of part-time students, would lose out. How much money goes to universities depends entirely on how much they can raise themselves, and the most prestigious institutions are the ones most likely to benefit since they will find it easier to generate funds.

With university income dependent on an institution's ability to raise matched funding and expansion almost entirely dependent on our mainstream universities, the Conservatives are proposing a redistribution of resources based on prestige, not need. Perversely, while the Conservatives have rightly criticised Government proposals for increasing student debt, their own proposals to provide extra investment depend critically on the poorer students taking out the maximum loans on which they will have to pay the maximum interest and accrue the maximum debt. If that is not a classic Conservative proposal, I do not know what is. Their detachment from reality is truly classic.

For the Liberal Democrats, our fundamental criticism of both Conservative and Government proposals for higher education is the poverty of their vision of what higher education should be about. For both, our universities are to become little more than high-class employment exchanges, where degrees are valued by their market currency, where students are consumers and minority academic courses are to become the province of the wealthy.

Mrs. Anne Campbell *rose—*

Mr. Willis: I want to finish.

When the Secretary of State said,

"I do not mind there being some medievalists around for ornamental purposes, but there is no reason for this state to pay for them",

I thought that he was being light-hearted. He was not: he was defining new Labour's utilitarian vision for higher education. By contrast, the Liberal Democrats are a

party holding true to its liberal past and the liberal promise to expand and not restrict the horizons of human imagination. That means a higher education system that caters for diversity through diversity and one that brings together universities, the further education sector and e-learning.

We as a party have set out our proposals and said how we will pay for them. Under our proposals, no students would end their university days with debts for fees and top-up fees. Next year the electorate will have a decision to make—whether to support two parties that have put our students into debt, or a party that wants to invest in them.

1.54 pm

The Minister for Lifelong Learning, Further and Higher Education (Dr. Kim Howells): I beg to move, To leave out from "House" to the end of the Question, and to add instead thereof:

"welcomes the passage of the Higher Education Act 2004; approves the further steps the Government is taking to widen participation, including the establishment of the Office for Fair Access, and enhanced bursaries, welcomes the improvement in support for part-time students being introduced by the Government, including the first ever grant package available from this autumn; rejects the Liberal Democrat policy of abolition of tuition fees, depriving universities of a dedicated income stream; congratulates the Government on maintaining fair and affordable loan repayment terms and rejects the policies proposed by the Official Opposition which would require those graduates who can least afford it to pay the most for their higher education; recognises the need to maintain UK universities at the forefront of world research and to equip the UK workforce with the high-level skills needed to compete in the global marketplace; congratulates the Government on record levels of investment in higher education, to almost £10 billion by 2005–06, with a 9 per cent. increase in research funding to 2007–08, additional income from variable fees, and further increases in Government funding to be announced shortly; looks forward to the introduction of a £2,700 maintenance grant for new students from 2006 alongside the improved student support package available from fee deferral, increased maintenance loans and loan write-offs for new students after 25 years; and welcomes the impact these policies will have on encouraging students from less well-off backgrounds to consider entering higher education."

I am delighted that we have the opportunity to debate higher education today. It is certainly one of the keys to the country's success and it happens to be a subject close to my heart, especially since last Thursday afternoon when I gained this appointment. I am grateful, too, for the opportunity to respond to the hon. Member for Harrogate and Knaresborough (Mr. Willis), and I look forward to hearing the speech of the hon. Member for Westmorland and Lonsdale (Mr. Collins). Both Members invariably make thoughtful and helpful contributions, and the contribution of the hon. Member for Harrogate and Knaresborough was no exception.

All in the House now agree that higher education needs additional funding. That is at least an improvement on last year's position when the Liberal Democrats and the Government both shared that view, but the official Opposition took the view that funding and student numbers in higher education could and perhaps should be cut. So higher education needs more funding: the question is how, and who pays. The Government's position is clear and we spent much of last year debating it. The Opposition parties also have proposals to answer that question, and we have heard one of the parties expound them at length today. I shall argue that they are proposals, but not necessarily workable alternatives.

The Government have three main priorities in their higher education reform programme.

Mrs. Anne Campbell: May I congratulate my hon. Friend on his new post? He has a hard act to follow, but I am sure that he will live up to it. Given that universities need more money, what does he think of the Liberal Democrat proposals to abolish the Department of Trade and Industry and therefore the science research funding? How will that help universities and where will the Liberal Democrats get the extra money from?

Dr. Howells: Speaking as a Minister with three years' experience in the Department of Trade and Industry who worked closely with my noble Friend Lord Sainsbury, the Minister for Science and Innovation, I have to say that my hon. Friend asks an intriguing question.

Mr. Willis: I would not want the Minister to go away intrigued, without having an answer to the question. Of course the Liberal Democrats would not abolish the science budget. It would be transferred almost entirely to the Department for Education and Skills, which is where we believe it should be based. That is the interface with our university structure and that is what we believe should happen.

Dr. Howells: I am grateful for that intervention, but I have to say that I did not share that perception when the proposals for the Department of Trade and Industry were first introduced. One assumed that that part of the DTI's budget would be scrapped, so I am glad to hear that it will not be. One wonders how many other parts of the DTI budget will not be scrapped either. However, this is a time for constructive debate and moving forward together. I am sure that the House will not want us to rake over that sort of question, which was dealt with admirably in last Wednesday's Prime Minister's Question Time.

We have three main priorities in our higher education reform programme. First, we want to expand and widen participation. The country's needs, now and in the future, will depend on the knowledge and skills of our people. All the evidence shows that the need for graduate level skills will increase and that we are wasting too much talent, with too many of those born into less advantaged families still feeling that university is not for them, whatever their ability.

Secondly, we want to give universities the freedom and resources to compete successfully in the international market—and it certainly is an international market, which is becoming increasingly difficult for universities the world over. We need to give institutions the financial security and stability to allow them to back our world-class researchers, invest in infrastructure and provide first-class teaching and services to students.

Finally, we need to make the system of financial support for students fairer by abolishing the requirement to pay fees up front, providing for fair and

[Dr. Howells]

affordable repayments for graduates, and helping students from poorer backgrounds with additional grants.

This is a coherent strategy for reform, as set out in last year's White Paper, and the Higher Education Act 2004. The goal is to provide access to world-class higher education for all those with the potential to benefit. I shall look briefly at some Opposition policies, in the hope that we can have a constructive debate about them.

As we have heard, the Liberal Democrats would fund higher education entirely from taxpayers' money, through a new supertax. They have said how much of that supertax they would spend on higher education, but they have not been clear about how much higher education needs to expand, or how future expansion would be funded. When the Liberal Democrat spokesman sums up the debate, I should be very interested to hear his thoughts on that.

Also, there are no guarantees that the funding would be forthcoming if other priorities emerged, and quite a few other priorities have emerged already in the Liberal Democrats' plans. The hon. Member for Harrogate and Knaresborough gave us some comfort when he said that his party would guarantee that HE would get the money. I am sure that we will all remember that in the months to come. However, his party has also guaranteed to provide free long-term care for the elderly, to cut council tax by £100, to cut taxes for the lower paid, to fund an increase in pensions, and to provide £500 million to abolish dental charges. Therefore, whether HE would really get the money is open to question.

Dr. John Pugh (Southport) (LD): Will the Minister give way?

Dr. Howells: I will in a moment, but in many ways that is the nub of the problem. Being centrally dependent on the state means that HE has to take its chances with other competing priorities in public spending decisions. The record shows that that does not work out well in the long term.

Before I give way, I remind the hon. Member for Harrogate and Knaresborough that we may have arrived at our current state precisely because of that strict dependence on central funding. For example, throughout the 1990s there was a very large reduction in unit funding for HE, which fell by 36 per cent. in real terms between 1989 and 1997. I know that the hon. Gentleman is passionate about education, and that he was very concerned about that fall in unit funding.

Dr. Pugh: The Minister asks how we would fund HE, and our answer is clear: we would do it by means of progressive taxation. He asks what we would do about the future expansion of universities. Is it the Government's default approach that they will get any extra money that is needed from the student, and not from any other source?

Dr. Howells: Part of the money comes from students, as I am sure the hon. Gentleman knows, but the taxpayer gives huge subsidies to the universities, and that will continue. My argument is that the benefits that accrue from obtaining a degree—largely at taxpayers' expense but with some contribution from students—make it just about the best investment in the future that anyone can make. I should be very interested if the hon. Gentleman were to say that he disagreed with that.

We have to remember two things: first, not everyone goes into HE—currently, just 43 per cent. of 18 to 30-year-olds do so; and secondly, going into HE confers substantial benefits, both social and financial, as I just hinted. In particular, the average rate of return to people who have a degree is very substantial, and evidence from the Organisation for Economic Co-operation and Development shows that, in the UK, it is among the best in the world.

It is therefore fair to ask those who benefit from HE to contribute to the costs. I remember being shocked, in 1997, when I read the report by Sir Ron Dearing, as he was then. The report spoke about the need for a contribution from students, but I belong to the generation that received what people called "free education". It was not free, of course, but was paid for by the other kids in my village who did not go to grammar school or university. I was lucky, but they were not, and they paid for me.

Mr. David Rendel (Newbury) (LD): I agree with the Minister that some graduates are likely to gain some financial advantage from going to university, but that should not be exaggerated. Has he forgotten that many graduates would probably have entered well-paid jobs even if they had not gone to university? They would have started earning sooner than those who started university, and their lifetime earnings would have been larger as a result. I agree that there should be wider participation in university education, but has the Minister also forgotten that as the number of people who go to university increases, the difference between the average salary of those who go to university and those who do not decreases? He should not exaggerate the case.

Dr. Howells: I apologise to the House if I have exaggerated the case. I did not mean to do so, and the hon. Gentleman is right to remind me of those matters. However, as a general rule, it is true that, on average, graduates will have considerably larger lifetime earning than others. It is also worth bearing it in mind that in future we as a nation will not earn as large a part of our national income from manufacturing industry as was the case with previous generations. The nuts-and-bolts jobs that used to sustain many parts of the country are disappearing, and almost every prediction of future employment that I have read suggests that we need more and more skills of the sort that are taught in many of our universities these days. If we do not take that seriously we will have big problems. However, I take the hon. Gentleman's point.

The advantage of the Government's policy—that is, fees supported by income-contingent loans—is that the graduate still pays through the tax system, but that the universities are much more masters of their destiny, with an independent source of revenue. I very much agree with the hon. Member for Wantage (Mr. Jackson), who

intervened earlier to say how the great American institutions get money in and sustain their income. We have a good deal to learn in that respect.

Mr. Robert Jackson: The hon. Member for Harrogate and Knaresborough (Mr. Willis) seemed to think that only private institutions in America took that approach, but that is not so. Berkeley college is a state university, but it has a bigger endowment than Oxford university.

Dr. Howells: I know little about these matters at present, and the hon. Gentleman knows much more than I, but I am very interested in the courses offering general access to university that are going on in and around Berkeley. They seem to be growing as a consequence of at least some of that income being sustained, and at a high enough level to allow experiments with other forms of higher education. Perhaps we will have time in this afternoon's debate to touch on what we call foundation degrees and work-based degrees. We have a good deal to learn from the Americans about that as well.

Another aspect of the Liberal Democrats' policy needs to be examined. Under their proposals as I understand them—I am sure that the hon. Member for Harrogate and Knaresborough will correct me if I am wrong—students would study at home for their first two years.

Mr. Willis *indicated dissent.*

Dr. Howells: The hon. Gentleman shakes his head, but I shall string together a couple of questions for him, to check what his party's proposals are. First, what would their proposals mean for students who come from poorer backgrounds, or from parts of the country without an older university or one built in the 1960s? Would their ability to study at the best universities—I realise that that term is dubious— become a lottery based on where their parents live?

Mr. Willis: I am grateful to the Minister for allowing me to respond on that point. I realise that he has much reading to do in his early days as a Minister in the Department for Education and Skills, but I recommend that he read the Liberal Democrat policy document entitled "Quality, Diversity and Choice". It looks at HE and its relationship with further education and it recommends moving to a system based much more on credit, as is the case in the US, with a much more mobile student population. We do not want students to stay at home, in the strict sense, but we accept that the reality now is that roughly every other student is part time. Almost all of those part-time students study from home, and we must recognise that they are a very important part of the equation. Of course that should not preclude students from being able to apply to the most prestigious universities for the courses that they want to follow, but we should not say either that people who study at their local university are being offered an inferior product.

If the Government say that, they are doing a huge disservice to mainstream universities, which offer a remarkable product, given the resources that they have available.

Mr. Robert Jackson: On a point of order, Madam Deputy Speaker. I hope that Front Benchers will leave at least some time for Back Benchers to speak.

Madam Deputy Speaker: That point is well taken. Let us proceed with the debate as quickly as possible.

Dr. Howells: I take that point, Madam Deputy Speaker, and I shall be guided by you.

I would be the last person to imply that one would receive an inferior education from a university that used to be a polytechnic. My patch contains the university of Glamorgan, which is a superb institution, many of whose students live at home. The hon. Member for Harrogate and Knaresborough makes an interesting point. If many thousands of students decide that they want to live away from home, it throws up questions about the financial model that he talks about.

I shall deal briefly with the Conservatives' proposals, although I should have liked to deal with them at length. Perhaps we will have an opportunity to do so at some stage in the future. The Conservatives have said that they will keep our income-contingent repayment scheme. We need to follow the logic of that carefully, to see how income-contingent repayments would work with high interest rates. Income-contingent repayments are not like a mortgage. How much one pays in regular monthly payments depends on what one earns, not what one owes. People pay in proportion to their income above a threshold. So if someone is on low earnings, their repayments are low. If someone earns less than the threshold, the repayments stop altogether. That means that the loan takes longer to repay. With our system, that is not a problem, because the interest we charge just matches inflation. It does not matter if someone takes longer to repay: they only ever repay what they borrowed in real terms.

However, with real rates of interest, it is very different. If someone takes a long time to repay, because their earnings are lower, the interest racks up and they pay back a lot more. If someone takes a career break, perhaps to start a family, the interest really begins to mount up. Two years ago, we exemplified some revealing case studies for the Education and Skills Committee and I hope that hon. Members will take a look at them. If interest rates were about 8 per cent., a low earner with a £10,000 loan who took a career break could easily have to repay £60,000, or six times what they borrowed. In contrast, a city earner with high earnings and no career break would repay just £15,000. It is hard to see how that is fair.

Under the Conservative proposals, where would the money come from? It would not come from high earners. They would repay their loans quickly, so the burden of high interest rates would not fall on them. In fact, the extra money would come from medium and low earners, especially anyone unfortunate enough to take a career break. They would take the longest to repay and thus would bear the greatest burden of that policy. What impact would that have on widening participation?

[Dr. Howells]

Greater interest rates would mean greater risks for the individual. Those less sure about entering higher education—the very ones we are encouraging to think about it—would be put off in their droves.

Do the Conservatives' sums add up? We have identified at least three serious holes in the arithmetic. They have underestimated by £400 million the likely fee income by using data from 2003–04 instead of estimates for 2009–10. They have underestimated by £300 million the income lost the to the Exchequer if the student loan debt book is given away. Nor do the Conservatives' proposals make any provision to deal with the unfortunate consequences of high interest rates, and the cost of writing off loans for policy reasons. That is not tenable, and putting it right could cost another £400 million. So the Conservatives' sums are out by as much as £1 billion a year. Their new policy is grossly unfair, and the sums do not add up. I shall leave for another day the question of whether the Conservatives' proposals are actually feasible to implement. We have two different proposals from the Opposition parties, but as I said at the beginning, neither is a practical alternative.

Everyone in this House knows and values the contribution made to national life by Lord Dearing. He has done great work in education for this and for previous Administrations. All have valued his independent approach. His committee of inquiry on higher education, in 1996 and 1997, espoused the principle that students should contribute to the cost of their higher education, and that led us to the introduction of fees in the first place. I remember it well because I took the Bill through the House and, temporarily, I was the most hated man in Britain. I am sure that someone took over from me fairly quickly. The logic of that conclusion is as strong today as it was then, if not stronger. Students should make a contribution, but it is better if they do so as graduates, and that is what our fee deferral plans allow for. Of course they must also contribute in a fair and affordable way. That means avoiding the shockingly regressive proposals from the Conservative party, which would have those who benefit least from their higher education paying the most.

2.16 pm

Mr. Tim Collins (Westmorland and Lonsdale) (Con): Let me begin by adding my words of congratulation to the new Minister on his appointment. I do so warmly and for two reasons. The first is the cause of the vacancy—the deserved promotion of his predecessor. I am delighted that my recommendation that he should be promoted to the Cabinet, which I made on the record in the House some months ago, did not blight his chances. He engaged admirably with both Government and Opposition Members and thoroughly deserved his elevation. The second reason is that I enjoyed the exchanges I had with the new Minister when we both had responsibility for the Transport portfolio. He is a thoroughly nice and decent person and, like his predecessor, he is one of those Ministers who genuinely engages with the points made to him. I wish him well in his new job.

I do not doubt for a moment the passion or sincerity of the hon. Member for Harrogate and Knaresborough (Mr. Willis), who opened this debate in his characteristically robust fashion. He clearly genuinely cares for the future of higher education and for the life chances of our students. I hope that he would accept that he does not have a monopoly on concern over such issues. We may, and do, differ on the best means of securing our objectives, but we all wish to see a stronger financial position for our universities and an affordable pathway ahead for our students.

All three parties have now set out their policies for funding higher education. We all acknowledge that our universities are badly underfunded and have been for many years, both before and since 1997. We all agree that unless that is reversed major damage will be done to this country's academic and economic standing, that universities therefore need a substantial annual extra injection of cash, and that that should be found in ways that ensure fair and equitable access to higher education, but there are important differences between us, too.

The Government believe that the way forward is to impose top-up fees. That is a clear and open breach of Labour's 2001 manifesto, which stated:

"We will not introduce 'top-up' fees and have legislated to prevent them."

Well, now they have legislated to bring them in. The Government's plans do not make sense for taxpayers, who will have to pay out £1.1 billion extra every year in order to give universities an extra £900 million a year, for students, who will face far higher debts under Labour's plans than under either of the other two alternatives, or for universities, which will face political control of their income, the creation of the widely loathed university access regulator, and no guarantee at all that Labour's second version of fees will be additional to, rather than a substitute for, existing grant. After all, Labour's first version of fees was clawed back in its entirety by the Treasury.

There is an intellectual argument for unrestricted fees and a genuine market mechanism, and that is what some vice-chancellors and others would like to see.

That is not what the Government legislation offers—indeed, Ministers have specifically ruled it out. Many of those who most enthusiastically support fees do so because they want, and hope, to see fees of not £3,000 a year but £5,000, £10,000 or even £15,000. Ministers cite some of those who hold that view in support of their case for fees, but then they turn round and tell their Back Benchers that, of course, there is no question of fees rising above £3,000 a year for many years. Somebody somewhere is being badly deceived.

Then there are the Liberal Democrat proposals. They agree with us that there should be no fees but believe that more money for universities should be provided by raising income tax, at a time when every other G7 country is cutting it. While the rest of the world is following the UK's example of the 1980s and realises that lower tax rates, especially at the top, generate more revenue, increased investment and stronger competitiveness, the Lib Dems want to return to the days of the 1960s and 1970s when Chancellors revelled in asserting that the rich should be squeezed until the pips squeak. As both Abraham Lincoln and John Kennedy recognised, we do not make the poor rich by making the rich poor.

Furthermore, as we have already heard, Lib Dem plans would leave universities wholly and solely dependent for their income on the good will of the

Treasury. Universities would have no independent revenue stream, no insulation against the ups and downs of the economic cycle, and no protection when funding higher education becomes a less fashionable cause than it is today.

Both Labour and Lib Dem plans conceal an unhealthy obsession with class. The Lib Dems want to wallop the rich through taxes, and Labour believes there are too many middle-class people at our top universities. Only Conservatives believe that working hard and doing well are not sins for which people's children should be punished.

Mr. Adrian Flook (Taunton) (Con): Does my hon. Friend agree that it is patronising, and merely Lib Dem wailing, to continue to consider as statistically tied to his low-earning parents a student who is over 18, has left home and is probably about to earn more than the national average?

Mr. Collins: I very much endorse my hon. Friend's point. The issue of fairness has already come up and it would not be going too far to say that earlier the Minister issued a challenge—I do not think he objects to that claim—when he said that it was the responsibility of those of us who disagree with the Government's plans to explain how ours would be fairer. To pick up my hon. Friend's powerful point, we do not believe that it is right for a dustman's son who becomes a merchant banker to be treated better by the system than a teacher's son who becomes a teacher. That is inherent in the Government's plan but not in ours.

Mr. Rendel: The hon. Gentleman said that the only way to make universities independent is to ensure that they have their own funding stream, but surely as long as the Government are giving anything towards the cost of universities their overall funding will always be dependent on a Government decision as to how much the Government portion of that funding will be.

Mr. Collins: The hon. Gentleman seems to be saying that as long as the Government hand over even a penny to universities they might as well hand over 100 per cent. of the funding and control universities' income. I do not agree. Indeed, it would seem that his own colleague does not agree, because if I understood the hon. Member for Harrogate and Knaresborough correctly, he said earlier that he could see a scenario, albeit over a long time—I think he spoke of a period of 20 years—in which the top universities would become more independent. If he thinks that is desirable and possible, we should welcome progress in that direction. Although the Government's method is not the same as ours, both we and the Government agree that it is sensible to give universities some form of income that is not dependent simply on the view taken by the Chancellor of the day.

Mr. Sheerman: The hon. Gentleman briefly alluded to the fact that the Government believed that too many middle-class students are in higher education. The Select Committee has taken much evidence on that subject over the past two or three years and the message that has constantly come from the Government is not that there are too many middle-class students but that too few students of ability across the classes are entering higher education. If he ponders that, I think he will agree that it is a better interpretation.

Mr. Collins: I always enjoy interventions from the hon. Gentleman, who is a distinguished Chairman of the Select Committee. However, it is always important in the House to listen very carefully to what we each say. In fact, I said that Labour believe that there are too many middle-class people at our top universities. That is an unarguable interpretation of Labour's view, because our top universities neither want to expand nor are capable of significantly doing so. Thus the Government's proposal—to change the social mix of those who attend our top universities—would mean that to put some other categories in, some of those currently there would have to come out. That is the logical and unavoidable consequence of what the Government are doing. His point about wider access to higher education as a whole is valid, but I chose my phrase carefully, and he must accept that it is a fair interpretation of the Government's view on the matter—indeed, it is the only logical one.

Mr. Willis: First, may I thank the hon. Gentleman for the generous comments he made at the beginning of his speech? Does he agree that under previous Conservative Governments and under two terms of the Labour Government no legislation has prevented any university from raising money privately? In fact, the systems are not mutually exclusive and many universities raise funds privately, especially Oxford and Cambridge, which have a proud tradition in that regard. The United States pays more of its gross domestic product to its universities than we do, so I do not understand how increasing the state's contribution to higher education would prejudice giving.

Mr. Collins: We are making progress. Only a few minutes ago, the hon. Gentleman described as fanciful the Thomas report recommendation urging that higher education should move towards endowment income of £600 million a year. Now he makes a strong case in favour of that, and I agree. Universities already have an income stream from private sources, and I think his intervention implied that that should be increased. That is very much part of our proposals.

We also believe that both Labour and Lib Dem plans sadly fail to address the grave need faced by our universities not only to boost day-to-day income—all three parties have proposals for that—but to deal with the serious capital repairs backlog and, especially for our best universities, to begin to match the huge endowment funds available to their competitors overseas. The Conservative vision avoids those problems and rises to the challenges.

We propose no fees, either up front or after graduation. Teaching for future generations in higher education should be free, as it was for everyone lucky enough to go to university before Labour came to office in 1997. There should be no means-testing for access to student loans, reversing the Government's mean-spirited attempt to pretend that joint parental income of £25,000 or £30,000 a year somehow makes families rich.

A welcome element of the Government's proposals, which we intend to retain, is the introduction of a £1,500 a year student grant for those from the most

[Mr. Collins]

disadvantaged backgrounds. Under our proposals, that grant would be available according to exactly the same terms and for exactly the same number of students as the Government propose. That, together with the abolition of fees, will ensure that access depends on ability to learn, not ability to pay.

In that context, I regret the fact that last week at Prime Minister's Question Time, the Prime Minister asserted that the Government were providing assistance to poorer students worth £2,700 per annum, while the Conservatives proposed to provide only £1,500 per annum, and that that was somehow less. Let us be clear. Both we and the Government propose a maintenance grant of £1,500 a year, but their plans provide for an additional £1,200 to pay fees. We would get rid of fees for everybody, so students would not need £1,200 to help to pay the fees. Nor do we believe in a taxpayer subsidy on interest rates on student loans. We would remove an expensive and unjustifiable item of public expenditure. Doing so would generate more than enough resources to replace every penny of fee income for universities.

Dr. Whitehead: I have listened carefully to what the hon. Gentleman is saying about fees. He appears to believe that fees will continue to be charged up front and remitted, on the basis of the Government's proposal to introduce up-front grants for poorer students of £2,700. In fact, after 2006, up-front fees will no longer exist, so it is not possible to claim that a good proportion of the Government's proposed grant for poorer students will be earmarked for fee remission. It will simply be money in the pocket for university students to assist them with the costs they will encounter, so I hope that the hon. Gentleman will withdraw his suggestion.

Mr. Collins: Unlike many of us who are in the Chamber, the hon. Gentleman did not serve on the Standing Committee that examined the Higher Education Bill. Had he done so, he would have heard the then Minister for Lifelong Learning, Further and Higher Education say again and again and again—as indeed the Secretary of State said again and again and again—that it was all right for the Government to introduce fees of £3,000 a year because there was a £3,000 a year package to deal with the consequences of the fees. The Government said that that would be organised by having a grant of £1,500, which would be retained under our proposals, £1,200 to help students pay off the fees in due course, and £300 of remission or bursaries administered by the higher education institutions. We would retain the £1,500, but we would get rid of the fees, so people would not need the £1,200 provided by the Government that, as Ministers repeatedly state, was intended to help to compensate poorer students for the consequences of introducing fees.

Our other proposals include the outright abolition of OFFA—the university access regulator—and the removal of most of the HEFCE bureaucracy, setting universities free from political correctness and the form-filling culture alike. We will transfer the existing student loan book to the ownership of the higher education sector, giving it a major new asset, a guaranteed and independent future income stream and the ability to raise £3 billion in capital in the next five years. Moreover, our plans will provide universities with £500 million a year over 18 years in matching funds for contributions to endowment funds—a massive boost to those who are competing for the best minds with the Ivy league.

Mr. Rendel: The hon. Gentleman says that he would get rid of a lot of bureaucracy by abolishing both OFFA and HEFCE. I understand that he would also introduce—if he gets the chance to do so—a national scholarship scheme, under which presumably every student would need to administer, either for themselves or by another mechanism, the money going from them to the university to pay for their fees. A vast extra bureaucracy would be needed to deal with that per student, rather than per course, as is done at present.

Mr. Collins: The hon. Gentleman and I genuinely disagree about that. Our proposal is indeed to abolish OFFA outright and to get rid of the bulk of HEFCE. We do not propose to abolish HEFCE in its entirety. I must tell him that a number of vice-chancellors support us—not least a gentleman to whom I wanted to refer earlier who has written a very positive piece in *The Guardian* this morning: Dr. Peter Knight, the vice-chancellor of the university of Central England. In a piece that I slightly blush to quote at length because it is so very friendly towards us, he says that he welcomes our proposals to cut bureaucracy. As a vice-chancellor, he does not believe that those proposals will be subject to the disagreements and difficulties that the hon. Gentleman has identified.

Our plans will involve much less debt for students, who would, on average, have to pay back £7,000 less than under the Government's proposals. I listened carefully to the Minister when he tried to say that high interest rates are worse than low interest rates, as people must pay more. He seemed to leave out a major element in the calculation: under our proposals, students would not have to pay fees, so their debts would be £9,000—about half what they are now—and the vast majority would have a substantially better package than under the Government's proposals, given the amount that they would have to repay and the time that it would take them to repay it.

We, and we alone, have come up with proposals to tackle the major capital and endowment needs of universities. The Conservative party is offering substantially more to universities than either the Labour party or the Liberal Democrats, who are essentially offering, as we do, an annual increase in income, but unlike us, are not offering additional capital or a major new asset for the higher education sector. We, and we alone, believe that universities should be free to set their own admissions criteria, to pick their own students and to choose their own spending priorities.

No wonder that our plans have been welcomed by Professor Michael Sterling of the Russell group. There was a time, not many months ago, when Labour Members used to pop up and ask—I confess that it was an awkward question—whether we could name a single vice-chancellor who supports the Conservative approach to higher education. I can certainly name at least one, and there are rather more than that these days.

I do not claim that it is yet all of them, but a number of them are much more positive about our proposals than ever before.

I commend to the House the excellent article written by Dr. Peter Knight in today's edition of the *Education Guardian*. As I say, it would be embarrassing to quote all of it because I regard none of it as other than deeply flattering, but his bottom line is that the Conservatives

"abolished fees, cut bureaucracy, slain a few unpopular dragons such as the Office of Fair Access and come up with proposals that address the funding needs of universities. The circle is well and truly squared, absolutely brilliant and actually credible."

The choice is clear: massive debt under Labour; tax rises under the Liberal Democrats; or the best deal possible for students, universities and taxpayers under the Conservatives. Labour breaks its promises. Liberal Democrats know that they will never have to keep their promises. The Conservatives will deliver on our promises.

2.34 pm

Mr. Barry Sheerman (Huddersfield) (Lab/Co-op): I always have an interesting role in such debates: as Chairman of the Select Committee on Education and Skills, I try to refrain from getting too much into the party slagging-off match, which we have had previously. This has been quite a healthy and robust debate, and it has been conducted in much better temper than some of the debates that I have been privy to over the past three years. I want to look—reasonably objectively, I hope—at some of the issues that have been rather missed out today.

I warmly welcome my hon. Friend the Minister for Lifelong Learning, Further and Higher Education to his new post. We on the Select Committee are looking forward to an early appearance by him before the Select Committee. As he knows, he will take over his predecessor's engagements, and within a month, he will be coming to the Wilson Room to meet us.

I find days like this a little embarrassing: you were once a student of mine, Madam Deputy Speaker, and the Minister shared a room with me in the House for many years. I know as many secrets about him as he does about me, so if I scrutinise him too hard on the Select Committee, I may regret it, but I genuinely welcome him to the post. He is very knowledgeable about education and higher education. I am sure that, as he becomes as immersed in higher education as he was in the railways—can people be immersed in the railways?—he will become a formidable repository of knowledge about Government policy.

I wish to push my hon. Friend on one issue. Some of us strongly supported the Government's view on flexible fees. At the time of the debate, he will remember that the Secretary of State for Education and Skills and many others who spoke for the Government urged support for the policy on the basis that OFFA would have very strong powers to ensure something that the Select Committee recommended in its report on access to higher education more than two and a half years ago. I refer to greater powers for HEFCE to set benchmarks for fair access, based on ability, to all the institutions, using the long-tried method of setting benchmarks and finding out whether colleges and universities would meet them. If they did not meet them, or did not show that they had plans to do so, they would not able to charge increased fees.

During the press conference held by OFFA yesterday, apparently, it was said almost as an aside that there would be no relationship between OFFA and universities and colleges having to meet any targets at all. I should be happy if the Minister would clear that up either in his winding-up speech or by intervening on my speech now. Is there such a relationship any longer; or, in effect, has OFFA been neutralised in that respect?

Dr. Howells: OFFA has certainly not been neutralised. It is a very powerful body. Indeed, the hon. Member for Epsom and Ewell (Chris Grayling) and I discussed the issue yesterday in Committee when debating the regulations for OFFA. He complained to me in vigorous terms that OFFA was far too swingeing and powerful and had too many weapons in its arsenal. I am sure that my hon. Friend will take from that my reassurance that, where transgressions take place if universities charge higher fees than they may have set out in their prospectuses and where that breaks the access agreement and plan, OFFA will be able to act very decisively.

Mr. Sheerman: I thank my hon. Friend very much. I hope that his comments have put the issue to rest. I will look at his words with some interest in the cold light of day tomorrow.

I wish to move on by saying that most of the Schwartz recommendations that we read this morning are to be welcomed. Indeed, many of them paraphrase the report on access that the Select Committee produced two and a half years ago. Certainly, we strongly recommended post-qualification access. We could not see the sense of admitting people to university on the basis of predicted results.

That leads not only to confusion but to injustice in terms of who gets into which institutions. We believe that such a change, which has been widely welcomed by vice-chancellors and many others in the sectors, should be speedily addressed. Many recommendations have been made and they include one from an influential Committee chaired by one of my predecessors, Chris Price. It proposed just such a change.

Mr. Willis: Does the hon. Gentleman agree that the Secretary of State's support for the Schwartz proposals for making applications after the results are known would bring forward in the school year the A2 examinations and the vocational level 3 examinations? The time that staff have to teach students post-16 is getting narrower, and the universities and the examination system, rather than the teaching and learning profession, must bend to that.

Mr. Sheerman: The hon. Gentleman is absolutely right. There will be teething problems and things can be done better or worse. Sensitivity and give and take between universities and schools and colleges are important in getting things right. However, I think that he and I share a view about the principles involved in assessing students.

In the evidence that we took and in our trips to elite institutions on the west and east coasts of the United States, the Committee found that universities there were able to judge a candidate in the round using four or five

[Mr. Sheerman]

different criteria. We felt that using just the straight A-level results was too blunt an instrument to judge a student accurately. We believe that a SAT score, college examinations, the submission of a piece of work and a teacher's report add up to four or five different factors that could be weighed before a student was accepted into a college. It is interesting that the one thing that bound the six elite universities that we visited was the fact that they did not believe in interviews. I remember—I am sure that my hon. Friend the Member for Bristol, West (Valerie Davey) does too—that one president told us, "If we wanted more people like us, we'd interview."

By and large, I welcome the Schwartz proposals. They move in the right direction, and it is important that we get things right. Select Committees have consistently agreed on an all-party basis that ability should determine who gets into any university. There should be no equivocation about that, and there should be no special selection for minority groups if that overrides ability. Ability must be the criteria, but a perceptive way of judging ability must be the absolute priority.

This is a debate about higher education and, in a sense, the debate about flexible fees and top-up fees—whatever one wants to call them—has obscured some of the most important issues that came out of the higher education White Paper and some of the issues that the Government have still not answered. I am sorry to address this point to the Minister on his first day at the Dispatch Box in his new job, but when we consider what gave rise to the debate, we realise that it was not just Dearing. We know that the Dearing report made a great contribution to the debate, but the Universities UK analysis of what was needed to equip universities for a new generation of competition against many global competitors also represented a significant milestone.

We should also maintain the secret of higher education success in this country. I say to the Minister and to those on the Opposition Front Benches that the key to our success in higher education, when compared with other university systems in mainland Europe, has been our emphasis on excellence not only in research but in maintaining the quality of undergraduate education. Indeed, the Select Committee has consistently emphasised—I believe this passionately—the need for a relationship between teaching and research in the same institution. That relationship has been long forgotten and abandoned in most of our neighbours in Europe, and they have certainly suffered from that. Because of that, many people in the other 24 member states of the European Union would come here for an undergraduate education as well as a postgraduate education if they had the choice, the mobility and the language skills.

Mr. Collins: Although we have obviously had our differences in the course of the debate, I thoroughly endorse what the hon. Gentleman is saying at the moment. I hope that it will be possible for us to find a cross-party basis on which to build on what he has said about the commitment to excellence and the relationship between teaching and research. They are fundamental to the United Kingdom's strength now and in the future. He is quite right about that.

Mr. Sheerman: I thank the hon. Gentleman for that. He may not like what I shall say in a moment, but I will try to make my remarks not too party political. The Universities UK review said that there was a £8.79 billion resource gap for higher education. Hon. Members will realise that the Select Committee had a close look at the White Paper and I wish that people would read and re-read the Select Committee reports. We could have saved a lot of money on the Schwartz inquiry if they had been read thoroughly. As I said a couple of weeks ago about the exam results, if people had considered our recommendations about examinations and A-levels, they might have saved themselves some trouble.

The Select Committee put its finger on the problem in our evaluation of the White Paper. We said yes to flexible fees and agreed that Dearing was right. Higher education needs diverse sources of income. That is healthier for universities. I am a governor of the London School of Economics and we are quite good at finding other sources of income because we are a global brand. However, that is much more difficult for Huddersfield university or even the university of Birmingham. There is no doubt that an institution is more able to find sources of income if it has international alumni with a tradition of giving. The LSE has been lucky and assiduous in that regard. Some institutions are better than others at finding funds.

Money from research institutes, foundations and alumni is all very good. Given the tradition of our country, I expect expectations to ratchet up. The hon. Member for Harrogate and Knaresborough (Mr. Willis) is probably right. Expectations should not be set too high, because the culture of giving is very different and all the work that I have done suggests that it takes a long time to turn that culture round. It is beginning to change, but not that quickly.

We want diverse sources of funding, but more than that we need secure funding for research. The Select Committee said that the research part of the White Paper was more important than the discussion about, and the proposals for, undergraduates paying something towards their education. That issue and the funding gap have not gone away. The work that I have done suggests that, even on the most optimistic estimates, flexible fees and top-up fees will bring in £1.5 billion. That is a ballpark figure. Let us be generous and say that it is £1.79 billion, but that still leaves a £7 billion gap.

Chris Grayling: The hon. Gentleman will surely remember that the Universities UK analysis of the UK funding gap was broadly divided into two parts: £3 billion worth of capital, which is addressed by our policy, and £5 billion that was revenue grant over three years and not over one.

Mr. Sheerman: I am not talking about Conservative party proposals. We will evaluate them as time goes on. My remarks are addressed at all three parties—and the governing party, in particular. There is still a large gap in higher education resources and budgets.

That is of great concern to vice-chancellors owing to its impact on capital and the deteriorating state of some of our universities. I visit schools all the time, and they are looking pretty good these days because of investment in new buildings and modernisations, but I have visited universities with severely out of date equipment and buildings, which worries me greatly. I am directing my comments mainly at the Minister at the moment because we seem to be living in an era in which we like to avoid such difficult questions. Yes, it seems to be all right that we will get more money from flexible fees, but there is cap on that for a significant time, so such large sums of money will not come only from student contributions.

I think that my hon. Friend the Member for Bristol, West will agree that there has been tremendous investment in pre-school and school education across the piece and an increase in educational maintenance allowances, but money becomes thinner as one moves up the age range because spending on higher education is significantly less, although we welcome the fact that it has grown. We want to meet the challenge of staying at the top on research and our research-rich universities—that is the proper euphemism that we use these days if we do not want to call them the best universities—but big science is enormously expensive.

The Committee also criticised the White Paper for the way in which research funding was being focused on fewer universities. All the evidence that we took was pretty unanimous in suggesting that taking away research money from research departments with a rating of 3 or 4 continues to be a disaster and that we will reap the dividends of a lack of investment in such institutions as time goes on. Sir Richard Sykes, the provost of Imperial college, said that he wanted research investment to be concentrated on a handful of universities. We asked him if he meant a handful to which he said, "Yes, five." That would mean that most research universities were concentrated in London and the south-east and that there would not be even one premier research university in each of our regions. As a Welsh Member, I am sure that the Minister could not accept that. The Committee's report suggested that we must have at least one premier research university in each of the country's regions.

The Committee also commented on evidence taken regarding a lack of investment in lower-ranking universities. The pattern of research success shows that many innovations come from aspirant universities that are struggling to move from 3 ratings to 4, 5 and beyond. The Government have not tackled the resource gap and the other parties have not addressed it significantly. Our attention has been taken off the matter because of our debate on higher education top-up and flexible fees. During that debate, vice-chancellors and others in the sector said, "Whatever you think about this debate, isn't it wonderful to have higher education on the front pages of every newspaper—even the tabloids?" Yes, it was, but we need a genuine debate about fundamentals, and we were partly taken off track by the obsession with student contributions.

Let us get back to considering the overall role of universities in our society and the fact that universities are the largest employers in most cities and towns where they are found. The fate of communities rests more on their local universities than anything else, and that is true of York, Huddersfield, Oxford, Cambridge and London, with its 34 institutions. Imagine the impact on research, education and the way in which universities contribute to our economy if they were taken out. That consideration brings us back to a more holistic approach to what universities mean for our society.

It is uncomfortable for the Government and all of us to consider investment for universities merely in terms of how much money is going in, because we must also consider more and more the quality of what is coming out. I have been one of the greatest opponents of talk about Mickey-Mouse degrees and easy courses. I have never found such a degree because they do not exist. Students are not daft and will not join a bad course in a British university that would not lead to employment or something worthwhile.

Chris Grayling: Will the hon. Gentleman give way?

Mr. Sheerman: No; I am coming to the end of my speech.

I am worried that universities might be turning out rather one-dimensional people. Although they may be good at their subjects, their education is less broad and well balanced than previously. When I talk to students in the United States, where I have taught as a visiting lecturer in Cornell university for many years, I find a greater breadth and depth across the piece than in our students. We must think about the quality and dimension of our university education and consider whether we are turning out what used to be called well rounded and multi-dimensional individuals. To be elitist, such people used to have an understanding of the arts, philosophy and a broad range of subjects. We did not just turn out social scientists, mathematicians, chemists, doctors and dentists. All our parties must consider the people whom we are turning out.

On the night before John Smith died, I heard him make a moving speech, part of which questioned the way in which the educational system no longer seemed to turn out enough people who wanted to enter public service. I must say that he was talking towards the end of the Thatcher era. He thought that too many people who left education wanted to be have a high income with a job in the City. He talked about the need for people to be motivated towards public service—albeit properly rewarded—and dedicated to giving something back to the country in which they lived and to which they owed much. As we talk about higher education in the coming months before the election, I hope that that tone can be inserted into the debate.

Several hon. Members *rose—*

Madam Deputy Speaker: Order. Several hon. Members are clearly hoping to catch my eye in this relatively short debate. If their remarks are concise, more may be successful.

2.58 pm

Mr. Robert Jackson (Wantage) (Con): It is always a pleasure to follow the Chairman of the Select Committee and I shall endeavour to be briefer than he was.

[Mr. Robert Jackson]

We are all grateful to the Liberal Democrats for offering the obscurity of one of their Supply day debates to enable the House to discuss the current state of, and future prospects for, higher education. That is especially useful now because we are plainly in the run-up to a general election, but we have not yet reached a point at which strategies and policies are set in stone, so there is still time and an opportunity for all parties to reflect on what is said in today's debate, as I am sure that they will want to do.

I feel today an optimism about the prospects for our universities that I have not felt since the late 1980s when the Conservative Government in which I served took the first steps down the road on which the Government are making such good progress. We have reached and passed a historic turning point. With luck and good leadership, we will move steadily towards the high-quality, large-scale, diverse and accessible higher education that Britain needs as global competition intensifies and the new knowledge economy unfolds.

There are a number of people whom we have to thank for this happy development, and I would like to mention them. Most immediately, there is the Secretary of State and the former higher education Minister, the right hon. Member for Hull, West and Hessle (Alan Johnson), now deservedly promoted. I wish his successor all success; as has been said, he has a hard act to follow. The Secretary of State and his former junior Minister picked up a difficult brief and delivered on it with a combination of charm and brutality that has been widely admired. Above and beyond them, however, there are two other important figures whose role also deserves acknowledgement.

In the first place, obviously, there is the Prime Minister, together with his immediate advisers. They deserve the credit for recognising that a radical change in direction was needed and for giving the strong and courageous lead that was required. Then there is the Chancellor of the Exchequer. It is customary nowadays to dwell on differences between No. 11 and No. 10; indeed it was said at the time that there were differences between them on the question of university fees. I shall return to that in a moment. However, it is important to recognise what the Chancellor has personally contributed to the more hopeful university scene that now lies before us.

Since 1999, there has been steady growth in the funding of higher education. Above all—I know this from my constituency, which has so much science in it—the Chancellor, with Lord Sainsbury, has recognised the importance of investing in scientific research, and it is right to pay tribute to him for that. It is said that the Chancellor's concern about the fees policy related to two key issues: equity and accessibility, and the efficiency and effectiveness of university governance. Those are perfectly reasonable concerns, but I believe that experience will show them to be unwarranted. Let me explain why.

As the stream of income paid by students increases, many universities will reach a "tipping point" at which their overall income from sources other than the Higher Education Funding Council will give them a real sense of responsibility for shaping their own future. As that happens, I believe that they will sharpen up their act and improve their internal governance in ways that no amount of Government exhortation and interference, of which we have had so much over the last two decades, can possibly hope to achieve.

The concern about equity and accessibility will be met in the same way. Under the new policies, the universities will have a serious economic incentive to recruit and retain students. That will do more for equity and accessibility than 100 regulators. The Chancellor is known to be committed to evidence-based policy. I urge him to keep an open mind about the working out of the new policy, and I urge the Government as a whole, in framing their manifesto, to seek to retain the political flexibility to respond speedily to the positive evidence of success that I firmly expect to emerge in the new Parliament.

So much for the Chancellor's concerns. Let me just mention two of my own concerns. The first, I know, is shared by the Secretary of State. Perhaps the biggest challenge now facing many universities is the introduction of the new two-year vocational degrees, with rising take-up for them and a high-quality learning experience for those who go into them. The chief justification for the massive expansion of higher education is that it will expand the skill base of the new knowledge economy more effectively than older forms of work-based vocational training. It is critical for the universities and the country that that expectation is met successfully.

Turning to my other concern, I do not know whether the Secretary of State shares it, but it has an important bearing on the decisions that he will have to make soon about the Tomlinson proposals for the future of school qualifications. My concern is this: for many years, since as long ago as when I was a Minister, it has been fashionable to say that British education does well by the most academically gifted but lets down the rest. There may indeed have been some truth in that claim, and of course it is right that opportunities for every type of student should be increased and expanded. But there is a danger that we may make the mistake of taking for granted the quality of our offering to the brightest students. In a world economy that competes not only in skills but in brains, the whole country will suffer if we do not challenge and stretch our best young brains.

That something is awry is very evident. We can see it very clearly if we look at the figures for the proportions of A grades at A-level in hard subjects that are achieved by students in the independent sector. Until 2000 the statistics on that were presented in a more transparent way than they are currently, and they showed that in that year the proportion of such students from independent schools was in the range between 42.1 and 46.1 per cent. in maths, chemistry, physics and biology. That is to say, in those subjects almost half the A grades at A-level went to students in independent schools. Yet the independent sector educates only 7 per cent. of our young people. There is clearly a lack of real academic challenge and aspiration in the state sector. There is a danger that the Tomlinson proposals will make the situation even worse and perhaps widen still further the academic gap between the public and the private sectors. To coin a phrase, we need academic challenge and aspiration "for the many, not the few".

It is right that I should say a few words, in conclusion, about my own party's recent announcement of its policy for higher education. My message is simply this: it is still not too late to think again. There are two main elements in what is proposed, and both involve a regrettable sleight of hand. The Conservative party proposes to introduce vouchers for higher education. That is presented as a great boost to university freedom, but in any voucher system, or system of per capita funding, the critical questions are, "Who fixes the numbers of vouchers and their value?", and "Can the vouchers be topped up?" Since our universities already admit their own students and their teaching funding is already based on student numbers, there will be nothing new in them administering a voucher system; in fact they already do something of the kind. But as compared with the Government's policy, the Conservative proposals, I fear, represent a step back in terms of university freedoms.

The effect of the Government's policy will be to enable each university to fix the value of its voucher for all its students and for each course, by allowing a top-up subject only to an upper limit. By contrast, the Conservative proposals will retain a system in which the centre decides both the number of the vouchers and their value. That will in practice mean the state deciding, first, how many students there should be in total; secondly, how many students there should be at each university; and, thirdly, how many students will be admitted to each course. The paradox is that the Government's policies represent a real liberalisation of higher education, while the Conservative proposals represent a real move back to "big state, small people".

The second Conservative proposal is to commercialise the student loan system by charging a positive rate of interest for student loans, and to use the revenue from that to fund universities. I welcome the advocacy of a positive rate of interest; the idea was proposed by the Select Committee. The current level of taxpayer subsidy to graduates is not justified by any evidence that it really supports access. But the Conservative proposal envisages, on the one hand, an increased charge to graduates, and, on the other, the use of the funds arising from that

"to improve the teaching infrastructure of universities".

It does not, as advertised, retain the principle of free higher education.

The fact is that a surcharge will be applied to the repayment of loans for student maintenance, and that revenue will be used to pay for university teaching. The proposal thus smuggles in a graduate contribution to university teaching costs—to use a phrase with which the shadow Secretary of State will be familiar, it smuggles in top-up fees "through the back door". As compared with the Government's much more transparent policy, that indirect approach is again to the detriment of university freedoms. Because the vehicle for the new charge is to be the financing of the student loan book, the sums arising will have to be centrally administered. The Conservative proposal is that that will be done at arm's length from Government by way of a new charitable foundation. But I do not think that there would be much difference in practice between such a foundation and the funding council system. The real difference between the Government's policy and the Conservative proposals is that the Government are giving an initiative to the universities, working from the bottom up, while the Conservatives would retain top-down resource allocation from the centre. Once again, it is a question of "big state, small people".

To conclude, the future of our universities is not a central issue in electoral politics. Nevertheless, their strategic importance in the new global knowledge economy is immense. We look to the universities as a prime source of intellectual innovation and increasingly as a vehicle for flexible skills training. As things stand, it is clear that the Government understand that fundamental point, but I fear that that cannot yet be said of either of the two Opposition parties.

3.10 pm

Dr. Alan Whitehead (Southampton, Test) (Lab): It is always a pleasure to follow the hon. Member for Wantage (Mr. Jackson), who is forthright and clear on a subject about which he knows a great deal. It is a matter of regret all round that he does not appear to have been centrally involved in the construction of his party's new higher education policy. Perhaps it would have been different if he had been.

We have concentrated this afternoon on the details of higher education policy. I suspect that as we move into a general election campaign the significance of such detail will be forgotten, but it is extremely important, as hon. Members have said, that we get it right, because it will allow students to know whether they can afford university fees, and pay them in reasonable instalments over a period of time. As my hon. Friend the Minister said, payment should allow for career breaks and other personal choices. The detail of our policy will allow universities to plan their funding, tuition and research requirements in the medium and long term. That is the essence of recent debates in the often difficult passage of the Higher Education Act 2004, which made considerable progress in closing the gap, acknowledged by everyone, between the funding requirements of higher education tuition and research and student contributions. Under the new system, students will be able to pay those contributions from their future income and universities will have an income stream to meet their requirements. I agree with my hon. Friend the Member for Huddersfield (Mr. Sheerman) that that does not lead automatically to a closure of the gap, and I suspect that in future there will be a substantial debate about universities' research requirements. Nevertheless, as a result of the passage of the amended Act and the changes that it will introduce, the detail of the long-term situation is much clearer.

Another hidden issue is access for students who have never considered going to university before. The proposals from both Opposition parties that we are considering this afternoon resile from the notion that about 50 per cent. of young people should go to university. It has been suggested that that figure was plucked out of thin air, but that is not true. According to projections, in future, about 50 per cent. of 18-year-olds leaving school or college will have the qualifications to go to university. The Opposition parties, however, would tell those students that, even though they have the qualifications to do so, they cannot go to university, which undermines a fundamental principle of higher education that the House should espouse. We must enable school leavers to go to university so that on

[Dr. Alan Whitehead]

graduation they can contribute to our economy and society. If we start to pick and choose students to reduce their overall number we will let those people down.

In contrast to the Government's detailed policy on higher education, the proposals of the Opposition parties are bottles of snake oil, albeit two very different ones. The Conservative bottle is an enormous jeroboam. The ingredients of that concoction, however, do not add up, as has been said. Asking students to repay loans at commercial interest rates would make an unacceptable connection with a mortgage. Students will not have the choice of taking a career break and there will be no allowance for people who do not earn enough money to pay off the loan. As a result, the clock will be ticking on the interest that they have to pay and, as analysis shows, the money to be repaid will pile up. The idea of throwing out the loan book to match funding for endowments is absurd. The loan book, however, is a means of providing loans for students in the long-term. If we sell that long-term future to achieve a short-term fix for university funding we will simply find that the sums do not add up. The only conclusion to be drawn is that the books can only be made to balance by a radical contraction of student numbers, and that is the problem at the heart of the Conservative proposals.

The Liberal Democrat proposals, as I said, are a different kind of snake oil, although it may be unfair to characterise them as such. They are a medicine that works in its own right, but the problem is that the same bottle of medicine has been promised to every single person in the GP's practice. My hon. Friend the Minister outlined a number of Liberal Democrat proposals that flow from the 50 per cent. tax increase that they would introduce. A little while ago, I attended a debate in the Chamber on Liberal Democrat proposals for local income tax in which they said that they could achieve the transition from council tax to local income tax by means of their 50 per cent. tax increase. They would introduce a cut in council tax, free long-term care for the elderly and various other things, including higher education reforms, some costed, others not, that go far beyond their central pledge to abolish tuition fees.

The Liberal Democrats propose loans to cover maintenance, the reintroduction of maintenance grants of £2,000 a year for poor students, and free eye tests and prescriptions for students. They would like to restore housing benefit to students during the summer holidays. They want to pay fees for part-time students who, they say, will also be eligible on a pro rata basis for means-tested loans and grants. In addition, they would like to put more funds at the disposal of individual universities to help meet cases of unexpected hardship.

Perhaps as a result of those additional internal uncosted commitments, the hon. Member for Harrogate and Knaresborough (Mr. Willis), whom I greatly respect for the tenacity and thoughtfulness of his contributions—

Mr. Rendel: So do we.

Dr. Whitehead: I am paying a straightforward compliment to the hon. Member for Harrogate and Knaresborough, not a barbed one. I imagine that it was precisely because of that thoughtfulness and commitment that he circulated a memo to members of his party last year, pointing out that there was a hole of between £1.5 billion and £2 billion in the Liberal Democrats' commitments that would need to be filled.

The Liberal Democrats also seem to suggest not just that a number of students would study near their homes, but that, in the words of their leader, normally students would study at universities near their homes. That runs contrary to the idea that access means students have access to all courses on the basis of their qualifications, wherever those courses are. In an economy where the elite universities attracted the movement of students, most universities did not. A state college system would cut directly across the idea of access, which we consider important.

Mr. Rendel: Perhaps the hon. Gentleman has forgotten that there are now as many part-time students as full-time students. As almost all those part-time students are studying from home, it is true even now that the majority of students are studying from home.

Dr. Whitehead: Yes, I take the hon. Gentleman's point. It is true that a number of students are studying from home, and that a number of students who are doing full-time courses go to local universities. I take issue not with that fact, but with the apparent notion enshrined in the Liberal Democrat proposals that it would be normal to study at home—that pretty much everybody would study at home or at their local university. That is a considerable bridge over which Liberal Democrat policy leaps.

Mr. Sheerman: I have heard it said several times today that the majority of students study at home. I have not seen that statistic and I should be interested to know whether it is legitimate. If a party believes that most students should stay at home and study rather than go away, it may suit that party to present that as the current situation. I should like to know the legitimacy of the statement that most students in higher education study at home. I have not seen it for myself.

Dr. Whitehead: Neither have I. As I granted the hon. Member for Newbury (Mr. Rendel), it is accepted that a substantial number of students, particularly part-time students, study at home. I have looked at the figures for students studying locally in my own city, at Southampton institute and Southampton university. There is an increasing trend, but it is by no means normal for students to study at home. It is by no means the case that most students study at home. As my hon. Friend says, to make that claim in order to bolster a policy that would greatly enhance that number is a bridge too far.

The hon. Member for Newbury may not have stated that students would normally attend a college or university near to where they lived or worked, but his leader, the right hon. Member for Ross, Skye and Inverness, West (Mr. Kennedy), stated that in a speech to Liberal Future on 5 June 2003. The idea seems to be a fundamental part of the assumptions behind Liberal Democrat policy.

Whether or not one agrees with everything in the package proposed by the Labour Government, the policy is clear for students and universities. It is clear

about access and the long-term future of universities, students and access. My concern this afternoon is to contrast that with two policies that, in varying ways, mortgage the future for the present. We need look no further than the extraordinary quote in the motion—I have not seen many such quotes in motions—which states that the

"Times Higher Education Supplement/Opinion Panel Research opinion poll of students . . . finds that 47 per cent. support the Liberal Democrats, 20 per cent. support Labour and 23 per cent. are backing the Conservatives".

That would largely explain the wildly over-extensive and substantially uncosted prospectus that the Liberal Democrats are presenting to students. Those who do not look at the detail may be taken in by it. It may be a clear election ploy to try and enhance the support of those people, but because the debate is all about details, it is essential to stick with the details. Those who look at them will realise that we should not mortgage the future of higher education for quick fixes. We should make sure that higher education is funded not just for current students who are voting in polls organised by *The Times Higher Education Supplement*, but for students in the next 30, 40 or 50 years who may benefit from their university and benefit the country, and for universities of which we can be proud.

3.26 pm

Alistair Burt (North-East Bedfordshire) (Con): I appreciate the chance to take part in the debate and will do my best to be brief, as one or two others still want to get in. Some of my remarks derive from the time when I occupied the Front-Bench position now held by my hon. Friend the Member for Epsom and Ewell (Chris Grayling) as shadow higher education spokesman, before I became batman to two successive leaders of the Conservative party—though a batman with no aspirations to climb on to a ledge of the palace. Some of my remarks are sourced from my continuing fellowship of the Industry and Parliament Trust and Universities UK. I am grateful to the universities of Holloway, Kingston and Bristol and to Imperial college London for the access they have given me over the past couple of years, though I stress that the opinions I express and the comments I make are mine, rather than theirs.

I warmly welcome the Minister to his position. We have known each other as friends for many years. He has always carried out his ministerial duties ably and competently—it says in my notes—and I see no reason why that should not be the case in his present position. We know that he will put into it all his endeavour and effort.

I strongly welcome the debate, as much as I welcome the change and development that have taken place in higher education since the 1960s. That more people go to university now is obviously good news, and that universities are different in their style and in what they provide for both graduates and undergraduates is also to be welcomed. Universities are not as they were. In most respects, that is to be welcomed, although one or two things are not so good and candid friends need to say so.

There are many issues in higher education that we could debate on the basis of the motion, but I shall deal with a theme that has emerged from one or two comments. My hon. Friend the Member for Wantage (Mr. Jackson) first raised it and it is a point not truly brought out in the motion or the amendment. My colleagues have a better grasp of the issue—that is, the independence of the higher education sector.

The Liberal Democrat motion and the Government amendment imply that higher education is and will remain almost solely a creature of Government. Higher education and Government should, of course, form a partnership. The nation has expectations and interests of which higher education must take account, but a too close, too dependent relationship between higher education and Government is not a good thing.

I shall pick out a couple of examples of that relationship being overdone in this country. The regulation and direction of funding through the Higher Education Funding Council has been commented on. Although they may be improving, universities still complain, and they are right to do so on occasion. Not only is the task of applying for funds time-consuming and frustrating, but almost all funds come with strings. Universities long for a system that rewards their professionalism and integrity with earned autonomy by which they can use money to fit in with their long-term plans and aspirations. Subsequent irresponsibility can be punished, which is what random inspections are for, but more trust and autonomy would be warmly welcomed.

I therefore welcome my hon. Friends' development of our ideas for greater autonomy by changing the funding mechanism for universities and encouraging more voluntary giving. Voluntary giving raises some challenges, which are set out in the excellent paper prepared by Professor Eric Thomas of Bristol university earlier in the year. If we could get the £600 million to which he and my hon. Friends refer, which works out at £400 per student, it would be of great assistance.

Of course, money will not come in equally to all institutions, and I recognise the fears expressed on that point, but two things follow. First, as Professor Thomas makes clear, endowment and voluntary income does not replace money from students or taxpayers, so room exists to correct imbalances, if they occur. Secondly, and most importantly, we cannot and should not expect all universities to receive equal resources, because they are not all equal, in the sense that they do not all tackle the same role in a modern higher education sector. Some can and must conduct blue-sky research. Some want to run courses for the sheer hell of it, and some students take those courses for the same reason.

The Secretary of State for Education and Skills made some unfortunate remarks suggesting that education for its own sake is not valid and that universities should be more vocationally driven. We are right to reject that proposition. Somebody, somewhere should defend education for its own sake, and it should be the Secretary of State. This country needs a tier of universities that receive wholehearted support and that are recognised as being of world stature. They must compete internationally and draw the best researchers and teachers here in order to deliver the highest quality skills to our students, which benefits everyone. Such universities are likely to be better funded than others.

Not all universities can fulfil such a role, and others of them may perform different jobs with a degree of excellence: teaching may take precedence over research;

[Alistair Burt]

care for students who need the greatest help may be of the highest quality; and relationships with particular industries may ensure that a university supplies a niche market. Individual departments of excellence can and do flourish in virtually all universities, and a system that enables those individual jewels to be recognised and supported is required.

Mr. Willis: Will the hon. Gentleman give way?

Alistair Burt: No; the hon. Member for Southwark, North and Bermondsey (Simon Hughes) wants to speak.

Not recognising the difference between universities and seeking to hold back those of the highest intellectual and research capacity because not all are equal is bogus and likely to inspire a complete breakaway by a handful of universities from the rest, which would be to no one's advantage. Greater autonomy will lessen that risk.

Who goes to the university is the second area in which the Government threaten independence. My message to the Government is simple: leave it to the universities. All universities that I have visited in the past three years are searching for the best students, and no admissions tutor is unaware of the effort required by a student from a difficult background to achieve top grades at a school that may not have everything. Universities know how to make allowances and do not need the Government to set quotas for them.

The more the Government go on about that matter, the more likely it is that individual injustices will take place: youngsters will not be judged on their merits, individual rights will become subordinated to group rights and public confidence in the honesty and integrity of the admissions system will be fatally compromised. The issue is not unrelated to the Government's aspiration for more people to go to university, which is good, and their 50 per cent. quota, which is not good.

Interfering with independence is dangerous in two respects. First, continued emphasis suggests to the nation that only higher education is worth having and that those who pursue further education, and even those who learn on the job, are somehow second class, as are those who teach such courses. I absolutely reject that notion. We cannot truly talk of "parity of esteem" for post-16 destinations if we give such an impression.

Secondly, a quota increases the likelihood that someone will be encouraged to take a course they do not want, in a university that they do not want to go to, in order to fulfil the quota and ensure that a university stays in business. That neglect of the interests of the individual student, who is considered as a commodity to fill a quota, is sad and wrong.

The pressure on universities to widen and increase access and to make allowances for quality runs the risk of taking the spotlight off secondary education, which my hon. Friend the Member for Wantage mentioned, and its responsibility to ensure the best outcomes and grades for its students.

The problem of ensuring that a strong group of applicants from disadvantaged backgrounds is ready for higher education is not solely the responsibility of the universities, and their efforts to address that are helped substantially when secondary schools act in partnership with them and increasingly support such efforts.

Let us take on the next phase of higher education. Let us give universities as much autonomy as we can and a light regulatory regime. Let us give students the sort of support that my hon. Friends propose by ensuring that they do not pay fees, cutting their debt and enabling them to borrow enough to live on at university—a message that was missed out of the Government's original White Paper. I strongly support my colleagues' package of measures, which is designed in the best interests of universities and students.

3.35 pm

Simon Hughes (Southwark, North and Bermondsey) (LD): I am conscious that we are coming to the end of the debate, and I am grateful for just a few minutes to put one substantive point to the Minister, whom I too welcome to his post.

My constituency does not have a great tradition of higher education: that was not generally what people from the old boroughs of Southwark and Bermondsey did. The one notable exception was the great teaching hospital of Guy's, which won prizes around the world and had dental and medical schools that were pre-eminent for a century. After that, things moved on. We had Borough polytechnic, which became South Bank polytechnic and is now London South Bank university, which is doing very well in terms of widening access. We have students living in premises south of the river who go to the London School of Economics and Westminster university.

I was prompted to make this contribution by figures that alarmed me when I got them from the then Minister in July; I mentioned them in my intervention on my hon. Friend the Member for Harrogate and Knaresborough (Mr. Willis). They suggest that something is badly wrong as regards opening up access and encouraging people to go on to higher education in London, our capital city. I have since asked questions relating to the other parts of England, and those figures will be available when we come back after the next break.

The figures show some worrying trends that I want to put to the Minister. They relate to the 32 London boroughs—the City of London is excluded—and cover the years 1996 to 2003, the last year for which figures are available. In the past year, 20 of the 32 boroughs experienced a decline in the percentage of students going on to higher education. Four local authorities—this is not a party political point—have experienced a decline over the whole period, which means that a smaller percentage go to university now than in 1996. They are Camden, with a 4.5 per cent. drop; Hammersmith and Fulham, with a very small 0.5 per cent. drop; Kensington and Chelsea, with an 8.5 per cent. drop; and Richmond, with a 1 per cent. drop.

There are huge variations in the level of attainment. In two boroughs, only 12 per cent. of school leavers go on to higher education: Barking, which is a traditional working-class area, but an outer London borough; and Hackney, an inner-city borough with all the educational problems that we have heard about. At the other end of the scale is Harrow, where more than 40 per cent. of students go on to higher education. In 1996, the figure was about 30 per cent.—there has been a huge increase in that relatively affluent borough.

Six local authorities have experienced good increases since 1996 in the numbers of students going on to higher education. When I list them, hon. Members will see that, again, I am not making a party political point. They are Harrow, with 9 per cent.; Newham, with 8.5 per cent.; Redbridge, with 9 per cent.; Waltham Forest, with 8 per cent.; Wandsworth, with 8 per cent.; and, I am pleased to say, my own borough of Southwark, with 8 per cent.

Those are the best performers. Overall, however, the London figures have started to turn down rather than up for the first time in seven years. For the first time, we have an indication that people in Greater London are not going on to higher education—I am not referring to the 50 per cent. target to which the Government aspire—because the figure for the capital is less than 25 per cent.

The best conclusion that I can reach—I do not draw on a great amount of research; I am happy for the Government to conduct the research—ties in with conversations in my constituency and anecdotal evidence that I have picked up across London. More and more people say that they will not go to university because of the cost and risk of debt.

I am not trying to bolster my party's case for the sake of it. As a London Member of Parliament who hopefully knows the subject relatively well, I simply want to share the fact that the evidence on the ground suggests a worrying trend. If that is the case, although we have the Higher Education Act 2004, the orders have not been laid and I hope that the Government can think again, not only about whether they insist on breaking their earlier commitment but about whether it would be wise in the foreseeable future to increase the contributions that students are asked to make to tuition fees. There is a danger that the people who need university most may be most put off and that the opportunity for widening access to which we all say that we aspire may not be fulfilled.

3.41 pm

Mr. David Rendel (Newbury) (LD): It is nice to follow my hon. Friend the Member for Southwark, North and Bermondsey (Simon Hughes). It is the first time that I have done that, and I am pleased to have that opportunity and to welcome the Minister again to his new position. I had a chance to do that yesterday in Committee and I am glad to do so today on the Floor of the House. I look forward to further debates in the next few weeks and months.

I start by making one point about Conservative policy that has not yet been raised. It is an interesting issue, and I hope that Conservative Members can answer my point. The Conservative party states in its paper that under its scheme the average debt with which graduates end their university careers will be lower by £9,000 than under the current Labour scheme. I take the difference to be caused by the fact that, under the Conservative scheme, students will not have to take out a loan to pay three times £3,000 of tuition fees, which they must do under the Government's top-up fee scheme. That is the only logic that I can perceive behind claiming that the debt would be £9,000 lower. If that is the only difference, Conservative Members appear to be assuming that the amount of the loan that is taken out for normal living costs will be precisely the same under both schemes—some £10,500 on average at the end of a normal undergraduate career. That means that the Conservatives have failed to increase the figure by the extra interest that they would charge before the student begins to pay off the loan in the April of the year after graduation. That implies a subsidy.

Chris Grayling: I am delighted to say that the models that we put together and published last week include interest on the debt that accrues at university under both the Government scheme and our own.

Mr. Rendel: I am delighted to hear that, but I am a little surprised, because the difference between the figures given is only £200. That implies that the amount that the Conservatives have accepted as the extra interest on the debt in the period before it starts to be paid off is only £200. Given that the real rate of interest that the scheme implies is some 4 per cent., and that the undergraduate is expected to borrow approximately £3,500 a year, only £200 seems a small amount of interest. I cannot get the sums to add up. The figure should be closer to £1,500. Some questions remain.

Another aspect of the Conservative scheme is that it raises the maximum amount that can be borrowed by students. Conservative Members must therefore assume that at least some students will take out more than they are allowed under the Labour scheme. Surely that implies that the average loan will be greater, and therefore a greater average amount must be repaid. There are therefore two fundamental concerns.

Mr. Collins: I would like to make it clear that the extra amount that students could borrow would not displace money that they were borrowing at 3 per cent. interest. It would displace money that they are presently borrowing at credit card rates, which can be anything up to 18 or 20 per cent.

Mr. Rendel: I understand that point. Nevertheless, the amount that the average graduate could borrow would be higher under the Conservatives' scheme, and would therefore take longer to pay off.

I would like to turn briefly to some of the points that have been raised during the debate. When we talk about the extra money to be raised through income tax on earnings above £100,000, we have made it clear again and again that that money would pay for three things, and three things only: the higher education changes that we intend to make; free personal care for the elderly; and some help for local authorities to keep down their council tax bills. Those are the only things that will be paid for out of that money.

Several hon. Members have mentioned the difference between the United States and elsewhere, and how US universities have been able to encourage a lot more private endowment. My hon. Friend the Member for Harrogate and Knaresborough (Mr. Willis) made the important point that public spending on higher education in the US represents a higher proportion of gross domestic product than it does here: roughly 0.9 per cent., compared with 0.7 per cent., according to figures produced by the Organisation for Economic Co-operation and Development. That makes it clear that it is the public commitment to higher education—the fact

[Mr. Rendel]

that the public authorities demonstrably believe in the importance and value of higher education—that encourages the extra endowment from the private sector. To suggest, therefore, that endowment from the private sector could take the place of public funding would be fatal, as it would almost certainly lead to a reduction in the endowment coming in, rather than an increase.

I made a point in an intervention on the hon. Member for Westmorland and Lonsdale (Mr. Collins) about the bureaucracy involved in his national scholarship scheme. He simply did not answer my question, so I shall raise the matter again. If the Conservatives introduced a national scholarship scheme, someone would have to administer it, and the amount of bureaucracy would be far worse if it had to do be administered on a student-by-student basis. Each student who gained a place at university would have to ask the university exactly how much money was involved, then apply to someone—it is not clear who—to ensure that they got that money to give to the university. It would be a hugely bureaucratic system, and I suggest that it would cost an awful lot more than the current one.

The hon. Member for Westmorland and Lonsdale also seems to have a conflict between two ideas. One is that it would be entirely up to the universities to give places to whomever they wanted, and that they would then be able to get scholarships to pay for those places; and the other is that a minimum proportion of those scholarships would be allocated to certain subjects. Quite how that would be administered, alongside the universities having complete freedom to give places to whomever they wanted, in whatever subjects, I fail to understand.

A fundamental point about the Conservatives' policy is illustrated by the fact that the hon. Gentleman failed to answer the criticism made by the Minister and my hon. Friend the Member for Harrogate and Knaresborough that the Tories' scheme would inevitably involve money being taken from the poor and given to the rich. That would happen because the poorer graduates—those in less well-paid jobs—would take much longer to pay off their debts, so the bulk of the money that would replace the current fees would come from them.

Mr. Collins: Will the hon. Gentleman confirm that under his proposals there would still be loans that had to be repaid at the end of they day? Under his scheme, someone who went into a well-paid job could pay off their loan faster than someone who went into a less well-paid job.

Mr. Rendel: Yes, but since the increase is only to be at the rate of inflation, there would be no real effect there. That is clearly an important difference.

There have been various claims that the Tories were going to pay the capital amounts demanded by universities, and that we were not. Because of the possible early introduction of our higher rate of income tax, we would be providing a lot more money to the universities than the current Labour scheme, and the Conservatives are quite wrong to pretend that that is not the case.

The most fundamental criticism to be made about the Government and the Conservatives involves their lack of vision about higher education in general. Ministers come up with only one answer to the question, "What is higher education for?" They say that it is there to serve the needs of the economy by creating a skilled work force. They believe that the kinds of study that are not deemed economically useful and fail to meet a consumer demand are not worthy of support. We agree that higher education is vital for the economy, but we do not believe that knowledge is valuable for that reason alone: it is of intrinsic worth both to the individual and to society as a whole. We regret that Labour and the Conservatives are now uniting around the position that the value of studies is determined by the number of student customers that a course can attract, or by some centrally determined test of economic usefulness.

Let me give one example of how the position now taken by the Government and by the Conservatives can be spectacularly short-sighted. How many people were arguing before 11 September 2001 that there was an urgent and pressing need to train more people who can understand and converse with the Muslim world? A recent report by the British Society for Middle Eastern Studies argued that we are not training enough people with knowledge of the middle east and competence in Arabic. Clive Holes, professor of the study of the contemporary Arabic world at the university of Oxford, argues that we are seeing

> "the gradual loss of a national resource for teaching Arabic and other Middle Eastern languages, and ... because of the concomitant staff cuts, the loss of expert advice which should be available to government, the diplomatic and intelligence communities, and business."

That is the logic of the market as envisaged by the Secretary of State and the Conservatives.

There is now a significant divide in politics on the future of higher education. The choice is between those who want to tax learning—whether through fees or interest rate charges, which applies to both the other main parties—and those who believe that it is the duty of public policy to ensure that every individual is able to expand the humanist wall that we need in our community. The Conservatives are advocating a policy that unashamedly redistributes wealth from the poor to the rich—socialism for the wealthy—and the Government, too, have promoted a policy that disadvantages the less affluent. Their desperate war of concession and reassurance during the Higher Education Bill debates, promising grants and bursaries all over the place, was a tacit admission that that is the case. If tuition fees and top-up fees are so benign in their consequence, why did Ministers decide that all those sticking plasters were necessary?

The Liberal Democrats therefore have nothing of which to be jealous in the other two parties' policies. Our position is principled and consistent with our party's values and history. It is also popular with students, university staff and parents, which cannot be said of our opponents' policies. One of the most striking comments in recent days was that of the National Union of Students president Kat Fletcher, who said:

> "Though the Tories stood by the NUS in our battle over tuition fees, we now recognise that their promises for a fairer funding situation for higher education were merely rhetoric."

A policy that is principled and popular and will create a higher education system fit for the 21st century is a policy that we will be proud to take to the country.

Let there be no doubt: this will be one of the deciding factors of the general election. Both Labour and Conservative will be standing on platforms that make those who go to university pay for the costs of the education they receive. We have a different answer. Because society as a whole benefits from the highest levels of education, the cost of that education should be met from taxation, and in particular, we would replace fee income with taxation of earnings above £100,000. As a result of the chasm that differentiates our policy from the policies of both the other two parties, we are looking forward to the next election with relish.

3.53 pm

Dr. Howells: I have seven minutes—

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. I must remind the hon. Gentleman that he needs the leave of the House.

Dr. Howells: I am dreadfully sorry, Mr. Deputy Speaker, I wrote that down on my brief in thick black handwriting.

With the leave of the House, I now have about six minutes.

May I begin by wholeheartedly endorsing the support voiced for the intrinsic value of university education, although I must tell hon. Members that I still grind my teeth occasionally at having once lost out in a shortlist to someone who was studying the effects on warfare of horsemanship in 13th-century Castile? I have my doubts about whether my subject of research was much more useful—

Mr. Patrick McLoughlin (West Derbyshire) (Con): What was it?

Dr. Howells: It was the coal industry, which the hon. Gentleman will know about.

This has been an interesting and informative debate, which has made clear the depth of feeling in the House about higher education. My esteemed predecessor as Minister, now Secretary of State for Work and Pensions, would have enjoyed the debate, because it has underlined the importance of ensuring that we get this right. I was especially encouraged to hear expressions of support from both sides of the House for maintaining what my hon. Friend the Member for Huddersfield (Mr. Sheerman) referred to as the commitment to excellence in the quality of teaching and research in our universities. He posed some central and difficult questions about how we can ensure that the highest-quality research—the excellence to which we have referred—is funded properly, and located throughout the regions and nations of this country. Our policy remains to concentrate research funding on the best institutions, but we do not propose to take all funding away from 4-rated departments, for example. In 2003–04, there was only a moderate reduction—about £20 million, or 2 per cent.—in the overall research budget of the Higher Education Funding Council for England for such departments. HEFCE will continue to provide £17.5 million in capability funding for departments rated 3A and 3B in 2004–05 to support the seven emerging areas in the next research assessment exercise.

The hon. Member for Wantage (Mr. Jackson) highlighted some of the problems with his own Front Bench's proposals. One interested me particularly: the proposal to replace HEFCE's funding arrangements and tuition fees with a voucher arrangement. Let me add to his timely and constructive questions one or two of my own.

The Conservatives do not say how they will control the number of places. At present we do that through HEFCE. If a university recruits too many students, grant will be lost. How will the Conservatives manage with a voucher system? Will they ration the number of vouchers that they hand out? If they do not, they will have written a blank cheque: they will be giving a voucher to anyone who is admitted to university. How can they possibly do that, and control public spending? They will have to ration the vouchers—but how? How can they say who is worthy and who is not? Will that not amount to taking centralised control of the university admission process?

The hon. Gentleman posed those questions in his usual elegant fashion, but I am afraid that none of us has received answers of any description, elegant or otherwise.

Maintaining and building on the success of higher education is essential, not only for students and graduates but for our economy and society as a whole. Just as a successful higher education can bring great benefits, making the wrong decisions, or no decisions at all, could cause great damage. I am confident that the vision set out in the 2003 White Paper, "The Future of Higher Education", and subsequently enacted in the Higher Education Act 2004, is the right vision to deliver successful higher education. It represents a carefully considered and decisive package for reform, and for the creation of a higher education sector that will stand the tests of time and international competition.

My hon. Friend the Member for Southampton, Test (Dr. Whitehead) reminded us that higher education plays such an important part in any modern economy that we must be absolutely clear and precise about how we pay for it. He challenged the Opposition parties to give us that precision, because the Government face tough spending choices. The country's future economic success depends on our getting higher education policy right. There can, indeed, be few more important topics. It is not realistic to think that now, with 44 per cent. of 18 to 30-year-olds going into higher education, we can fund it in the same way as we did in the mid-1960s, when the hon. Member for Harrogate and Knaresborough (Mr. Willis) and I went into higher education. Less than 8 per cent. of our cohort did so then. We are living in an entirely different world now—one in which we must get more and more students into higher education.

We accept that going for tuition fees was not an easy option, and, as we were reminded by my hon. Friend the Member for Southampton, Test, it is not a popular one. We do not care to play that game. He was right to cite figures showing the great popularity of the Liberal Democrat policy, but it is a different matter to try to pay for it. In government it is necessary to make real

[Dr. Howells]

decisions. The Liberal Democrats will never face that opportunity, so they can say what they like. It is, of course, one long wish list.

We think that our policy is the right one, and the only realistic way forward, and so do many of our competitors. In Europe, for example, universities in Germany are pressing the federal Government to change the constitution to allow fees; the Netherlands is already going ahead with tuition fee pilots; and even in Sweden, which has traditionally taken the position of having high public spending financed by high taxation, voices are beginning to be heard from the higher education sector arguing in favour of fees. Then there is the OECD. Its UK economic survey of 2004 praised the Government's approach to higher education, stating that it could provide "a role model" for other European countries.

The message is very clear. If our economy is to remain competitive, our higher education must remain competitive—and that means fees. We either face up to that or we face long-term decline as a nation. Put that way, it is not so tough a choice; it is precisely what we have to do.

Question put, That the original words stand part of the Question:—

The House divided: Ayes 55, Noes 386.

Division No. 242] **[4:00 pm**

AYES

Allan, Richard
Baker, Norman
Barrett, John
Beith, rh A. J.
Brake, Tom *(Carshalton)*
Brooke, Mrs Annette L.
Burnett, John
Cable, Dr. Vincent
Campbell, rh Sir Menzies *(NE Fife)*
Carmichael, Alistair
Chidgey, David
Cotter, Brian
Davey, Edward *(Kingston)*
Doughty, Sue
Ewing, Annabelle
Foster, Don *(Bath)*
George, Andrew *(St. Ives)*
Gidley, Sandra
Gill, Parmjit Singh
Green, Matthew *(Ludlow)*
Hancock, Mike
Harris, Dr. Evan *(Oxford W & Abingdon)*
Heath, David
Holmes, Paul
Hughes, Simon *(Southwark N)*
Jones, Nigel *(Cheltenham)*
Keetch, Paul
Kennedy, rh Charles *(Ross Skye & Inverness)*
Lamb, Norman
Laws, David *(Yeovil)*
Llwyd, Elfyn
Moore, Michael
Oaten, Mark *(Winchester)*
Opik, Lembit
Price, Adam *(E Carmarthen & Dinefwr)*
Pugh, Dr. John
Reid, Alan *(Argyll & Bute)*
Rendel, David
Robertson, Angus *(Moray)*
Russell, Bob *(Colchester)*
Sanders, Adrian
Stunell, Andrew
Taylor, Matthew *(Truro)*
Taylor, Dr. Richard *(Wyre F)*
Teather, Sarah
Thomas, Simon *(Ceredigion)*
Thurso, John
Tonge, Dr. Jenny
Tyler, Paul *(N Cornwall)*
Webb, Steve *(Northavon)*
Weir, Michael
Williams, Hywel *(Caernarfon)*
Williams, Roger *(Brecon)*
Willis, Phil
Wishart, Pete

Tellers for the Ayes:
Richard Younger-Ross and Sir Robert Smith

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, Bob *(Cov'try NE)*
Ainsworth, Peter *(E Surrey)*
Allen, Graham
Amess, David
Ancram, rh Michael
Anderson, rh Donald *(Swansea E)*
Arbuthnot, rh James
Armstrong, rh Ms Hilary
Atherton, Ms Candy
Atkins, Charlotte
Atkinson, Peter *(Hexham)*
Bailey, Adrian
Baird, Vera
Baldry, Tony
Barker, Gregory
Barnes, Harry
Baron, John *(Billericay)*
Barron, rh Kevin
Battle, John
Bayley, Hugh
Beard, Nigel
Beckett, rh Margaret
Bell, Sir Stuart
Bellingham, Henry
Bennett, Andrew
Bercow, John
Beresford, Sir Paul
Berry, Roger
Best, Harold
Betts, Clive
Blackman, Liz
Blears, Ms Hazel
Blizzard, Bob
Blunkett, rh David
Blunt, Crispin
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, rh Virginia *(SW Surrey)*
Bradley, rh Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brady, Graham
Brazier, Julian
Brennan, Kevin
Browne, Desmond
Browning, Mrs Angela
Bryant, Chris
Burnham, Andy
Burns, Simon
Burnside, David
Burt, Alistair
Butterfill, Sir John
Cairns, David
Cameron, David
Campbell, Mrs Anne *(C'bridge)*
Campbell, Ronnie *(Blyth V)*
Casale, Roger
Caton, Martin
Cawsey, Ian *(Brigg)*
Challen, Colin
Chapman, Ben *(Wirral S)*
Chapman, Sir Sydney *(Chipping Barnet)*
Chaytor, David
Clark, Mrs Helen *(Peterborough)*
Clark, Dr. Lynda *(Edinburgh Pentlands)*
Clark, Paul *(Gillingham)*
Clarke, rh Kenneth *(Rushcliffe)*
Clarke, rh Tom *(Coatbridge & Chryston)*
Clelland, David
Coaker, Vernon
Coffey, Ms Ann
Cohen, Harry
Collins, Tim
Connarty, Michael
Conway, Derek
Cook, rh Robin *(Livingston)*
Cormack, Sir Patrick
Cox, Tom *(Tooting)*
Cran, James *(Beverley)*
Cranston, Ross
Cruddas, Jon
Cryer, Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cunningham, Tony *(Workington)*
Curry, rh David
Curtis-Thomas, Mrs Claire
Davey, Valerie *(Bristol W)*
David, Wayne
Davies, rh Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Davies, Quentin *(Grantham & Stamford)*
Davis, rh David *(Haltemprice & Howden)*
Dawson, Hilton
Dean, Mrs Janet
Denham, rh John
Djanogly, Jonathan
Dobbin, Jim *(Heywood)*
Dobson, rh Frank
Dowd, Jim *(Lewisham W)*
Duncan, Alan *(Rutland)*
Duncan, Peter *(Galloway)*
Dunwoody, Mrs Gwyneth
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Etherington, Bill
Fabricant, Michael
Farrelly, Paul
Field, rh Frank *(Birkenhead)*
Field, Mark *(Cities of London & Westminster)*
Fisher, Mark
Fitzpatrick, Jim
Flight, Howard
Flook, Adrian
Flynn, Paul *(Newport W)*
Follett, Barbara
Foster, rh Derek
Foster, Michael *(Worcester)*
Foster, Michael Jabez *(Hastings & Rye)*
Foulkes, rh George
Francois, Mark
Gale, Roger *(N Thanet)*
Gapes, Mike *(Ilford S)*
George, rh Bruce *(Walsall S)*
Gerrard, Neil
Gibb, Nick *(Bognor Regis)*
Gibson, Dr. Ian
Gillan, Mrs Cheryl
Gilroy, Linda
Godsiff, Roger
Goggins, Paul
Goodman, Paul
Gray, James *(N Wilts)*
Grayling, Chris
Green, Damian *(Ashford)*
Greenway, John
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grogan, John
Gummer, rh John
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hammond, Philip
Hanson, David
Harman, rh Ms Harriet
Harris, Tom *(Glasgow Cathcart)*
Havard, Dai *(Merthyr Tydfil & Rhymney)*
Hawkins, Nick
Heald, Oliver
Healey, John
Heathcoat-Amory, rh David

Henderson, Ivan *(Harwich)*
Hendry, Charles
Heppell, John
Hesford, Stephen
Heyes, David
Hinchliffe, David
Hoey, Kate *(Vauxhall)*
Hood, Jimmy *(Clydesdale)*
Hoon, rh Geoffrey
Hope, Phil *(Corby)*
Hopkins, Kelvin
Horam, John *(Orpington)*
Howard, rh Michael
Howarth, rh Alan *(Newport E)*
Howarth, George *(Knowsley N & Sefton E)*
Howarth, Gerald *(Aldershot)*
Howells, Dr. Kim
Hoyle, Lindsay
Hughes, Beverley *(Stretford & Urmston)*
Hughes, Kevin *(Doncaster N)*
Hurst, Alan *(Braintree)*
Hutton, rh John
Iddon, Dr. Brian
Illsley, Eric
Ingram, rh Adam
Irranca-Davies, Huw
Jack, rh Michael
Jackson, Helen *(Hillsborough)*
Jenkins, Brian
Johnson, Boris *(Henley)*
Joyce, Eric *(Falkirk W)*
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keen, Alan *(Feltham)*
Kelly, Ruth *(Bolton W)*
Key, Robert *(Salisbury)*
Khabra, Piara S.
Kidney, David
King, Andy *(Rugby)*
King, Ms Oona *(Bethnal Green & Bow)*
Knight, rh Greg *(E Yorkshire)*
Knight, Jim *(S Dorset)*
Kumar, Dr. Ashok
Laing, Mrs Eleanor
Lammy, David
Lawrence, Mrs Jackie
Laxton, Bob *(Derby N)*
Leigh, Edward
Lepper, David
Leslie, Christopher
Letwin, rh Oliver
Levitt, Tom *(High Peak)*
Lewis, Dr. Julian *(New Forest E)*
Liddell, rh Mrs Helen
Liddell-Grainger, Ian
Lilley, rh Peter
Linton, Martin
Lloyd, Tony *(Manchester C)*
Loughton, Tim
Love, Andrew
Luff, Peter *(M-Worcs)*
Lyons, John *(Strathkelvin)*
McAvoy, Thomas
McCabe, Stephen
McCafferty, Chris
McDonagh, Siobhain
MacDonald, Calum
McDonnell, John
MacDougall, John
McFall, rh John
McGuire, Mrs Anne
McIntosh, Miss Anne
McIsaac, Shona
Mackay, rh Andrew
McKechin, Ann
McKenna, Rosemary
Mackinlay, Andrew
Maclean, rh David
McLoughlin, Patrick
Mactaggart, Fiona
McWalter, Tony
McWilliam, John
Mahmood, Khalid
Malins, Humfrey
Mann, John *(Bassetlaw)*
Maples, John
Marsden, Gordon *(Blackpool S)*
Marshall, David *(Glasgow Shettleston)*
Marshall-Andrews, Robert
Martlew, Eric
Mawhinney, rh Sir Brian
Meacher, rh Michael
Merron, Gillian
Michael, rh Alun
Miller, Andrew
Mitchell, Andrew *(Sutton Coldfield)*
Mitchell, Austin *(Gt Grimsby)*
Mole, Chris
Morgan, Julie
Morley, Elliot
Moss, Malcolm
Mudie, George
Munn, Ms Meg
Naysmith, Dr. Doug
Norman, Archie
O'Brien, Bill *(Normanton)*
O'Brien, Stephen *(Eddisbury)*
O'Hara, Edward
Olner, Bill
O'Neill, Martin
Osborne, George *(Tatton)*
Osborne, Sandra *(Ayr)*
Ottaway, Richard
Owen, Albert
Page, Richard
Paice, James
Palmer, Dr. Nick
Paterson, Owen
Perham, Linda
Picking, Anne
Pickthall, Colin
Pike, Peter *(Burnley)*
Plaskitt, James
Pollard, Kerry
Pond, Chris *(Gravesham)*
Pope, Greg *(Hyndburn)*
Prentice, Gordon *(Pendle)*
Prisk, Mark *(Hertford)*
Prosser, Gwyn
Purchase, Ken
Purnell, James
Randall, John
Rapson, Syd *(Portsmouth N)*
Redwood, rh John
Reed, Andy *(Loughborough)*
Robathan, Andrew
Robertson, Hugh *(Faversham & M-Kent)*
Robertson, John *(Glasgow Anniesland)*
Robertson, Laurence *(Tewk'b'ry)*
Robinson, Geoffrey *(Coventry NW)*
Roche, Mrs Barbara
Roe, Dame Marion
Rooney, Terry
Rosindell, Andrew
Ross, Ernie *(Dundee W)*
Ruddock, Joan
Ruffley, David
Russell, Ms Christine *(City of Chester)*
Salter, Martin
Savidge, Malcolm
Sayeed, Jonathan
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Shephard, rh Mrs Gillian
Sheridan, Jim
Shipley, Ms Debra
Simmonds, Mark
Simpson, Alan *(Nottingham S)*
Simpson, Keith *(M-Norfolk)*
Skinner, Dennis
Smith, rh Andrew *(Oxford E)*
Smith, rh Chris *(Islington S & Finsbury)*
Smith, Jacqui *(Redditch)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Soames, Nicholas
Soley, Clive
Spicer, Sir Michael
Spink, Bob *(Castle Point)*
Spring, Richard
Squire, Rachel
Stanley, rh Sir John
Starkey, Dr. Phyllis
Steen, Anthony
Stewart, David *(Inverness E & Lochaber)*
Stinchcombe, Paul
Streeter, Gary
Stringer, Graham
Stuart, Ms Gisela
Swayne, Desmond
Swire, Hugo *(E Devon)*
Syms, Robert
Tami, Mark *(Alyn)*
Taylor, rh Ann *(Dewsbury)*
Taylor, David *(NW Leics)*
Taylor, Ian *(Esher)*
Taylor, John *(Solihull)*
Taylor, Sir Teddy
Thomas, Gareth *(Clwyd W)*
Timms, Stephen
Tipping, Paddy
Touhig, Don *(Islwyn)*
Trickett, Jon
Trimble, rh David
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr. Desmond *(Brighton Kemptown)*
Turner, Neil *(Wigan)*
Twigg, Stephen *(Enfield)*
Tyrie, Andrew
Vaz, Keith *(Leicester E)*
Vis, Dr. Rudi
Walley, Ms Joan
Ward, Claire
Waterson, Nigel
Watkinson, Angela
Watson, Tom *(W Bromwich E)*
Watts, David
White, Brian
Whitehead, Dr. Alan
Whittingdale, John
Wicks, Malcolm
Widdecombe, rh Miss Ann
Wiggin, Bill
Wilkinson, John
Willetts, David
Williams, rh Alan *(Swansea W)*
Williams, Betty *(Conwy)*
Wills, Michael
Wilshire, David
Winnick, David
Winterton, Ann *(Congleton)*
Winterton, Sir Nicholas *(Macclesfield)*
Winterton, Ms Rosie *(Doncaster C)*
Woodward, Shaun
Woolas, Phil
Wright, Anthony D. *(Gt Yarmouth)*
Wright, David *(Telford)*
Wright, Tony *(Cannock)*
Wyatt, Derek
Yeo, Tim *(S Suffolk)*
Young, rh Sir George

Tellers for the Noes:
Ms Bridget Prentice and Mr. Stephen Twigg

Question accordingly negatived.

Question, That the proposed words be there added, *put forthwith, pursuant to Standing Order No. 31 (Questions on amendments)*:—

The House divided: Ayes 257, Noes 185.

Division No. 243] **[4:17 pm**

AYES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, Bob *(Cov'try NE)*
Allen, Graham
Anderson, rh Donald *(Swansea E)*
Armstrong, rh Ms Hilary
Atherton, Ms Candy
Atkins, Charlotte
Bailey, Adrian
Baird, Vera
Barnes, Harry
Barron, rh Kevin
Battle, John
Bayley, Hugh
Beard, Nigel
Bell, Sir Stuart
Berry, Roger
Best, Harold
Betts, Clive
Blackman, Liz
Blears, Ms Hazel
Blizzard, Bob
Bradley, rh Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brennan, Kevin
Browne, Desmond
Bryant, Chris
Burnham, Andy
Cairns, David

Campbell, Mrs Anne *(C'bridge)*
Campbell, Ronnie *(Blyth V)*
Casale, Roger
Caton, Martin
Cawsey, Ian *(Brigg)*
Challen, Colin
Chapman, Ben *(Wirral S)*
Chaytor, David
Clark, Mrs Helen *(Peterborough)*
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clark, Paul *(Gillingham)*
Clarke, rh Tom *(Coatbridge & Chryston)*
Clelland, David
Coaker, Vernon
Coffey, Ms Ann
Cohen, Harry
Connarty, Michael
Cook, rh Robin *(Livingston)*
Cousins, Jim
Cox, Tom *(Tooting)*
Cranston, Ross
Cruddas, Jon
Cryer, Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cunningham, Tony *(Workington)*
Curtis-Thomas, Mrs Claire
Davey, Valerie *(Bristol W)*
David, Wayne
Davies, rh Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Denham, rh John
Dobbin, Jim *(Heywood)*
Dobson, rh Frank
Dowd, Jim *(Lewisham W)*
Dunwoody, Mrs Gwyneth
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Etherington, Bill
Farrelly, Paul
Field, rh Frank *(Birkenhead)*
Fisher, Mark
Fitzpatrick, Jim
Flynn, Paul *(Newport W)*
Follett, Barbara
Foster, rh Derek
Foster, Michael *(Worcester)*
Foster, Michael Jabez *(Hastings & Rye)*
Foulkes, rh George
Gapes, Mike *(Ilford S)*
George, rh Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Gilroy, Linda
Godsiff, Roger
Goggins, Paul
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grogan, John
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hanson, David
Harman, rh Ms Harriet
Harris, Tom *(Glasgow Cathcart)*
Havard, Dai *(Merthyr Tydfil & Rhymney)*
Healey, John
Henderson, Ivan *(Harwich)*
Heppell, John
Hesford, Stephen
Heyes, David
Hinchliffe, David
Hoey, Kate *(Vauxhall)*
Hood, Jimmy *(Clydesdale)*
Hoon, rh Geoffrey
Hope, Phil *(Corby)*
Hopkins, Kelvin
Howarth, rh Alan *(Newport E)*
Howarth, George *(Knowsley N & Sefton E)*
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Beverley *(Stretford & Urmston)*
Hughes, Kevin *(Doncaster N)*
Hurst, Alan *(Braintree)*
Iddon, Dr Brian
Illsley, Eric
Ingram, rh Adam
Irranca-Davies, Huw
Jackson, Helen *(Hillsborough)*
Jenkins, Brian
Jones, Jon Owen *(Cardiff C)*
Joyce, Eric *(Falkirk W)*
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keen, Alan *(Feltham)*
Kelly, Ruth *(Bolton W)*
Khabra, Piara S.
Kidney, David
King, Andy *(Rugby)*
King, Ms Oona *(Bethnal Green & Bow)*
Knight, Jim *(S Dorset)*
Kumar, Dr Ashok
Ladyman, Dr Stephen
Lammy, David
Lawrence, Mrs Jackie
Laxton, Bob *(Derby N)*
Lepper, David
Leslie, Christopher
Levitt, Tom *(High Peak)*
Liddell, rh Mrs Helen
Linton, Martin
Love, Andrew
Lyons, John *(Strathkelvin)*
McAvoy, Thomas
McCabe, Stephen
McCafferty, Chris
McDonagh, Siobhain
MacDonald, Calum
McDonnell, John
MacDougall, John
McFall, rh John
McGuire, Mrs Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
Mackinlay, Andrew
Mactaggart, Fiona
McWalter, Tony
McWilliam, John
Mahmood, Khalid
Mann, John *(Bassetlaw)*
Marsden, Gordon *(Blackpool S)*
Marshall, David *(Glasgow Shettleston)*
Marshall-Andrews, Robert
Martlew, Eric
Meacher, rh Michael
Merron, Gillian
Michael, rh Alun
Milburn, rh Alan
Miller, Andrew
Mitchell, Austin *(Gt Grimsby)*
Mole, Chris
Morgan, Julie
Morley, Elliot
Mudie, George
Munn, Ms Meg
Naysmith, Dr Doug
O'Brien, Bill *(Normanton)*
O'Hara, Edward
Olner, Bill
O'Neill, Martin
Osborne, Sandra *(Ayr)*
Palmer, Dr Nick
Perham, Linda
Picking, Anne
Pickthall, Colin
Pike, Peter *(Burnley)*
Plaskitt, James
Pollard, Kerry
Pond, Chris *(Gravesham)*
Pope, Greg *(Hyndburn)*
Prentice, Gordon *(Pendle)*
Prosser, Gwyn
Purchase, Ken
Purnell, James
Rapson, Syd *(Portsmouth N)*
Raynsford, rh Nick
Reed, Andy *(Loughborough)*
Robertson, John *(Glasgow Anniesland)*
Robinson, Geoffrey *(Coventry NW)*
Roche, Mrs Barbara
Rooney, Terry
Ross, Ernie *(Dundee W)*
Ruddock, Joan
Russell, Ms Christine *(City of Chester)*
Salter, Martin
Savidge, Malcolm
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Sheridan, Jim
Shipley, Ms Debra
Short, rh Clare
Simpson, Alan *(Nottingham S)*
Skinner, Dennis
Smith, rh Andrew *(Oxford E)*
Smith, rh Chris *(Islington S & Finsbury)*
Smith, Jacqui *(Redditch)*
Smith, Llew *(Blaenau Gwent)*
Soley, Clive
Squire, Rachel
Starkey, Dr Phyllis
Stewart, David *(Inverness E & Lochaber)*
Stinchcombe, Paul
Stringer, Graham
Stuart, Ms Gisela
Tami, Mark *(Alyn)*
Taylor, rh Ann *(Dewsbury)*
Taylor, David *(NW Leics)*
Timms, Stephen
Tipping, Paddy
Touhig, Don *(Islwyn)*
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Brighton Kemptown)*
Turner, Neil *(Wigan)*
Twigg, Stephen *(Enfield)*
Vis, Dr Rudi
Walley, Ms Joan
Ward, Claire
Watson, Tom *(W Bromwich E)*
Watts, David
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Williams, rh Alan *(Swansea W)*
Williams, Betty *(Conwy)*
Wills, Michael
Winnick, David
Woodward, Shaun
Woolas, Phil
Wright, Anthony D. *(Gt Yarmouth)*
Wright, David *(Telford)*
Wright, Tony *(Cannock)*
Wyatt, Derek

Tellers for the Ayes:
Ms Bridget Prentice and Derek Twigg

NOES

Ainsworth, Peter *(E Surrey)*
Allan, Richard
Amess, David
Arbuthnot, rh James
Baker, Norman
Baldry, Tony
Baron, John *(Billericay)*
Barrett, John
Beith, rh A. J.
Bellingham, Henry
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, rh Virginia *(SW Surrey)*
Brady, Graham
Brake, Tom *(Carshalton)*
Brazier, Julian
Brooke, Mrs Annette L.
Browning, Mrs Angela
Burnett, John
Burns, Simon
Burnside, David
Burt, Alistair
Butterfill, Sir John
Cable, Dr Vincent
Cameron, David
Campbell, rh Sir Menzies *(NE Fife)*
Carmichael, Alistair
Chapman, Sir Sydney *(Chipping Barnet)*
Chidgey, David
Clarke, rh Kenneth *(Rushcliffe)*
Collins, Tim
Conway, Derek
Cormack, Sir Patrick
Cotter, Brian
Cran, James *(Beverley)*
Curry, rh David
Davey, Edward *(Kingston)*
Davies, Quentin *(Grantham & Stamford)*
Davis, rh David *(Haltemprice & Howden)*
Djanogly, Jonathan
Donaldson, Jeffrey M.
Doughty, Sue
Duncan, Alan *(Rutland)*
Duncan, Peter *(Galloway)*
Ewing, Annabelle
Fabricant, Michael

Field, Mark *(Cities of London & Westminster)*
Flight, Howard
Flook, Adrian
Forth, rh Eric
Foster, Don *(Bath)*
Francois, Mark
Gale, Roger *(N Thanet)*
George, Andrew *(St. Ives)*
Gibb, Nick *(Bognor Regis)*
Gidley, Sandra
Gill, Parmjit Singh
Gillan, Mrs Cheryl
Goodman, Paul
Gray, James *(N Wilts)*
Grayling, Chris
Green, Damian *(Ashford)*
Green, Matthew *(Ludlow)*
Greenway, John
Gummer, rh John
Hammond, Philip
Hancock, Mike
Harris, Dr. Evan *(Oxford W & Abingdon)*
Hawkins, Nick
Heald, Oliver
Heath, David
Heathcoat-Amory, rh David
Hendry, Charles
Hogg, rh Douglas
Holmes, Paul
Horam, John *(Orpington)*
Howard, rh Michael
Howarth, Gerald *(Aldershot)*
Hughes, Simon *(Southwark N)*
Jack, rh Michael
Johnson, Boris *(Henley)*
Jones, Nigel *(Cheltenham)*
Keetch, Paul
Kennedy, rh Charles *(Ross Skye & Inverness)*
Key, Robert *(Salisbury)*
Knight, rh Greg *(E Yorkshire)*
Laing, Mrs Eleanor
Lamb, Norman
Laws, David *(Yeovil)*
Leigh, Edward
Letwin, rh Oliver
Lewis, Dr. Julian *(New Forest E)*
Liddell-Grainger, Ian
Lilley, rh Peter
Llwyd, Elfyn
Loughton, Tim
Luff, Peter *(M-Worcs)*
McIntosh, Miss Anne
Mackay, rh Andrew
Maclean, rh David
McLoughlin, Patrick
Malins, Humfrey
Maples, John
Mawhinney, rh Sir Brian
Mitchell, Andrew *(Sutton Coldfield)*
Moore, Michael
Moss, Malcolm
Norman, Archie
Oaten, Mark *(Winchester)*
O'Brien, Stephen *(Eddisbury)*
Öpik, Lembit
Osborne, George *(Tatton)*
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Price, Adam *(E Carmarthen & Dinefwr)*
Prisk, Mark *(Hertford)*
Pugh, Dr. John
Randall, John
Redwood, rh John
Reid, Alan *(Argyll & Bute)*
Rendel, David
Robathan, Andrew
Robertson, Angus *(Moray)*
Robertson, Hugh *(Faversham & M-Kent)*
Robertson, Laurence *(Tewk'b'ry)*
Robinson, Peter *(Belfast E)*
Roe, Dame Marion
Rosindell, Andrew
Ruffley, David
Russell, Bob *(Colchester)*
Sanders, Adrian
Sayeed, Jonathan
Shephard, rh Mrs Gillian
Simmonds, Mark
Simpson, Keith *(M-Norfolk)*
Smith, Sir Robert *(W Ab'd'ns & Kincardine)*
Soames, Nicholas
Spelman, Mrs Caroline
Spicer, Sir Michael
Spink, Bob *(Castle Point)*
Spring, Richard
Stanley, rh Sir John
Steen, Anthony
Streeter, Gary
Stunell, Andrew
Swayne, Desmond
Swire, Hugo *(E Devon)*
Syms, Robert
Taylor, Ian *(Esher)*
Taylor, John *(Solihull)*
Taylor, Matthew *(Truro)*
Taylor, Dr. Richard *(Wyre F)*
Taylor, Sir Teddy
Teather, Sarah
Thomas, Simon *(Ceredigion)*
Thurso, John
Tonge, Dr. Jenny
Tredinnick, David
Trimble, rh David
Tyler, Paul *(N Cornwall)*
Tyrie, Andrew
Waterson, Nigel
Watkinson, Angela
Webb, Steve *(Northavon)*
Weir, Michael
Whittingdale, John
Widdecombe, rh Miss Ann
Wiggin, Bill
Wilkinson, John
Willetts, David
Williams, Hywel *(Caernarfon)*
Williams, Roger *(Brecon)*
Willis, Phil
Wilshire, David
Winterton, Ann *(Congleton)*
Winterton, Sir Nicholas *(Macclesfield)*
Wishart, Pete
Yeo, Tim *(S Suffolk)*
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Noes:
Mr. Peter Atkinson and Gregory Barker

Question accordingly agreed to.

MR. DEPUTY SPEAKER *forthwith declared the main Question, as amended, to be agreed to.*

Resolved,

That this House welcomes the passage of the Higher Education Act 2004; approves the further steps the Government is taking to widen participation, including the establishment of the Office for Fair Access, and enhanced bursaries; welcomes the improvement in support for part-time students being introduced by the Government, including the first ever grant package available from this autumn; rejects the Liberal Democrat policy of abolition of tuition fees, depriving universities of a dedicated income stream; congratulates the Government on maintaining fair and affordable loan repayment terms and rejects the policies proposed by the Official Opposition which would require those graduates who can least afford it to pay the most for their higher education; recognises the need to maintain UK universities at the forefront of world research and to equip the UK workforce with the high-level skills needed to compete in the global marketplace; congratulates the Government on record levels of investment in higher education, to almost £10 billion by 2005–06, with a 9 per cent. increase in research funding to 2007–08, additional income from variable fees, and further increases in Government funding to be announced shortly; looks forward to the introduction of a £2,700 maintenance grant for new students from 2006 alongside the improved student support package available from fee deferral, increased maintenance loans and loan write-offs for new students after 25 years; and welcomes the impact these policies will have on encouraging students from less well-off backgrounds to consider entering higher education.

Older Women

Mr. Deputy Speaker (Sir Alan Haselhurst): We now come to the debate on the impact of Government policy on older women. Mr. Speaker has selected the amendment in the name of the Prime Minister.

4.28 pm

Mr. Steve Webb (Northavon): I beg to move,

That this House notes that women have historically always been the poorest pensioners and believes that they will continue to be so unless urgent action is taken; further notes that the average basic state pension entitlement of a newly retired woman is barely £50 per week; recognises that women's state pension rights are frequently damaged by periods of caring for children or people with disabilities and by periods of low paid employment; further notes that the improved rights for carers under the state second pension do not apply to women with children over the age of five, do not apply to carers not in receipt of carers benefits, will take decades to be fully implemented, and will still produce a pension that leaves most recipients needing a means-tested supplement during their retirement; condemns the policy of the Government to force pensioners to surrender their pension books, a policy which affects women in particular; expresses concern that age discrimination within the NHS means that many older women are not invited for routine breast cancer screening; expresses further concern that the Government has failed to abolish mixed-sex wards in all hospital trusts, a practice which many older patients find particularly distressing; and calls on the Government to introduce a decent state pension, based on a citizenship requirement, provide real choices for older people, take steps to tackle age discrimination, and put an end to mixed-sex wards.

The Government's amendment on such occasions is always a good giggle. It is always a good laugh to see why the problem that we have all found in our constituencies and heard about from the people to whom we speak is actually not only not a problem, but a triumph for the Government. Today's Government amendment is no exception to that.

We have sought to bring before the House the failures of the Government to deal with the needs of older women, in particular, and our motion highlights pensions, but also issues relating to the health service. I hope that my hon. Friend the Member for Romsey (Sandra Gidley) will catch your eye later in the debate, Mr. Deputy Speaker, so that she can focus her remarks on those issues.

I shall concentrate especially on the position of women and pensions.

I start by agreeing with the Government. I shall not do that too often in the rest of my contribution, but let me start with a note of consensus, because we know that our electors want consensus on pensions. At the start of the amendment, the Government ask us to congratulate them on the fact that their pensions Green Paper was the first ever to include a chapter on the needs of women pensioners. It is good news that they finally included such a chapter in response to years of campaigning by the Liberal Democrats. The chapter was a list of problems facing women pensioners. The Government are good at listing problems—so good, in fact, that they produced quite a long chapter detailing the problems. One might reasonably assume that after listing the problems they might have felt the need to do something about them, but that aspect of the equation has not happened, because precious little of what came forward from the Green Paper was of benefit to older women.

The Government's amendment goes on to call for further praise for the Government because they are committed

"to report next year on the pensions position of women".

As those who follow the minutiae of such matters will know, the hon. and learned Member for Redcar (Vera Baird) moved an amendment in the Committee that considered the Pensions Bill to get such a report, to which the Government graciously acceded. The Government now want praise for the fact that they will report on the pensions position of women, but they had no intention of doing so until a Labour Member made such a suggestion. The argument in the rest of the amendment must be pretty thin if its strongest claims are that there was a chapter about problems and that there will be a report.

The essence of the problem that we are trying to address is that women are the poor relations on pensions. If pensioners feel like second-class citizens, women pensioners are often third-class citizens. As the Equal Opportunities Commission puts it, given that women form two thirds of the pensioner population, if we do not get pensions right, women are the ones who will suffer disproportionately. It is true that there has been a historical problem and that the old-fashioned system, which was based on the assumption that men worked and women stayed at home to bring up children, meant that women got a poor deal from pensions, but it is a myth that that is all ancient history. I want to dispel that myth today, because far from being over, the ancient history is with us today, and it is set to remain with us for generations to come unless the Government get serious on the issue.

I have figures about women who retire today, rather than extreme cases of women who have been retired for decades and lived their lives in a different era. A typical woman who retires today will receive a combined income from state pensions of £65 a week. A typical man retiring today will receive an income from state pensions of £105 a week, so there is a gap of £40. I do not want to be harsh on the Government because I am in a consensual mood today, so I praise them because the figures that I cited are better than those for the year before. The gap between men and women closed by 40p a week between 2002 and 2003, so that represents progress. At that rate of progress, I calculate that it will take a century before the gap of £40 closes. Liberal Democrat Members are patient and realise that progress takes time, but we think that 100 years is a little too long to wait to close the gap between men and women, especially for today's pensioners.

What is the origin of the problem and what can we do about it? A typical newly retired woman in 2003 drew a basic pension of £53.90 a week, but the full basic pension was in the high £70s. How did that situation arise? One would assume that, by the start at the 21st century, women who worked would have protected their pension rights and those who looked after children would have protected their pension rights. Why did they not receive full basic pensions? One problem is that women who retire now base their pensions on a working and caring life that typically goes back to the 1960s. They carry the baggage of a system that was generated in the post-war era on the assumption that they did not work and that that did not matter because they just depended on their husbands.

So although in the 1980s we had a system whereby when a woman was bringing up children, her pension rights were protected, many women retiring today do not benefit from that system and retire on a pathetically inadequate pension.

One reason the Liberal Democrats have taken the view that we need to act quickly on pensions is that this injustice has gone on for too long. We cannot wait for decades for all those historical anomalies to work their way through the system because, frankly, many of the women that we are talking about will not be around to see the benefit. That is why our priority, as reflected in the motion, is a pension increase, particularly for the oldest pensioners. They simply cannot wait.

That contrasts with the approach taken by the Conservatives, who have said that there should be limited, across-the-board increases for all pensioners proportionate to the pension that they draw, which means that women, once again, will get a raw deal. If a woman draws a smaller pension, an increase proportionate to that amount will be smaller than for a man. How can we put up with that discrimination any longer? We have a wholly inadequate basic pension, the value of which has been eroding for a quarter of a century relative to earnings, and we have to take urgent steps to deal with it because it is women who lose out.

In their amendment to the motion the Government are saying, "You don't need to worry about that because there is the state second pension"—what used to be called SERPS—"and that is good news for women." In fact, Ministers have been known to say that 20 million people will benefit from that pension. The state second pension is their response to the question, "What have you done for women?" Looking at the figures, I found that the typical woman retiring in September 2003 draws a SERPS or state second pension of a grand total of £9.73 a week; the typical man draws £22 from that source. That pension, which is meant to be the answer to the problem of women, is worth less than a tenner to the typical woman.

Why is it that, as ever, there is a huge gap between the Government's rhetoric on pensions and the reality for women pensioners? First, the Government say that women should have their pension rights protected while they are bringing up children, but only until their children are five. After that, the Government expect them to go out to work and earn above the earnings limit, and if they do not, or if they do part-time work, their pension rights are not protected. The new second pension, which is supposed to be the answer to all the problems, does not help women in that position, even starting from now. That seems wrong to us.

Secondly, the Government say that for the first time they are protecting the pension rights of carers, and anyone drawing the carer's allowance receives credits towards the second-tier pension. However, there are hundreds of thousands of women out there, doing caring work, who do not satisfy the 35-hours-a-week rule or the test that the Government set them. If a woman spends 20 hours a week caring for an elderly relative, and another 10 hours a week doing a rather pathetically paid part-time job in which she does not pay national insurance, the Government's response is that none of that matters. None of that has value in their eyes because none of it earns a woman a penny in pension rights.

This is the critical point: the history of pensions has been that the only thing that the state values is paid work above a certain level, and we are saying that that injustice has to stop. We as a society must surely value people who bring up children and care for elderly relatives, and we must surely value those who do a couple of part-time jobs, neither of which qualifies them to pay national insurance, leaving them without any pension rights.

Vera Baird (Redcar) (Lab): May I take the hon. Gentleman back to his point about carers? It is relatively easy to decide when a woman is at home caring for a child because one can see the child. At the moment, what triggers a woman's receipt of a carer's credit is the fact that the person for whom she is caring receives the disability living allowance, which requires 35 hours of care. That is a very clear trigger that makes it easy to attribute the credit. If we are to allow part-time caring and part-time work to be taken into account—which I accept is right and is what, in reality, many women do—how will we trigger the award of the credit? That is a very difficult issue.

Mr. Webb: The hon. and learned Lady makes a critical point, and suggests why we concluded that the answer to the problem of national insurance is not to invent increasingly complex ways of plugging all the gaps. Instead, we should sweep the current arrangements away and base pension entitlement on citizenship. She is quite right—if we give money to full-time carers, there are practical problems in working out what we would give to part-time carers or people with two low-paid jobs and so on. I pay tribute to her and organisations such as the Fawcett Society, Age Concern and the Equal Opportunities Commission for raising those issues, but I disagree about their strategy which, although it may be realistic about how far the Government are willing to go, would plug the myriad gaps in the system. However, if one did so, the pension would still be 100 per cent. inadequate and operating it, as she suggested, would be complex and difficult.

The Liberal Democrats want the money that is currently spent on bureaucracy, qualifications, rules and regulations to be spent on pensions. It should not be devoted to bureaucracy but should go to front-line pensions. My response to the hon. and learned Lady, therefore, is that we should not devise ever more complex rules to bring more people into the net. Instead, we should say that citizens who satisfy a test of residency are entitled to a decent pension.

Mr. Frank Field (Birkenhead) (Lab): The women of this country should know exactly what the hon. Gentleman's policy is. He will know that a large number of women did not opt for the married woman's pension, but voluntarily paid the full contribution. His reply to my hon. and learned Friend the Member for Redcar (Vera Baird) suggested that the Liberal Democrats would abolish those distinctions and qualifications, so is he telling those hundreds of thousands, if not millions, of women who deliberately did not choose the lower rate but wanted to pay for the full pension that they were foolish to do so?

Mr. Webb: Women who paid the full stamp currently qualify for a wholly inadequate basic state pension of

[Mr. Webb]

less than £80 a week. We propose a citizen's pension, which would be paid regardless of someone's contribution record at a rate of £105 a week for the over-75s. We would not make a distinction between people who had paid different rates, people who had been carers or had brought up children, but the women highlighted by the right hon. Gentleman would be substantially better off than at present. Like me, he knows that many women made the wrong choice about whether or not to pay the full stamp—they were misled or did not have accurate information and have retired in penury. We believe that that injustice needs to be put right.

Mr. Field: Would not the Liberal Democrats' position be stronger if they dropped all that old claptrap about a citizen's pension and merely said that they are going into the election with a strong policy on a significant increase for the oldest pensioners? That might win them support in very different places around the country.

Mr. Webb: The right hon. Gentleman's antipathy to the concept of a citizen's pension may derive from the fact that he has never had any time for shirkers. He has a horror of people who, for want of a better phrase, I shall call surfers, who spend their entire life surfing and draw a full pension on retirement because they are citizens. However, the citizen's pension does not allow people to be surfers or shirkers. We will not allow them to draw social security benefits or credits unless they satisfy rules on searching for work or unless they make a contribution. The people whom the right hon. Gentleman is worried about are bound by the present system to seek work and so on if they want support. It is therefore inconceivable that someone could spend their entire adult life shirking and drawing money from the state before receiving a pension on retirement. The citizen's pension proposal is therefore not vulnerable to the problems which, he believes, would affect a citizen's income proposal. That is not what we are proposing at all.

Mr. Field: I am merely suggesting that there is a more attractive way of presenting the hon. Gentleman's policies. It is important that we achieve agreement, so it is not a question of whether or not we go down the citizenship pension route. Nobody in their right mind thinks that people will deliberately make certain decisions so that after 15 years of receiving a pension they will qualify for other benefits under the Liberal Democrat proposal. It is not a question of citizenship—the greatest need is among the oldest pensioners, and that issue unites all the parties. Talking about citizenship pensions or non-citizenship pensions divides our forces instead of uniting them.

Mr. Webb: As the right hon. Gentleman knows, we agree about the particular needs of the older pensioners, and I am happy to concur with him on that. Suppose, however, that we were to add £25 to whatever pension a pensioner over 75 happened to draw, many of the women to whom I am referring draw such abjectly pathetic pensions that even £25 on top would still leave them below the poverty line and needing to claim the sort of means-tested benefits on which the right hon. Gentleman wants less reliance.

In other words, the right hon. Gentleman and I share a view, first, that the older pensioners are particularly needy and deserving of further support. Secondly, he and I want to reduce reliance on means-testing. My worry about his proposal is that if we had an across-the-board increase for the over-75s but left the contribution-based pension intact—not the citizenship-based one—there would still have to be quite a lot of means-testing, which both he and I want to get rid of.

Mr. Nigel Waterson (Eastbourne) (Con): As I understand it, the hon. Gentleman's proposal for a citizen's pension depends crucially on a residence test, but I have unaccountably been unable to find any details of how that test would be defined or how it would work. Can he assist me?

Mr. Webb: Certainly. There are already residence tests of the sort we have in mind in the social security system. The hon. Gentleman will be familiar with the pension—I think it is the category D pension, although I am open to correction on that—payable from the age of 80 onwards, which is non-contributory in the existing system and is subject only to a residence test. What we have in mind are residence tests of the sort that are already in the system, but one of the problems is that the data available to us as an Opposition party, which would enable us to come up with a precise definition, are very limited. We know that the general approach would be that people could not come straight off the boat at Dover and claim a pension—that is not how it would work—but would need to have established a significant connection with the United Kingdom, including in the period up to retirement. We will consider the exact details in due course—perhaps at my earliest opportunity, should I form part of the first Cabinet of my right hon. Friend the Member for Ross, Skye and Inverness, West (Mr. Kennedy).

Kevin Brennan (Cardiff, West) (Lab): If that is the hon. Gentleman's proposal, is it not wrong to call it a citizen's pension? Does that not mislead the public? Many of my constituents are not citizens of the UK and would feel excluded by that title. Does the hon. Gentleman agree?

Mr. Charles Kennedy (Ross, Skye and Inverness, West) (LD): Call it the people's pension.

Mr. Webb: Perhaps my right hon. Friend has been spending too much time with the Prime Minister's former press secretary lately.

The point that we want to establish is the distinction from a contributory national insurance-based system, which has been described as a system of exclusion. National insurance these days is about excluding women, carers and the lower-paid. We value caring. We value bringing up the next generation. We value looking after older people. We support people who, through no fault of their own, have to do grotty part-time jobs that none of us would ever want to do, and we say that they have had a hard enough time for long enough. The injustice cannot be allowed to roll on for decades. Let us sort it out now.

Vera Baird: I understand what the hon. Gentleman is saying, but all the women who do not have a full basic

state pension and have to claim means-tested benefits would still have to do so until they were 75. Why should they wait that long, when others do not?

Mr. Webb: Indeed. One of the points about pensions policy is that we need both a long-term destination and a route map. We need to know where we want to be and how we are going to get there. I contrast the Government's destination which, as the hon. and learned Lady well knows, is mass means-testing, with our destination, which is precisely as she describes—a citizenship pension, paid at the level of the means test to obviate the mass from requiring means-testing, and linked to earnings so that that standard of living is available across the board.

We have, however, had to be realistic about how far we can rescue an entirely inadequate pension. The fact that the pension has fallen so far behind the means test means that were we to stand up and say, "Vote for me and I'll give everybody lots more money", we would rightly be ridiculed. We have had to make what my hon. Friend the Member for Twickenham (Dr. Cable) would call a tough choice, and rightly so, to begin with those most in need—those over 75. But the hon. and learned Lady is right: the argument applies equally to those under 75, and we want to extend the principle as quickly as we can.

I move to the third plank of the Government's approach to financial support for women. We have seen the inadequacy of the basic state pension of barely £50 a week. The answer, apparently, is the second state pension, which provides barely £10 a week. The Government would say, "Yes, but it's just building up. Give it a few years", but it is a pension that takes a generation to be truly awful. By the time it is fully in, a typical woman—not an extreme case—on a full basic pension and a full second pension will find during her retirement that she falls below the poverty line and has to claim a means-tested top-up.

Even if we give the second pension 40 years, it will be so poor that it will not keep people clear of means-testing in their retirement. If that is the answer, one wonders about the question.

The basic pension is inadequate for women and the second pension is woefully inadequate for women, which brings us to the Government's real triumph, the pension credit. The Government amendment states that the pension credit is the answer. The pension credit gives more to women than to men, but that is because women are so poor. It also misses more women than men. The Minister did not say "yeah" to that, but "yeah" would have been appropriate.

Older pensioners are the least likely to take up the pension credit, and they tend to be women, particularly widows. The pension credit is like a scattergun: it hits some—we do not doubt that those people are grateful—but misses many. How long can we rely on a system that gives way when pressure is exerted? How long can we rely on a system which is meant to plug the holes in the basic pension and second pension, but which misses more than 1 million of our fellow citizens, who are predominantly women?

Vera Baird: The hon. Gentleman took my point that his proposal would only give equality to women over 75. Since that is his proposal's consequence, he must try to come up with a solution to the problem that I raised before—how to allocate carers' credits for part-time caring; otherwise he will disregard all women aged between 60 and 75 who are carers and who do not receive credits towards their pensions. He must look for a solution to that problem, as well as offering a solution for the over-75s.

Mr. Webb: The Government do not pay women who have reached that age group a penny. Many carers, who perhaps care for elderly relatives, are angry because, when they reach pension age, the Government say, "You can either have your meagre retirement pension or your carers' money, but not both." Many carers resent that treatment.

We accept the principle that caring must be valued and want to make progress towards valuing it, but we cannot achieve everything at once. As my right hon. Friend the Member for Ross, Skye and Inverness, West said, what have the Government been doing? The fact that the figures that I quoted are after six years of a new Labour Government makes one realise the scale of the problem.

We welcome the new Secretary of State for Work and Pensions to his post. He is widely regarded as an able politician—I mean that in the nicest possible way—and I look forward to forming a constructive working relationship with him. The cynics in my party said that if one wants to sack 30,000 people, why not put in a trade unionist? I would not say that. I welcome him to his post and look forward to finding the consensus on pensions that is everywhere except in the new Labour Government—hopefully, we can take one extra convert with us.

The basic pension and second pension are inadequate, and the pension credit misses out far too many women. Where do we go from here? The Government strategy is gradualist, which may not be ideal for those who are 83. The Government say that the second pension will be worth a bit more in a decade or two, but it will be so inadequate that one will need to claim a means-tested top-up. They say that all will be well with pension credit after another phone line, advertising campaign or leaflet drop, but they fail to recognise the endemic problem—the people who need it most do not take it up.

We do not need incremental change of the sort proposed by the Conservatives, which would deliver £7 for a man and £5 for a woman. I do not know whether the wider British public recognise that that is Conservative policy—the increases would occur over the course of a Parliament and are pro rata to what women draw. The 21st-century Conservative party should not be in favour of such a measure, but perhaps I am wrong.

It is not good enough to introduce incremental change. We cannot say, "Those people have already retired. We will write them off, but we will do something for the next generation." Retired people have often given their best to this country, to bringing up their families, to caring and to fairly menial work that does not pay enough to pay national insurance.

Liberal Democrat Members believe that radical reform rather than marginal incremental change is required.

[Mr. Webb]

That is why I was proud last week to join my right hon. Friend the leader of the Liberal Democrats in proposing a dramatic change to the basis on which pensions are paid. We want a pension based on citizenship that says, "We value you for being a citizen of this country, not because you've done better-paid work." We want a pension that lifts people clear of the unnecessary processes of means-testing that leave many in poverty and keeps pace with the living standards of the majority. That is the radical approach that we are advocating.

It was worth coming back to the House for a second week to talk about pensions, because none of those ideas was properly explored in last week's debate moved by the Conservatives, who are still thinking in the old way of a few pounds here and a few pounds there. The fact that they have not tabled a motion on women's pensions makes one realise how low a priority they attach to the issue.

It is time that the injustices that older women have faced are tackled. This motion suggests how we should do it, and I commend it to the House.

4.55 pm

The Minister for Pensions (Malcolm Wicks): I beg to move, To leave out from "House" to the end of the Question, and to add instead thereof:

"welcomes the Pensions Green Paper as the first ever statement of government policy to explicitly consider the needs of women; further welcomes the commitment by the Government to report next year on the pensions position of women; supports steps to improve the incomes of women pensioners and enable more women than ever to build up pensions; welcomes in particular the introduction of Pension Credit, benefiting over two million women, and the state second pension, helping millions of the lowest paid women and women with caring responsibilities to build up a second pension; believes that both main Opposition parties' policies are unaffordable, unworkable and do nothing for the very poorest; notes that the Liberal Democrat policies will be financed by scrapping DTI programmes, which boost the wealth of the nation through investment in research and innovation; supports the conclusion of the Pensions Policy Institute that 'the average woman will lose' under proposed Conservative policy; notes that 99 per cent. of NHS trusts provide single-sex sleeping accommodation for planned admissions; and, as there are 10,000 wards in use across the NHS, congratulates the Government on this achievement; applauds the extension of breast screening to women aged 65 to 70, resulting in an additional 200,000 women being invited since April 2001; commends the Government's historic commitment to tackling pensioner poverty, which is continuing to do most for the poorest women pensioners; and welcomes the £10 billion extra that the Government is spending on pensioners this year compared with the 1997 system."

I, too, start by welcoming our new Secretary of State, fresh from the TUC conference in Brighton. I very much look forward to working with him.

As I like to be generous on these occasions, I acknowledge that the Liberal party has, historically, made a substantial contribution to British social politics. I mention once again the Old Age Pensions Act 1908, the introduction of the original national insurance scheme before the second world war, and of course the seminal report of 1942 by that great Liberal, Sir William Beveridge.

Sadly, however, since the 1940s the Liberals have had a rather thin period. To be blunt, there has been nothing much to report in the past 60 years. We have seen the strange death of Liberal social reform; I hope that the more literate Liberals will understand a reference to a great and important book. That great gap in six decades of Liberal history has not been put right by today's announcements or by the speech by the hon. Member for Northavon (Mr. Webb), despite the help that my right hon. Friend the Member for Birkenhead (Mr. Field) tried to give him. I always see that help coming and duck.

Yet, as I say, I want to be kind. I welcome another opportunity to debate pensions having done so last week. We do not have a pensions debate for a few weeks and then two come along at once. This time I want to address the subject in a slightly different way by discussing two key themes that were mentioned by the hon. Member for Northavon: women and pensions; and the needs of the most hard-pressed elderly people.

The Liberals are keen on addressing issues about women. They even have one or two women MPs to help them along, but when I look at their Benches I see more gender inequality in terms of political representation than I do when I look at my own.

Women's pensions must be analysed in the context of changing social structures, gender roles, work patterns and caring patterns in the late 20th and early 21st centuries. Since the 1940s, substantial changes to key trends have added up to a fierce hurricane that has battered the post-war welfare state and the assumptions that underlie it. As a keen student of social policy and of William Beveridge, the way in which things have changed is perhaps best illustrated by looking at some of the assumptions that underpinned Beveridge's great report of 1942, in which he said that

"all women by marriage acquire a new economic and social status, with risks and rights different from those of the unmarried. On marriage a woman gains a legal right to maintenance by her husband as a first line of defence against risks which fall directly on the solitary woman; she undertakes at the same time to perform vital unpaid service".

That was what William Beveridge wrote in 1942. Although, from a modern and feminist perspective, one could almost make fun of that rather sexist view of women, I suspect that it would have been prevalent in all our political parties at the time. I cite the quote so that I can talk about subsequent changes.

Since then, changes in employment patterns and patterns of care, divorce and separation, the growing number of one-parent families and women's changing attitudes and ambitions have presented new challenges and raised fresh questions. What are the implications for women's pensions? First, I would argue that anyone who is concerned about women's pensions should start not with pensions but jobs and incomes. If women earn well during their working lives, they are more likely to have decent pensions in retirement. We are therefore working to reduce the pay gap.

We gave a boost to low-paid workers' pay, 70 per cent. of whom are women, with the introduction of the national minimum wage, which is, therefore, a key part

of pension strategy. Approximately 1 million women have benefited and it has contributed to a 2 per cent. drop in the pay gap since 1997. We are reducing the gap further by making it easier for women and men to take up equal pay claims by simplifying and speeding up existing tribunal procedures. For example, we introduced an equal pay questionnaire procedure in April 2003 and we are committed to a target of 45 per cent. of large companies undertaking pay reviews by April 2008.

Other matters are important to women's earnings and careers. The part-time workers' regulations that the Government introduced will ensure that 6 million workers, the majority of whom are women, are not treated less favourably than comparable full-timers in their terms and conditions. In a sense, access to affordable and good quality child care is part of the pension strategy. We want to provide an extra 250,000 child care places by 2006, helping with the costs through the tax credit system.

If we start with an analysis of employment and pay, we should go on to ensure that modern pension systems are not based purely on a traditional idea of an economy and a male-dominated perception of work. In recent decades, home responsibility payments have therefore credited young mothers with children into the national pension system. Despite the traditional cynicism of the hon. Member for Northavon about social progress, I make no apology for introducing the state second pension to boost the pensions of low and moderately paid employees. It provides, for the first time, additional pensions for carers and long-term disabled people. That will especially help women, many of whom work part-time or as carers. Almost all the 2.5 million carers who will benefit from the state second pension are women, as are approximately 70 per cent. of the 5 million low earners.

Stakeholder pensions are another part of the story because they will help women in the modern labour market who often move between employers and occupations and may, at different times, be self-employed or employed on a limited contract or a permanent contract. Flexibility means that stakeholder pensions are a good option for women who take a break from work, for example, to raise a family, because they can stop and restart their contributions without penalty. Stakeholder pensions are open to non-earners and, therefore, enable women or others who do not work but can afford to save something towards retirement to do that. Stakeholder pension rules allow family or friends to contribute towards someone else's pension. That may help the large number of women who are carers. During their first year, a third of all stakeholder pensions were taken up by women. There are currently approximately 2 million stakeholder pensions.

Other measures that are in place or proposed in the Pensions Bill will improve the position for women by making pensions cater more fairly for those with fragmented working lives. For example, our proposals on full transfer value for early leavers will allow people in short-stay jobs to take the full value of their pension with them when they leave such jobs. Often in the past, women who worked for relatively short periods essentially lost much of the build-up of their pension rights.

Our informed choice programme, which offers help, such as workplace financial advice, will benefit those who have most often been excluded from pension provision in the past.

I have spoken about today and the future but we are also presented with demands about pensions that are inherited from the past.

So, just as we need to look forward many decades to plan for an uncertain future—the pension protection fund will be crucial in that regard—we also need to understand past decades if we are to tackle current problems. New policies will affect pensions that are drawn in 2050 and beyond, but our policies also affect those elderly people whose life chances and incomes were perhaps determined in the 1920s and 1930s.

In 1997, the Labour Government understood that all too graphically. Some pensioners were struggling on as little as £69 a week, such was the debilitating impact of the Tory inheritance bequeathed to us. That is why we make no apology for seeking to focus some of the additional resources that we have put into pensions on the poorer and more pressed elderly person. Hence the pension credit, which provides a guarantee that no pensioner need live on less than £105 a week. That means that the poorer third of pensioner households are now £1,750 better off in real terms than they would have been, compared with the system that existed in 1997. That is an extra £33 a week.

Opposition Members say that they object to the indignities of the means test. Perhaps they have forgotten the days when the Tory means test meant that prudent pensioners who had made modest provision for their retirement saw their benefits reduced pound for pound because of their savings. The days of 40-page-long claim forms, of having to visit unpleasant local offices in inconvenient locations, and of having to tell the DSS—as it then was—about every change in their finances have gone.

The new Pension Service—we are the first Government to have such a specific service—means that people can claim their pension credit over the telephone, where one of our advisers will fill in the form on behalf of the elderly person or her carer, or people can go to advice surgeries in all our constituencies. Alternatively, they can arrange for a home visit. More than 500,000 home visits have now been carried out by the Pension Service.

Mr. Michael Weir (Angus) (SNP): I hear what the Minister is saying about pension credit, but how does he explain why so many pensioners seem reluctant to claim it? Why does the Government's own target project that a considerable number of pensioners will fail to claim their pension credit up to 2006?

Malcolm Wicks: I am pleased with the progress that has been made. About 3.1 million individuals are now claiming pension credit, and the number of those on the guarantee element has increased considerably, compared with a few years ago. We are not complacent, however, and we want more and more people to claim pension credit. I am bound to say that I think there is a role for Members of Parliament in spreading the word about pension credit, rather than spreading cynicism, as sometimes happens. Whatever their views about income

[Malcolm Wicks]

testing. I hope that Opposition Members will accept that the pension credit is a million miles away from the income testing of the past. That is a fact, and MPs who find out about pension credit and our local Pension Service know it. I am sure that the hon. Gentleman knows it, too. Perhaps he is going to acknowledge that fact now.

Mr. Weir: The Minister is missing the point. Most of us will encourage our constituents to take up what they can get under this system, whether we agree with the means-testing or not. The point is that many pensioners are not applying for pension credit. Why are they not doing so, if to claim for it is as simple as the Minister suggests? Many will not do so, and we cannot persuade them to do so. What will the Government do about those pensioners?

Malcolm Wicks: Well, the scheme only started in October. More than 3 million individuals are claiming, and our survey shows that those who have been through the process would recommend that their friends and neighbours should apply. This is a popular policy, but it raises a traditional issue. With any extra resource that we can devote to pensions, should we give every pensioner the same increase? The Liberals offer a variation on that question, with their proposed boost for the over-75s, and I shall come to that directly. Should we give everyone the same increase? Should the person with the big investment income and an occupational pension adding up to £50,000 a year in retirement get the same number of pounds extra each week as the 83-year-old widow trying to live on £80 or £90?

That is the issue—of course it would be simpler for us to give everyone the same increase, but simplicity is not a primary goal in social policy. Fairness is a primary goal, which is why we are investing in the pension credit.

Mr. Waterson *rose—*

Malcolm Wicks: I was about to ask what the Liberal party says to that, but I am equally interested in what the Conservatives might think, so I shall seek an answer.

Mr. Waterson: My commiserations to the Minister on not being reshuffled to the Foreign Office or somewhere less dangerous and more palatable. Will he confirm, however, that the age-related payment that his Government are giving in relation to council tax increases will go to everybody—the duke and the dustman? Can he confirm that the great attraction of increasing the basic state retirement pension is that the take-up rate is more or less 100 per cent?

Malcolm Wicks: I was implying that the art of judgment, which I would commend to the hon. Gentleman, is to get the balance right between what we can do for all elderly people—which is why the winter fuel payment, for instance, goes to all elderly people in certain age groups, to which I shall refer later—and what extra we devote to the most hard-pressed. Although targeting raises issues and challenges in relation to take-up, and we are determined to meet those challenges, I nevertheless think that if we are concerned not just with simplicity but with fairness, targeting has a place.

Let me move on to the Liberal Democrat proposals. Although we heard something about a citizen's pension, it seemed to be anyone at all's pension—I heard nothing about the concept of citizenship, rights and duties or of the idea of what one puts in, one takes out. It is fascinating that the Liberals, who could claim credit for inventing social insurance because of the great Beveridge and the initiatives of the early inter-war years, are now going to overthrow it totally.

What the Liberals propose is not a citizen's pension but anyone at all's pension. The hard-working British citizen who has contributed by providing care and working hard for their country will get exactly the same as anyone at all who might have spent their time in prison, down the pub or doing whatever. It is anyone at all's pension, so please do not stain the decent concept of citizen with it. I will give way to a hard-working citizen.

Hywel Williams (Caernarfon) (PC): I find it difficult to square the Minister's support for the contributory principle, which has been the basis of the social security system for such a long time, with the huge growth in means-testing under his Government. How does he square that circle?

Malcolm Wicks: As I was saying, we must strike that balance. One of the difficulties with the insurance concept in practice—not the principle—is the carers issue: people caring for young children have been credited rather late in the day by Government. When it comes to retirement age, the great majority of men retire on more or less a full basic state pension, but very large numbers of women do not. That has been the flaw in the practice of social insurance but not, in my judgment, in the principle of it.

The Liberal Democrats, who have advocated an anyone at all's pension, have some sense of costings and economics, although they would abolish a whole Department—in fact, they would not actually abolish the trade and industry but many of the things that support it, which we shall discuss later. Because they have some sense of arithmetic—I know that the hon. Member for Northavon has his own calculator—first, they say that they will only pay the extra money to the over-75s. I think that I have that right. As is often the case, the hon. Member for Northavon starts with an interesting, important notion: the relatively poorer status of the very elderly or the over-75s. Sadly, with that important idea, and a bit of evidence base behind it, he gets over-excited, and, instead of the need to improve that status becoming a strand of policy, it determines, dominates and ultimately destroys the credibility of his whole pension plan.

Let us look at the evidence. Yes, older pensioners have lower incomes on average—pensioners over 75 have only about 90 per cent. of the income of those under 75; but it is 90 per cent., not 60 per cent. or 70 per cent.

A significant reason for the fact that older people have lower incomes is—among other things—their lower private pensions. Let me give the hon. Gentleman some evidence. Pensioner couples with a head of household

under 75 receive an average of £139 a week from private occupational pensions; when the head of household is over 75, they receive an average of £108. So far I am with the hon. Gentleman, which is why I think this should be a strand of our social policy. But—and these are important qualifications—although older pensioners are on average poorer than younger pensioners, there is a wide variation in circumstances. In fact, over half—about 56 per cent.—of pensioners in relative poverty are under 75. *[Interruption.]* I am trying to have a serious debate with the hon. Member for Northavon. He must pull himself together, because these are important statistics.

At the other end of the income spectrum, a quarter of all pensioner couples with a head of household over 75 have net income of over £308 a week. In other words, age—although an interesting factor—should not be a dominant guide for policy.

On 27 February 2003, there was an interesting exchange between our former Secretary of State, my right hon. Friend the Member for Oxford, East (Mr. Smith), and the hon. Member for Northavon. My right hon. Friend said to the hon. Gentleman

> "In the interests of open debate on distributional issues, which the hon. Gentleman says he welcomes, does he accept that the cost of his strategy is not only that some older rich pensioners get money that they arguably do not need so much, but that younger poorer pensioners do not get money that they do need?"

The hon. Gentleman replied

> "I accept that."—[*Official Report*, 27 February 2003; Vol. 400, c. 442.]

So the hon. Gentleman has accepted the difficulties involved in his own position.

I think that there are also serious issues relating to financial sustainability. The Liberals' proposals would cost an additional £16 billion over five years, which would double over 10 years. I thought that the Liberals were going through a period of financial stricture, yet here is a major financial commitment.

As soon as an Opposition party starts saying that it is going to abolish things to pay for social programmes, I become wary. Later the hon. Member for Eastbourne (Mr. Waterson) will tell us that his party is going to abolish the whole new deal. Never mind the fact that that micro-labour market policy has contributed to a move back to full employment; never mind the fact that it is helping a lot of lone parents back into work; never mind the fact that in many places—most places—we have abolished long-term youth unemployment because of the new deal. The Conservatives are going to abolish it in order to pay for their rather wobbly pension proposals, which we took apart—I think fairly effectively—last week.

For the Liberals, it is obviously a learning game. They scratch their heads: how can they pay for their policy? They ask parliamentary questions. I reply because I want to be helpful, and because I am committed to an evidence base. At the end of the day, however, they cannot make the policy work within social security. They are going to abolish trade and industry, or at least the Department of Trade and Industry. It is a wholly incredible policy.

Kevin Brennan: In taking apart the Liberal Democrat position, has not my hon. Friend shown that a means test—particularly a light-touch means test—is much fairer than a crude age test?

Malcolm Wicks: That is the issue. We are now spending £10 billion more on pensions each and every year than when we came to office. Much of that goes to all pensioners.

We do recognise the importance of the age factor. I am trying to persuade the hon. Member for Northavon to be slightly calmer about that. An age factor is involved in winter fuel payments: there is more for the over-80s. The same applies to television licences, and to the extra £100 for households containing people aged 70 or over to help with the council tax burden. The hon. Gentleman, however, has become over-excited about the age factor: it dominates his whole pension policy. A fascinating statistic has coloured his judgment, and supposedly that of the financial managers of his party. That is the difficulty. We are not against an age factor, but we want to put it in context.

Mr. Webb *rose—*

Malcolm Wicks: The hon. Gentleman may have changed his mind, of course, now that he has heard the evidence.

Mr. Webb: Will the Minister consider another facet of the age question, which is that pensioners over 75 do not have long to go? His softly-softly, slowly-slowly, "over a generation we will sort this out" policy is all very well, but those people need the cash now. Is there not an urgency to this matter for older pensioners?

Malcolm Wicks: First, I do not accept—[HON. MEMBERS: "Say yes".] I am not going to say yes, because it would be a silly answer. I do not accept the hon. Gentleman's gloomy prognosis. Many people who reach the age of 75 often have a reasonable life expectancy—*[Interruption.]* Look at the figures; it can be demonstrated. What the hon. Gentleman says is an argument for some selectivity and targeting to try to help the poorest groups. Getting over-excited—I use the term again—about the age issue means that the hon. Gentleman is over-egging or over-ageing the pudding. The distribution of much of the extra money he proposes will not be focused. I have already made it clear that we accept the value of help for TV licences, winter fuel payments and so forth, but, to be fair, we have to achieve the right balance between making general provision for older people and targeting. Almost half of the extra £10 billion that we are spending is going to the poorest one third—mostly women, which is important to note in the context of the debate.

Vera Baird: Is there not another problem about linking things so wholeheartedly to age—the considerable gap in life expectancy between the richest and the poorest? In my Redcar constituency, men's life expectancy is about 10 years fewer than for men who live

[Vera Baird]

in the south-east, so giving extra money solely on the grounds that people are getting older has the problem that some people will not live long enough to get any enjoyment from it.

Malcolm Wicks: There are equivalents to the north-south divide in all regions. For example, there are some very affluent and healthy people over the age of 80 while other people, because they have had a long and difficult working life in difficult industries, may be quite frail in their early 60s.

To conclude, I welcome the debate and I have acknowledged the historic role of the Liberals, while expressing some disappointment about the last 60 years. I have suggested that the Liberals have not got the balance right, whereas the Labour Government have, particularly in respect of fairness and social justice. We do not pretend that we have all the answers and all the strategies on women's issues, which is why, when my hon. and learned Friend the Member for Redcar (Vera Baird) suggested a report on pensions, I was willing to accept the proposal. That report will be published some time next year and I hope that it will provide a focal point for further debate. However, I am not saying today simply that we are going to have a report. I am reporting the action and endeavour that we have taken to help women pensioners and, indeed, all poorer pensioners in Great Britain.

5.23 pm

Mr. Nigel Waterson (Eastbourne) (Con): I greatly welcome the opportunity to debate these issues today and I am delighted to welcome the new Secretary of State to his post—I see his receding form departing from the Chamber. He is on a steep learning curve. When he was appointed, I could not help remembering—the story may be apocryphal, but I doubt it—that when the right hon. Member for Hamilton, North and Bellshill (Dr. Reid) was appointed Secretary of State for Health, he is reputed to have walked into the Prime Minister's study at No. 10 and, having looked at the Prime Minister's face, muttered to himself "Oh,"—expletive—"it's health"! I cannot imagine that a similar expletive would not have escaped the lips of the new Secretary of State for Work and Pensions. Despite that, we wish him well.

I congratulate the Liberals on finally producing a pensions policy, as well as on securing today's debate. Their policy is peppered with contradictions and full of flaws, but better late than never. I shall return to that point in more detail later.

It gives me great pleasure to see the Minister for Pensions in his place. As I said earlier, he must have hoped against hope that he might be released from this living and waking nightmare of the job that he does. Sadly, he will remain chained to his oar until the ship finally sinks beneath the surface.

However, we are pleased that he is still here, and his engaging stories about Beveridge are always great fun.

The Minister has taken the credit for producing this report on women's pensions. That is becoming a habit. I seem to recall that the hon. and learned Member for Redcar (Vera Baird) tabled in Standing Committee an amendment that was supported by both the official Opposition and the Liberal Democrats. The Minister was not at all keen to make that commitment until he realised that he might be forced to do so by a vote in Committee. We are pleased that he made it in the end, and I am sure that the hon. and learned Lady is pleased too, but he should not give the impression that the report was his idea.

Vera Baird: No one is pretending to be the parent of the idea, which emerged from the Fawcett Society campaign. I want to make it clear that there was no reluctance of any kind on my hon. Friend the Minister's part. Even before we debated the matter in Committee, he met me outside and offered to make this report. Furthermore, I emphasise that he improved on what I was asking for. The amendment to the Bill that I wanted need not have come into force for two or three years, and my hon. Friend the Minister offered me instead a report to be published next year. That was an improvement on what I wanted.

Mr. Waterson: I am delighted that the hon. and learned Lady is so pleased with that concession. The Minister is usually a stickler for accuracy, and I am merely saying to him that he should not rewrite history.

I shall now deal with how the Liberal Democrats' recently announced pensions policy might impact on women. The Liberal Democrats want to extend the citizens pension to all pensioners, and suggest that that could be financed through the use of contracted-out rebates or by raising the state pension age. I do not remember that that was their headline when they launched the policy. Perhaps the hon. Member for Romsey (Sandra Gidley), when she winds up the debate, will expand on that. Is it Liberal Democrat policy to make people work longer than they have to at present?

As the Minister mentioned, both last week and this, it is astonishing that the Liberal Democrat policy paper contains no detailed costings, nor a real explanation of how the policy would be financed. We are told that scrapping the Department of Trade and Industry could save £7.5 billion over the lifetime of a Parliament. Another suggestion—that the Office for National Statistics should charge more realistically for its services—sounds like they are grasping at straws. Government Departments are among the ONS's major users on a daily basis, so that may be an entirely circular argument.

We should not be too bothered about all that, I suppose, as one great benefit of being a Liberal Democrat is that no one—including the media—ever looks into the details of the party's policy, for the obvious reason that it is all a bit academic. However, I shall soldier on and look at the so-called "residence test". This is interesting, as the Liberal Democrats say that, in government, they would devise residence rules in detail, based on Government data.

Leaving aside the Liberal Democrat party's self-delusion that it may one day be in government, let me point out that being a responsible Opposition party means that one works such things out before getting into government. The reason is that the figures and facts may not add up when one finally gets there. The Liberal Democrats talk about a person who has spent a

"significant" amount of his or her life resident in the UK. If they hope to be taken even remotely seriously by anyone—including women pensioners and would-be women pensioners—they need to try and flesh the policy out a bit.

As has been noted already, the Liberal Democrats' policy means that they are saying to people who have paid their contributions every week, month and year of their working lives that none of that matters any more. Under that policy, a person who has made no contributions at all will end up getting the same amount in pension as everyone else.

The Lib Dems' policy paper does not make it clear whether only the new so-called "citizen's pension" will be subject to a residence test or whether the test will also apply to the basic state pension received by people under 75. A clarification would be welcome when the hon. Member for Romsey winds up.

The Liberal Democrats do not make it clear how the state pension for people aged under 75 will be increased over time. One has to assume, therefore, that they would increase that pension in line with prices. On the figures that I have looked at, that means that 59 per cent. of pensioners would not gain from the proposals. The Liberal Democrats also say that pensioners aged under 75 would keep their current pension entitlements along with any means-tested benefits they currently claim. They do not say, of course, at what rate they would increase the pension credit. Again, we have to assume that it would rise with prices rather than earnings. So, unlike the Conservative policy, the Liberal Democrat approach would do nothing to float pensioners under the age of 75 off means-tested benefits, which would affect very many women.

The Liberal Democrats say that the state second pension should be phased out, but they do not explicitly say that people aged 75 or over would not receive payments over and above the citizen's pension in respect of the money they have paid into SERPS. It seems likely that pensioners aged 75 or over would get no more income as of right if they had paid into SERPS throughout their working lives than if they had merely lived in the UK for 20 years. I may be wrong about that, but I would be grateful for some clarification.

The Liberal Democrats also talk about the Government's financial assistance scheme, which we debated at some length last week. They say that the figures are inadequate, and we agree. However, they suggest that the taxpayer should pick up the bill for the balance, which they estimate at £2.3 billion, minus the £400 million already committed by the Government in their package. Is that a new spending commitment? Is it included in the calculations that I have already set out?

Perhaps the most worrying aspect of the Liberal Democrats' proposals—it has not received much prominence, probably because they did not give it much prominence when they unveiled their policy—is the scrapping of tax relief on pension contributions for higher rate taxpayers, which would amount to a £6 billion raid on people's dwindling pension pots. We all know that one of the ways under the present system that women are able to establish a decent pension in retirement is by getting into an occupational pension scheme. One of the ladies given as an example in the excellent report produced by Age Concern and the Fawcett Society is a constituent of mine. She faced the unfairness of the present system because she had her children and brought them up, but she then requalified and built up a pension in her new occupation. That is how many women try to catch up in the pension stakes. However, many women would be deterred by the Liberal Democrats' new proposal. It will affect not only the super rich; millions of hard-working people who do the right thing by saving for their retirement, despite all the deterrents introduced by the Government, would be hit by a double whammy. They would be taxed on their pension contributions when they get their salary and again when they receive their pension income.

Mr. Webb: I need to nail one or two myths before they get going. The hon. Gentleman appears to have read our policy document. Did he read the sentence in paragraph 6.2 that states:

"The central part of the Lib Dem approach is to promote simplicity, and with the other changes we are currently proposing we believe that it would create more confusion than simplicity to change the tax reliefs as well."?

There is no proposal to change the tax reliefs: that is a complete fiction.

Mr. Waterson: That is not my understanding, and I hope that the hon. Member for Romsey will deal with that point in a little more detail when she winds up. The Liberal Democrats do not appear to take seriously the option of occupational pensions as a way for women to catch up—although I accept that it is only one way and is available only to certain women.

On the whole issue of women's pensions, there is no denying that under successive Governments, and due to the sociological shifts of which the hon. Gentleman spoke, considerable unfairness has grown up that affects many women. I have already referred to the report produced by Age Concern and the Fawcett Society; indeed, I attended its launch. However, the Minister, the noble Lady Hollis, who was also present, made it apparent that the Government were not likely to accept the report's recommendations.

It is no good for the Minister for Pensions to clutch at straws by talking about the pension credit. Even after tens of thousands of pounds have been spent on advertising it, almost 2 million people are still not claiming it. As we know, the Government's working assumption is that 1.4 million people will never get around to claiming it and many of them will be women.

The Conservative party is looking at women's pensions, too, and at how to address the problems—possibly by amendments to the contribution rules or through a carer's credit, to reflect the role of carers who bring up families and look after disabled relations and so on. Recently, we unveiled for consultation our proposals for a lifetime savings account, which we think will be extremely attractive in encouraging young women and men to save for their retirement.

Let me deal briefly with mixed-sex wards. It is absolutely disgraceful that they still exist in this day and age. When a Conservative Government are in power, we expect them to become a thing of a past—*[Interruption.]* The hon. Member for Northavon (Mr. Webb) obviously agrees.

There is also a worry about the level of screening for breast cancer among older women in some parts of the country.

[Mr. Waterson]

Last week, the right hon. Member for Birkenhead (Mr. Field) said that

"when Labour came to office we had one of the strongest pension provisions in Europe and now probably we have some of the weakest".

That is a damning indictment of the Government's record; it affects women, and men, too. However, the Prime Minister has recently taken an interest in pensions. Yesterday, at the TUC conference, he said:

"There is no easy solution. The blunt truth is that the population is ageing: people live longer."

My goodness, that man has his finger on the pulse. He talked about finding solutions to the problems.

More interesting than the Prime Minister's words has been the briefing, over the past few days, about possible solutions. There is the plan for taxpayers to pay an extra 1.5p in the pound for national insurance, which is a typical Government strategy. They would keep all the wasteful, unsuccessful schemes—such as most of the new deal—but charge people even more to get a decent pension when they retire. Interestingly, No. 10 seems to have woken up to the wisdom of scrapping means-testing and finding a different way out. It seems to be joining the consensus about which we spoke last week: means-testing must be addressed and rolled back.

The only person who is not part of the consensus is the Chancellor of the Exchequer. Perhaps he will simply tell the Prime Minister to mind his own business. We do not know. The worry, which is a real problem for the new Secretary of State—who has obviously gone away to continue his study of pensions—is that pensions are being drawn into the eternal battle between the Prime Minister and the Chancellor. If it is true that the Prime Minister has finally realised—albeit, no doubt, for electoral reasons—the idiocy of proceeding down the route of mass means-testing and has concluded that many of our party's policies are correct, I commend that. There should, if possible, be a broad element of cross-party unity on pensions, but I think that the Chancellor will not let the Prime Minister come to that conclusion.

We have a great deal of sympathy with most of the motion. We agree with what it says about mixed-sex wards, real choices for older people, a decent state pension, breast cancer screening and direct payments at post offices. With the single exception of the proposal for a citizens' pension, which is unworkable and impractical and will not deliver what is promised for it, we would support the motion, and I invite my right hon. and hon. Friends to do so in the Lobby this evening.

5.39 pm

Mr. Frank Field (Birkenhead) (Lab): I am pleased to have been called in today's debate, and I should like to make two brief contributions: I wish to welcome the new Secretary of State for Work and Pensions—indeed, I want to go further than that—and I wish to suggest to those on the Treasury Bench that, although it is necessary to have the normal party fights over new ideas during such debates, the Government go away after the votes tonight and seriously consider the Liberal Democrat proposals to find out whether we should lift them and include them as part of our proposals for the general election.

First, like practically every hon. Member, I welcome the appointment of the new Secretary of State without any reservation whatsoever. From my personal experience, I know that he is someone of moral courage, which will not come amiss in the issues that he must face in putting in place Labour's strategy on pensions for the election. He is also someone with very considerable political abilities. Indeed, I doubt whether he shares the Prime Minister's view that, with his appointment, we can now see the light at the end of the pensions tunnel. My guess is that someone of my right hon. Friend's experience realised that it was not the light at the end of the tunnel but an oncoming train, largely manned by pensioners, and irate pensioners at that.

My right hon. Friend knows, even if other members of the Government do not yet fully appreciate it, that the next general election will be the first election when a majority of voters who turn out will be pensioners. When we add to that total those who are within 15 years' striking distance of that age, the likelihood is that 80 per cent. of voters next time will be either coming up to retirement or will be retired. I make a plea to him that he use the extraordinary good will and leeway that he has, and his ability to think differently from previous incumbents, to ensure that we have the strongest possible pension policy when we face that elderly electorate at the polls, probably next year. In doing that, I want to make a plea for looking seriously at the Liberal Democrat proposal.

My very honourable Friend the Minister for Pensions has already moved some way, but he has seen what an old claptrap idea it is to link the proposal to citizens pensions and all that. It is almost as though he was stripping down the idea and getting it ready for Labour to put its imprint on it. I want to return to his argument: in an age when social bonds are dissolving all too fast, what a folly it is to make another attack on the national insurance scheme, which is one of the clear bonds that most of our citizens know and appreciate.

In advocating that we look seriously at the Liberal Democrat idea, I want to refer those on the Treasury Bench to the Warwick agreement. We have got rid of clause IV. We have got rid of most of the ideas, the maps and compass that used to guide me when I was a younger member of the Labour movement. Now we have the Warwick agreement. In that agreement, which has been signed by the Government and the trade unions, there is a whole section on pensions. Prominent among those commitments is the phrase,

"Steps to make Pension Credit payment automatic and move beyond means testing".

That is now one of the cornerstones of the Warwick agreement.

My hon. Friend has a St. Sebastian complex—so much so that he now cannot even see an arrow without getting his body in the way. Of course, none of this is intended to be a criticism of his contribution, which, as always, I found exciting and comprehensive.

However, there was just a tiny gap in his contribution. There was not one word about how we might fulfil the Warwick agreement and about how we, as a party, are going to move away from a policy of mass means-testing to one in which there is automatic entitlement.

Before my hon. Friend came into the House and when he was in the House and making contributions from the Back Benches, there was no stronger advocate of universal provision and no one stronger in pointing out the folly of the Conservative Government thinking only of selectivity in terms of income. He said that they should consider selectivity in terms of age. However, because of his St. Sebastian complex, I will not detain the House by reading out any of those quotations. I merely point out that he has always made the case for a selective approach that tries to consider how one can designate other than by income the groups that are overwhelmingly poor. Age is one factor that one can use.

Malcolm Wicks *rose—*

Mr. Field: I shall happily give way to St. Sebastian.

Malcolm Wicks: I have not seen an effective arrow coming my way. However, does my right hon. Friend recognise that our argument is that we need to get the balance right between universal provision using the national insurance system, and a more selective approach? When I cited some of the evidence to show that although an older age criterion has some sense, it is nevertheless imperfect because many poor people are under, and some richer people are over, the age of 75. Did he hear the evidence? Has he yet been able to assess it, and is there just a chance that it might affect his thinking?

Mr. Field: It did not do that. I am sad to hear that St. Sebastian now needs an eye test. If he did not see any arrows aimed in the opposite direction, goodness knows what occurred.

The importance of the Prime Minister's position is that, of course, any social security system will have means tests in it. The question is whether we are increasing the scope of means tests or lessening it. The truth is that, up to the reshuffle, it looked as though we had a strategy of increasing the numbers on means-testing. It now looks as though we have an option of opposing that. One of the better ways of doing that is to use age, rather than income, as the basis.

The hon. Member for Northavon (Mr. Webb) did not suggest that this one move alone would solve all our pension difficulties. It does and could play a part in a short-term strategy of reversing the tide to run against means-testing. There is, of course, a need for the Government and perhaps the Opposition parties to have an idea of what their major and longer-term reforms will be. When the Adair Turner Pensions Commission report is published, there may not be a hiding place for a political party that does not have longer-term or fundamental proposals to put before the electorate next May, if that is the correct date.

After all the good old razzamatazz of the debate, I make a plea to my hon. Friend that we consider seriously such ideas. I welcome his cutting through the typical Liberal Democratic claptrap of looking for a trendy phrase and almost sinking a good idea because of it. Somehow it does not matter how hard or long one has worked. That record will be ignored.

If we lived in a 1950s-type society in which social bonds were strengthening rather than weakening, if we did not have major problems of family and social breakdown in our constituencies, and if more and more younger people felt that they had a sense of belonging not only to their own towns but to their country, there might be a case for saying that we can be cavalier with the idea of what national insurance has meant to people in the past. However, in the circumstances of vast social disintegration, it would be folly to do that.

Mr. Webb: The right hon. Gentleman thinks deeply about these matters, so one must think deeply about what he is saying. Does he acknowledge the flipside, which is that the national insurance system has failed to value many things that he values, such as caring and low-paid work? We are not saying that people who have contributed nothing to society should have something, but that people who have contributed to society, yet receive nothing, should get something. Surely that would contribute to social cohesion.

Mr. Field: Of course it would, so we would keep the baby and the bathwater rather than throwing both out. I thought that my hon. Friend the Minister was saying to my hon. and learned Friend the Member for Redcar (Vera Baird) during their interesting interchange that when the report is published next year one suggestion that follows on might be to make good some of the glaring gaps in the national insurance system by ensuring that credit is given for jobs such as caring for vulnerable old people, to be taken into account when computing people's pension entitlement.

We must be able to pay for any proposals that we make in the election campaign. I agree that the Liberal Democrats have come up with a slightly hazy scheme of abolishing the Department of Trade and Industry, especially given that they want all its functions to be carried out elsewhere.

I leave this point with my hon. Friend the Minister, because I suspect that he knows the figures and he used to write about such matters when he was a free agent. This year is the first in which higher-rate taxpayers will take half the tax subsidy that goes towards pension savings. It is not the case, as the hon. Member for Eastbourne (Mr. Waterson) suggested, that if we allowed such subsidy at only the standard rate—meaning that everyone was treated equally—we would rip £6 billion from the system. We would, however, find an extra £2 billion with which we could make payments to schemes such as those advocated by the Liberal Democrats. Given that our present tax subsidies support those with the most generous pension provisions to the greatest extent, we should have a little courage when fighting the next election and decide to redistribute some, but not all, of that money to the poorest people. That would go a long way towards ensuring that we could significantly increase payments to the over-75s through the national insurance system. Such a payment would have nothing to do with whether those people were citizens, but it would have a lot to do with whether they would vote for us.

5.52 pm

Angela Watkinson (Upminster) (Con): I am sorry that this debate is necessary, because I hate to hear women being talked about as though they are a race apart or a bunch of lame ducks—we are half the population, after all. I look forward to the day when such debates are no longer required.

[Angela Watkinson]

Today's debate has focused mainly on pensions, and I shall not go into the technicalities of pensions and benefits in the august company of many experts, but I know that a large percentage of older women left school young without qualifications and that many never worked outside the home at all. There are also those who had a mixed record of wartime outwork—if anyone can remember what that was—during which they collected bulk items of sewing to do at home or did light assembly work. They also split mica, and although I am not sure what mica was or what it was used for, women used to split it and it was jolly unpleasant. Women also cared for their families—both the older and younger generations—and worked in their homes without the benefit of modern appliances. They juggled that with spasmodic periods of low-paid employment outside the home, all of which meant that they had no personal pension to show for an arduous existence. Some older women had rewarding employment, paid national insurance contributions and earned a pension in their own right.

The Liberal Democrats' policy is unfair in that respect—the effort of those individuals should not be disregarded.

I recall the 1960s, when married women were given the option of giving up paying the full national insurance contribution and paying a reduced married woman's contribution. There were obvious risks in that, not least the failure of the marriage, or if the wife was much younger than the husband, there was a considerable wait until he was 65 before she could draw a pension on the strength of his contributions. My personal recollection is that the provision of information was very good, and I was in no doubt whatever about what was being offered and what the likely pitfalls were, but I accept that many women claim that they did not understand at the time the disadvantage that they were storing up for themselves in the future.

May I commend to the House the Conservative party policy, which will link the pension to earnings? The Conservatives will increase the single person's pension by £7 a week and a couple's pension by £11, on top of increases for price inflation, over four years. The pension credit will not be abolished, but of course as the state pension increases in line with earnings, fewer pensioners will be eligible.

Vera Baird: I am slightly puzzled by what the hon. Lady says, because if the basic state pension is to be index-linked, there will be no increase in the number of people coming off pension credit, as that too is linked to earnings. The two things will increase in parallel. The Conservatives will help off the minimum income guarantee element of the pension credit only those people who currently are about £6.99 below the MIG level—no one else will ever move off it. That is unless, of course, the basic state pension will go up with earnings but the Tories will freeze, and link to prices, the minimum income guarantee. That is the only way that it can be done. Is that what is going on?

Angela Watkinson: I was going to thank the hon. and learned Lady for her intervention, but I am now reluctant to do so. Her assumption about the parallel lines is misguided. The differential will change, and the value of the pension will rise so that more pensioners will be lifted out of means-testing.

Mr. Waterson: I am listening very carefully to what my hon. Friend is saying. As she knows, no one would lose under our proposals, but is she aware that despite several opportunities to speak up in the Chamber the Government are still being very coy about whether it would be their intention, if by some mischance they were elected to a third term, to increase the pension credit in line with prices or earnings? Is it not a bit rich for them to criticise us when they, the current Government, have not even formed a view about it?

Angela Watkinson: I thank my hon. Friend for that clarification.

There is another in-built advantage to our proposals in that, as pensioners no longer rely on the means test, their savings will be freed from Government scrutiny, and a pound saved for retirement will mean a pound more for income in retirement.

David Taylor (North-West Leicestershire) (Lab/Co-op): I believe that one of the hon. Lady's political heroines is Lady Thatcher. Is she aware that it is now almost 25 years since that meanest of Acts resulted in the decoupling of pensions from pay? Does she accept that that has contributed more towards the poverty of present-day pensioners, particularly elderly females, than any other single Government move in recent times?

Angela Watkinson: One of the main reasons for women's inadequate pensions and their poverty in old age is the fact that they have been unable to work outside the home or they have not had the same opportunities as men to do so. We will put that right by linking pensions to earnings.

The policy has received support from such august sources as the Institute for Public Policy Research, an editorial in *The Observer*, no less, the Equal Opportunities Commission and that robust and quite scary body, the London Pensioners Forum. If anyone has ever done battle with the latter, they will know that it is a force to be reckoned with. An Age Concern survey found that

"nine out of ten pensioners receiving Pension Credit want the Government to provide a higher Basic State Pension . . . 73 per cent. believe that means testing puts people off applying for the benefit".

On a related subject, elderly women in particular like to receive their pension using their pension book at their local post office. Upminster, which is part of the London borough of Havering, is subject to the Post Office's urban reinvention programme—a weasel-worded way of saying, "We are going to close your post offices." Many elderly women who have never worked outside the home regard the collection of their pension as a social occasion, because they meet people and know the sub-postmaster. All their life, they have budgeted in cash on a weekly basis, and that is how they wish to continue. The changes have therefore been very upsetting for them. If their post office has closed, they have to rely on a neighbour to collect their pension, or

if they still have a post office, they have been pressed to have their pension paid into a bank account, which many of them do not want. They are supposed to have the option of opening a Post Office card account, but they have to be very persistent to do so, because the system is extremely off-putting. Small details such as remembering a PIN number are a distressing change of habit for them, and are a break in the way in which they have managed their finances all their life.

The Parliamentary Under-Secretary of State for Work and Pensions (Mr. Chris Pond): The hon. Lady will be aware that more than 3 million people have already opened a Post Office card account. We have the means to ensure that whatever account people choose they can access those funds at the post office. She is right, however, that we need the post office network, so does she accept that the Liberal Democrat proposal to wipe out the £2 billion that we are putting into that network by scrapping the Department of Trade and Industry will not help those women pensioners?

Angela Watkinson: In one post office in my constituency, the good ladies genuinely believed that they would be listened to if they responded to the consultation and that it would make a difference if they signed the petition. Their post office, however, has been closed, and the alternative is two bus rides away, so the closure programme has resulted in some worrying injustices.

Vera Baird: I am interested in what the hon. Lady is saying, but what have the Conservatives ever done for women pensioners in the past? Home responsibilities protection was a Labour measure, and everything introduced since 1997 to help women out of poverty has been a Labour measure. What have the Conservatives ever done for women pensioners?

Angela Watkinson: The Conservatives have done a great deal for women, because the country became wealthy under a Conservative Government, and that prosperity was available to everyone, including pensioners, who are part of the community.

I want to refer to mixed-sex wards, which are an utter disgrace. I accept that there are moves to do away with them, but they still exist. It is upsetting enough to go into hospital, but older women find it humiliating and embarrassing to be in a mixed-sex ward. When my mother-in-law was in a geriatric ward in Whipps Cross hospital, she shared a room with many elderly gentlemen with prostate difficulties who had to get out of bed every few minutes. They had to walk up and down the ward using certain appliances in front of ladies, which was a wholly unsuitable arrangement. The patients do not like such arrangements, which are as bad for men as for women, and neither do the staff. I look forward to the day when a policy of no more mixed-sex wards is implemented.

A new hospital in Oldchurch in Romford, covering the London borough of Havering, is due to be opened next year. I asked for a reassurance that there would be no mixed-sex wards in that hospital, but I did not get an unequivocal response. I was told that there would be separate bays for male and female patients, with partitions, and that there would be separate facilities for them, but that is not quite the same as completely segregated wards, which is what patients want for privacy and dignity. I believe that that would be supported by staff.

Finally, breast cancer screening has focused on women up to the age of 70. I welcome the extension of screening to women between 65 and 70, but there is no mention of women over 70 in the programme. They are encouraged to make their own appointment. However, many older women are of the old school, where one did not make a fuss. If asked whether they were all right, they would always say they were, even if they were not. My own mother was a case in point. We need to include women over 70 in the programme or introduce some method whereby they are reminded that they need to continue having regular screening, as that age group is most vulnerable to breast cancer.

I look forward to the day when we no longer need policies for women—when we just need policies.

6.6 pm

Vera Baird (Redcar) (Lab): I was slightly disappointed by the hon. Member for Northavon (Mr. Webb), who offered many fine words but no proposals to help women now aged 60 until they are 75, with the legion problems of pension eligibility that have been discussed today, and which were discussed last week and in all the proceedings on the Pensions Bill.

Among recently retired men, 90 per cent. have a full basic state pension. Only 25 per cent. of recently retired women have a full basic state pension. The hon. Member for Northavon has nothing to say about them except that they will come to a second retiring age, so to speak, when they are 75. At that point they will start to get as of right, on some curious and not fully explained basis, an increment that will bring them up to the level of the minimum income guarantee, which many of them will have been getting before that on a means-tested basis. I am disappointed that even though the hon. Gentleman says that he is proposing a new idea, he does not deal with the problems that concern pensioners now and will concern those who are due to retire in the next 15 or more years.

The hon. Member for Upminster (Angela Watkinson) seemed to think that the Conservatives' policy was marvellous. As I understand it, the Tories would restore the link to earnings, which they destroyed 25 years ago. They more or less—this is not unfair—froze the level of the basic state pension for a very long time indeed, leading to the vast numbers of pensioners who were in poverty when we took office and requiring us to bring in the minimum income guarantee.

Now, by way of redress 25 years later, the Tories would link the pension to earnings so that over the four years of a Parliament, a person with a full basic state pension would have it increased by £7. That is all that would be given. However, as I mentioned, 75 per cent. of women do not have a basic state pension, so what would they get out of this great gift from the Tories? At best, £5 on average, on £50 over four years. How will that help? It is proposed as some kind of answer to means-tested benefits that will start the crusade towards a good basic state pension and a reduction in the means-testing of benefits, but of course it will not achieve that.

[Vera Baird]

The proposal means that men who are £7 below the level of the pension credit will get to the level of the pension credit.

People with an income £6 below the pension credit of £105 will be out of means-testing by £1 after four years. The band of people who are up to £6.99 below the minimum income guarantee may have the satisfaction of being brought off means-tested benefit by a penny or two, but that is a relatively small number of people, and guess what—the Conservative party favours the better-off. Only those who are close to the minimum income guarantee will get any benefit at all, but the benefit is trivial.

Angela Watkinson: Does the hon. and learned Lady oppose the restoration of the link to earnings for pensions?

Vera Baird: I oppose the absurd notion that current Tory policy bears any relation to the problems in the pension system. It is utter falsity to suggest that it has anything to do with significantly rolling back means-tested benefit. The figures produced by the hon. Member for Havant (Mr. Willetts) suggest that approximately one quarter of pensioners will be brought off means-tested benefit. I doubt whether that is right, but if it is, in many cases pensioners will be brought off means-tested benefit by a matter of pennies.

Those who are not on means-tested benefit will get £7 on top at the end of four years and be £7 richer, but they were richer in the first place, because they were not on means-tested benefit. On the shadow Secretary of State's own figures, three quarters of the people who are currently on means-tested benefit will still be on it at the end of four years. The policy will not roll back means-testing in any way.

Angela Watkinson: Does the hon. and learned Lady accept that pensioner bodies have demanded the restoration of the earnings link for some considerable time?

Mr. Webb: Twenty-five years.

Vera Baird: Yes, pensioners demanded the restoration of the link 25 years ago, when the Tories scrapped it. Happily, the current climate among pension pressure groups is to re-examine that demand, not to set it aside, and to consider eligibility, which the Conservative party completely ignores. How is the Conservative policy a boon to women pensioners, whose problems were admirably set out by the hon. Member for Northavon? Save for £5, if they happen to be within £5 of the minimum income guarantee, how will it help them? The policy is a fake.

The other flaw in the argument is that it is alleged that the first four years, which will provide £7 extra and bring those who are just below the minimum income guarantee above it, are just the start of the policy. Conservative Members claim that in years to come the basic state pension will keep increasing because it is index linked to wages and, as the hon. Member for Upminster puts it, more and more people will come off means-tested benefit.

The minimum income guarantee element of the pension credit is also linked to earnings, so it runs side by side with the basic state pension. People will come off means-tested benefit only if the minimum income guarantee is frozen, which means that the income of the other three quarters of pensioners, whom the shadow Secretary of State is content to leave on means-tested benefit throughout, will gradually decrease, and they are, by definition, the poorest pensioners. The Tory policy really amounts to giving more money, and not very much of it at that, to the rich.

How will giving a little bit more money to the relatively rich be paid for? The new deal, which has put 1 million people back in work, including enormous numbers of people in constituencies such as mine, would have to be scrapped. If the Conservatives have any interest in the regions, scrapping the new deal is another risible policy, and it is class-based.

David Taylor: My hon. and learned Friend is lucidly describing the effect of the Conservative policy on pensioners on the minimum income guarantee, which would be the reintroduction of the decoupling of pensions from inflation and wages in the economy of a sort that we last saw 25 years ago. The Conservative policy has an awful echo.

Vera Baird: Yes, my hon. Friend makes a strong point. In terms of public confidence in who will look after the pension system, the bottom line is how much money will be put into it as a whole. The Conservatives often say that there is a need to cut public spending, and I do not think that the public are fooled for one minute by their vote-chasing attempt to deceive them into thinking that if they vote Tory, means-testing will be over and their pride will be restored to them. They know very well that the Tories scrapped the earnings link, that they will keep the poor poor, and that in the end, however they try to tweak their policies, they will never put enough money into the pension system for people to have the proper basis for a contented retirement.

Women have needs that the hon. Member for Upminster has not even considered. They have huge difficulties in getting a full basic state pension. The hon. Member for Northavon mentioned some of those difficulties; let me run through a couple more. Home responsibilities protection is a Labour measure; whatever the hon. Member for Upminster says, I am afraid the Tories did nothing for women caring for children or for older people. HRP gives a credit of a year at a time. A woman who will have to work for 39 years to get her pension entitlement and takes a year off to look after a child will then have to work for only 38 years, and on it goes to a maximum of 19 years. That is an unwieldy way of giving a credit, and for many women it does not work very well. Because it has to be based on a complete year, the woman will lose the first year if she does not have her baby on 6 April; and she will lose the last year as well if he does not eventually go to university on 5 April.

There are more serious problems than that, however. For example, many women go back to work part time when their children start to go to nursery or to school,

thereby losing their home responsibilities protection. If they fall into the category of working below the lower earnings limit, they neither pay a national insurance contribution nor are they credited with one, even though they are working. A woman who works 30 hours a week looking after children and 16 hours a week on the minimum wage will not get pension credit from either source, however long she carries on working long hours every day.

Then there is the problem of the carers credit. A person gets a carers credit only if they are caring for somebody who is entitled to disability living allowance, which means that they require 35 hours of care. Many people do not require that much time. Many women take a part-time job rather than a full-time job in order to give 10 hours or 18 hours to an elderly relative, or to give 10 hours to each of two elderly relatives, or to share the care of an elderly relative with a sister. They will not get the carers credit, because they are caring for someone who needs only 18 hours or 20 hours' care, or they are sharing it with someone else, and the part-time job is not sufficient to bring them the credit either. They fall between two stools.

Another problem is the left-over iniquity of the 25 per cent. rule, which says that even those who have worked sufficiently to qualify for 24.5 per cent. of a basic state pension are, for some bizarre reason that must be left over from the days of book keeping by quill pen, not entitled to a penny piece of it. They have to have 25 per cent. entitlement or they get nothing. That equates to an enormous amount of money. Twenty-five per cent. of £70—the basic state pension—is around £17.50. Over a decade, that robs £8,750 from a person who has worked and paid their national insurance.

Only 25 per cent. of women have a full basic state pension on retirement—enormous numbers of them fall below that level because of all the difficulties. There is no excuse for that.

David Taylor: Would my hon. Friend include on her list of smash-and-grabs on the oldest and poorest pensioners the decision by the previous Government to halve inherited SERPS and then to say nothing about it, leaving this Government to pick up the pieces?

Vera Baird: Again, my hon. Friend makes a clear and strong point.

The report that the Government will produce on women and pensions next year is a big step forward. It will clearly be an assessment not only of pensions policy but, as the Minister said, of all the other aspects that help contribute to women's pension position. It was requested because the Green Paper states that we have introduced the minimum wage, which helps lots of women; we have equal pay for women—of course, we have it only theoretically but are working towards it; more women work; more women spend shorter periods of time out of work caring for children; they are all gravitating towards the Beveridge model of a working person, and they will all eventually qualify for a full basic state pension in the ordinary, national insurance way, or approach such qualification. I overstate the case that the Government make, which is not nearly so glib. Nevertheless, it is necessary to review the position from time to time to ascertain whether such factors are genuinely moving matters forward and helping women to get better national insurance contributions and thus progress towards better state pension provision.

It is clear that all the factors that I have outlined, which, by and large, go in the right direction for achieving women's eventual qualification for full basic state pension, are not enough. It is never likely to be the case that women will conform to the Beveridge model of a long working life. They will almost inevitably be the primary carers for children for a long time. Hence one returns full circle to the need for inadequate credits for caring to be rectified. Frankly, even if women are not the primary carers and men take on that role, they, too, will fall foul of the inadequate credits for child care and elder care. It does not matter who does the caring, but it is likely that women will do it.

We must re-examine the current position instead of the one the Liberal Democrats advocate, albeit only for those aged over 75. If all the credits are improved so that it becomes the aim to cover women who are in work, women who are out of work and caring, whoever they care for, and to make the ability to get credits for national insurance open to them all, most people will qualify for a full basic state pension. Do we need to take the extra step that the Liberal Democrats advocate, albeit only at a late age, to scrap the national insurance system, and to start on a different basis to give people a pension for doing nowt or summat?

I am worried about the Liberal Democrat proposal to abandon entirely the national insurance principle. I have concerns about who is a citizen and who is not, how long people have to be resident before becoming a citizen, and how else someone is chosen to qualify. What happens to people who are not citizens? What do they get? Is there any point in going beyond making national insurance inclusive rather than exclusive? Is there any need to scrap what, I believe, is politically dear to people because it gives them a sense of contributing to what they get back? Is there any purpose, in terms of future social cohesion, in scrapping that principle? What is to be gained by it?

The discussion has put eligibility for the basic state pension at centre stage. The main problem with the Liberal Democrat proposal is the way in which it will be financed. I have already referred to my constituency of Redcar. A couple of weeks ago, a happy announcement was made that an American business called Huntsman, which had been in Redcar since 1999, when it bought an ethylene plant from ICI, would invest in a polyethylene plant—a downstreamer from the ethylene plant. The ethylene plant employs 800 people; the polyethylene will secure those jobs because it is a downstream plant for the ethylene plant, and polyethylene is sold throughout the country. Currently, the ethylene is exported and re-imported as polyethylene—that is crazy. The new plant will secure the existing 800 jobs and generate another 120. Huntsman made it absolutely clear that the £16.5 million regional selective assistance grant from the Department of Trade and Industry made the difference between investing in the new plant or accepting that the cracker—the ethylene plant—was becoming less viable and profitable and would, in due course, have to be closed down.

I can tell the hon. Member for Northavon that at least 920 people in Redcar are very pleased indeed that the DTI exists and that it has an industrial development unit

[Vera Baird]

capable of providing such grants. I would ask him to consider the peril that he would put the regions in if he scrapped the DTI.

When Huntsman proposed making more investment, it was bombarded with offers of grants from many other parts of the EU, notably Rotterdam, and it was essential for us to compete. If the hon. Gentleman is really saying that the way to finance his pension proposals is by scrapping the means to do that, I would point out that he might be paying out to the very old, but he would be attacking the younger generation in order to do so. He would be depriving people in regions such as mine, where unemployment is still very high, of much needed employment, and that would be too high a price to pay. That is the fundamental flaw in his seriously flawed policy.

6.25 pm

Mr. Michael Weir (Angus) (SNP): Several themes have run through this debate. One was the need for consensus, although I have seen very little in what has been said so far. Another was the serious problem of pension provision, particularly for older women. That is largely a result of current pension provision being based on labour market provision, which discriminates against those with an interrupted employment history—particularly women and carers. Because of that link, many such groups find that poverty during their working lives translates into poverty in old age.

Although much of what we have discussed today has concerned state pension provision, it is also relevant to occupational pensions. Fewer women than men belong to such pension schemes: 52 per cent. of men, compared with 39 per cent. of women. The interrupted occupational histories of many women mean that they have had less time to build up pension rights.

Also, significantly for women who are getting near retirement age now, it is only in recent years that women gained pension rights through divorce. I have to say that Scotland was well ahead of England in this regard. Until recently, pensions were not treated as an asset on divorce, although they were a significant family asset. That is now changing. Many women now reaching retirement age have not had the benefit of that, and therefore face greater poverty in retirement.

We have discussed the destruction of the link between earnings and pensions, but perhaps the link between labour market provision and pensions should have been the one that was broken. That is the main attraction of the citizens pension, because it would do that. It would provide a basic pension for all citizens, notwithstanding the difficulties in ascertaining what citizenship involves in certain instances. When the Minister talked about means-testing, he suggested that the difficulty with a citizens pension as opposed to a means-tested one was that someone with a large occupational pension would get the same benefit from a citizens pension as someone on a low income. That is not true, because in the example that he cited, the person getting a £50,000 occupational pension would pay tax on that pension.

The citizens pension would ensure a basic living pension for everyone. That is important, because we know that one in five of our pensioners still live in poverty. The Government have gone down the road of means-testing, through the pension credit, even though they derided the Tories for doing so when they were in opposition. Means-testing is an inefficient way of dealing with a problem that is rooted in the fact that pension entitlement is attached to the labour market. The fact is that, under the present provision, more than half the over-65s in the United Kingdom were eligible for the means-tested pension credit on its introduction, and that proportion is rising. It will reach nearly three quarters by 2025.

I pointed out in an intervention on the Minister, to which he did not really respond, that many pensioners—particularly the older ones—are not taking up the pension credit, despite our best efforts to get them to claim whatever they are entitled to under the present system, whether we agree with it or not. Even the Government's own take-up target involves less than three quarters of pensioners by 2006. That will leave a considerable number of pensioners being missed out, and continuing to live in poverty.

The oldest pensioners are at greatest risk of poverty and in greatest need of pension credit, but are least likely to claim. That may be the reason for the Liberal Democrat idea of targeting more on older pensioners, but it seems to me that the proper role of a citizens pension is to provide for everyone at a reasonable level, and to allow a foundation on which to make additional savings.

The question of savings is important. One of the problems with mean-testing—which the Government should not brush aside—is that many who have saved something towards their retirement feel that they are being discriminated against because of the effort that they have made. That should be taken into account. Again, the citizens pension idea will get round that to some extent.

I am conscious of the lack of time and that other Members want to speak in the debate. Although it may be outside the strict confines of the debate, we must consider the question of savings and how people save towards their retirement. Governments, both Labour and Conservative, have tried to get people to save more towards their retirement, to lessen the burden on the state pension. Private and company pensions are the subject of a considerable amount of distrust following the Maxwell case and recent cases such as Allied Steel and Wire, and those problems must also be dealt with.

The motion refers to more than pensions. I notice that it says a lot about hospitals, which are a devolved matter in Scotland, and I will not comment much on it, other than to note that the Liberals are in coalition with the Labour party in the Scottish Executive, and are therefore partly responsible for hospitals in Scotland, which are the cause of some concern. The Scottish Health Minister has even been summoned to London to appear before Labour MPs today for a grilling.

The motion also mentions the issue of the pension book. The hon. Member for Upminster (Angela Watkinson) spoke at length about that, and I agree with much of what she said. I gave the example of a constituent whom I helped to apply for a Post Office card account. She went through all the forms, complicated though they were, and went back and forward. Eventually, she was told that she was getting

the card. She went down to the post office, which said that it had no record of her and gave her another pension book. Two weeks later, of course, the Post Office announced that it was going to close that post office, although I am happy to say that a campaign that I organised was successful in stopping that closure. Therefore there is some hope that closures can be stopped. It is a small matter, but it is very important to pensioners, and the Labour party fails to take that on board at its peril.

6.33 pm

Paul Holmes (Chesterfield) (LD): I shall try to be as concise as possible in the few minutes that are left. The background to this debate is that the pension system in this country is in crisis. There are two legs to the pension system. The basic state pension is completely inadequate, as we have often heard, and the mean-tested pension credit system, which the Government favour as the solution to that, is failing to reach almost 2 million of the poorest pensioners in the country.

Private pensions, which are needed to take people above the basic state pension, are also experiencing many problems. Not enough people save for a private pension, not enough people save soon enough, and not enough people save enough. Those who do have been hit by stock market problems, by the Chancellor's £5 billion pension fund raid, by the mis-selling scandals that resulted from the previous Conservative's Government deregulation of the selling of pensions, and by the loss of occupational pensions more recently, which has affected constituents of mine who work at Chesterfield Cylinders, Dema Glass and Coalite.

All that is leading to a spiral of decline in the private pension sector. One of my constituents who worked for Dema Glass received on her 60th birthday, instead of a letter telling her how much pension she would get, a letter telling her that she would get no pension at all or at best 30 per cent. at some time in the future, but it was not certain when. As a result, her daughter, who is in her mid-20s and works for a very good international firm based in Chesterfield, said, "I was going to take out a private pension with the company but what's the point? If that can happen to my mother after a lifetime's saving, there's no point me saving." Confidence must be restored in the private pensions system if that is to be overcome.

If all that is true of pensioners in general, and of male pensioners, it is even more true of female pensioners, as we have heard.

Sixty per cent. of pensioners get a bad deal, but most of them are women. Women make up 64 per cent. of the overall pensioner population, but a far higher percentage of the poorest pensioners. Typically, women receive 57 per cent. of the male pension, while only 12 per cent. of women get the full basic state pension in their own right; 25 per cent. of single women pensioners live in poverty. A recent joint report from Age Concern and the Fawcett Society showed that women accounted for 75 per cent. of pensioners on income support. As we have heard today, the origins of that lie in the earlier role of women, who used normally to work in low-paid and part-time jobs and would take long stretches of time out to care for children and other members of the family, the elderly and the sick.

We have heard that that may change, but very slowly. The women of today begin work on much more equal terms, with equal pay and a different attitude to life. It will take 30 or 40 years for that to feed through, so that they receive decent pensions in their own right when they retire. The Minister and his colleagues, with the exception of the right hon. Member for Birkenhead (Mr. Field), have said in the past two or three hours that they are happy with that situation. They are happy with what they are doing for pensioners, and happy with the fact that any benefits that are generated will take 30 or 40 years to have an effect. In the meantime nearly 2 million pensioners, most of them women, must continue to live in poverty.

I hope that the Minister will have time to answer a specific question. The Minister for Pensions was full of praise for the Pension Service and its attempts to break down the barrier of means-tested benefits and get people on to pension credit. I have said the same in the House and in Committee debates. I have observed the good work that the service is doing in Chesterfield, for instance. Last Wednesday, however, along with two of the Minister's Back-Bench colleagues, I met members of the Public and Commercial Services Union. They said that one suggestion relating to the proposed job cuts of between 30,000 and 40,000 would affect workers in the Pension Service. If that innovatory service has indeed proved effective, can the Minister reassure us that it will not be hit? That would undermine the one bit of good work that is being done. I agree with the Minister for Pensions about that.

The recently announced policy of the Liberal Democrats is to give all those over 75—mostly women—a decent pension of £105 a week. That would avoid the present deterrent of means-testing. It has been welcomed across the board—not by the other two major parties in the House, but by financial commentators in the last week. It has been welcomed throughout the press, from the normally Conservative-supporting elements to others, as being realistic, costed and achievable, and as a first step towards a fair basic pension for all.

I hope for the sake of the poorest pensioners—most of them women—that the Minister takes the advice of the right hon. Member for Birkenhead. I hope that he borrows our policy and implements it, because that would be for the good of the poorest pensioners in the country. If he fails to do that—as I imagine he will—I look forward very much to fighting the election, in a few months' time, on our policy of providing a fair deal for the poorest pensioners in our society. It is the first time that that will have happened. Let me refer to our earlier debate, and add that I also look forward to fighting the election on our policy of scrapping the tuition fees introduced by the Government, and introducing a much fairer system of free access to higher education.

6.38 pm

Sandra Gidley (Romsey) (LD): I am afraid that, owing to limited time, I shall be unable to respond in detail to some points that have been made. However, I will say to the hon. Member for Eastbourne (Mr. Waterson) that it would probably help if he listened to my hon. Friend the Member for Northavon (Mr. Webb), because a number of his questions were answered in my hon. Friend's speech.

[Sandra Gidley]

It was clear from the length of time for which the hon. Gentleman spoke that, although the Conservatives may have some sort of pensions policy, its bearing on women was an afterthought. It seems to have been a case of "We have a problem; what are we going to do?" I have little to add to what was said by the hon. and learned Member for Redcar (Vera Baird), who highlighted the considerable flaws in the Conservatives' policy.

I want my winding-up speech to supplement the remarks of my hon. Friend the Member for Northavon, who has long recognised the particular problems faced by older women and has carried out a huge amount of campaigning work on the subject, particularly on the injustice of the married women's stamp. He has highlighted the fact that many of those women did not know that they were signing away their rights to a pension. A generation of women thought that they would be looked after in their old age *only to find out* that that was far from the case.

Within that context, the self-congratulatory nature of the Government amendment is particularly distasteful. The motion might just have been acceptable one year into the new Government, but it appears that they believe that it is something to brag about, even though the Government admit that it will be next year before they even report on women pensioners, let alone do anything about it. I am disappointed that the hon. and learned Member for Redcar had to highlight the work of the Fawcett Society before it became an issue that the Department for Work and Pensions acknowledged. I am delighted that has happened now, but why could it not have happened six years ago? I sometimes despair.

The rest of the Prime Minister's amendment fudges the other issues mentioned in our motion in similar fashion, but I want to concentrate on the health of older women. Groups of pensioners will talk at length about their pensions. It is something that they are rightly indignant about, interested in and engaged in, but once that discussion is out of the way, other issues come to the fore. Our motion could have been much longer, but we wanted to focus on a few specific issues.

The Government happily announce in their amendment that 99 per cent. of NHS trusts provide single-sex accommodation for planned admissions and they give themselves a big pat on the back for that. That simple statement is a masterpiece of deception and I want to draw the House's attention to Prime Minister's Question Time on 19 November 1996. The then Leader of the Opposition—now our Prime Minister—asked the then Prime Minister:

"Why has the Prime Minister not yet made good the promise given two years ago to eliminate mixed-sex wards in our hospitals?"—[*Official Report*, 19 November 1996; Vol. 285, c. 831.]

We should note that there was no mention of planned admissions or sleeping accommodation. If that issue was worthy of righteous indignation as long ago as 1996, why is such a simple measure taking so long to achieve?

Naturally enough, when the Labour Government came to power—I was pleased that the Tories were no more—the then Secretary of State for Health took the expected action. He blamed the Tories. The right hon. Member for Holborn and St. Pancras (Mr. Dobson) said:

"As far as we can see, under the programme that they left us with, in very many hospitals there was no possibility of eliminating mixed-sex wards in the 20th century. We will speed up that process."—[*Official Report*, 20 May 1997; Vol. 294, c. 492.]

The Tories at least had their much maligned patients charter, which made it clear to patients that they had the right, except in emergencies, to be told whether they would be in a ward for men and women. It was stated that in all cases people should "expect" single-sex washing and toilet facilities. It also clearly stated:

"If you would prefer to be cared for in single sex accommodation (either a single sex ward or 'bay' area within a larger ward which offers equal privacy) your wishes will be respected wherever possible."

We all know that the patients charter disappeared to be replaced by something called "Your NHS", which was by no means as specific about patients' rights in this matter.

The amendment before us today says absolutely nothing about washing facilities. *It may not be a big* issue compared with pensions, but I shall explain why it is a big issue for some people. I can assume only that the Government do not believe that single-sex facilities are important or even desired by elderly people in hospital.

I visited Southampton general hospital only last week. It is an excellent hospital in many ways, but I was surprised to find that the toilet bays were often not single sex. There were male and female cubicles side by side, but before a male could access the male toilet, he had to walk past the washing area, which was screened off only by a very flimsy curtain, offering absolutely no privacy whatever.

I suspect that many other hospitals provide similar facilities, so I assume that that shows that the Government are interested only in sleeping accommodation, and that they are not concerned about the wider picture.

The sad thing is that in many cases it is not a question of extra money. With a little thought, the problems could be solved by rearranging the existing infrastructure, but hospitals are so fixated on hitting every Government target that they simply do not deem such issues to be high priority. I can understand that: if I worked in Southampton general hospital, I would want to keep my job too.

People who think that this is not such a big issue should speak to a constituent of mine. I shall not reveal her name so as to protect her privacy, but she was placed on a mixed-sex ward in the Royal South Hants hospital in Winchester. I am not complaining about the original placement, as it was an emergency, but she was still there after several days, even though she had asked repeatedly to be moved, and even though one of the male patients kept on exposing himself to her. That is totally unacceptable, and it should not have happened to my constituent or to any other patient.

The Minister may say that the national service framework for older people is in place, and that NSF standard 1 reduces discrimination. When the NSF was launched, Professor Ian Philp, the national director for older people's services said:

"The NSF will mean that a person can expect to receive high-quality care and treatment, regardless of their age or whether they live. This will make age discrimination a thing of the past. Older people will be treated as individuals, with respect and dignity".

My constituent saw no evidence of dignity. Hers may have been an extreme case, and one that I hope is not replicated widely, but mixed-sex toilets and washing facilities do not provide dignity either. I urge the Government to ensure that what happens in hospitals reflects their rhetoric. I hope that they will change the words that they use to produce the right results.

The House should not just take my word for this. A recent Mind report entitled "Wardwatch" stated that 23 per cent. of recent and current in-patient respondents had been accommodated in mixed-sex wards. A further 31 per cent. of respondents did not have access to single-sex bathroom facilities.

Disappointingly, the Government's response was to belittle the report. They should take seriously the problems highlighted in it, and find out what is going wrong. Professor Philp stated also that age discrimination was a thing of the past, and that is the impression that the Government also like to portray. Therefore, I shall talk briefly about the most prominent example of age discrimination in the NHS—the cut-off age for breast cancer screening.

The cut-off age was 65, and I am delighted that the Government are to raise that to 70 by the end of the year, but that is for people who are routinely invited for screening by the NHS and it completely ignores the fact that 40 per cent. of breast cancer cases involve women over 70. That is bad enough, but it also promotes the dangerous misconception among older women that they have a decreased risk of contracting breast cancer. Therefore, although women over that age may request screening, the low level of awareness of the risk means that tumours may not be detected until it is too late.

According to the Breakthrough Breast Cancer research centre, the most important risk factor is age. Many consultants have gone on record to say that increasing the cut-off age to 80 would be a cost-effective measure.

In 2002, 6,320 women aged 70 and over died from breast cancer. That is more than 55 per cent. of the total number of women of all ages who died as a result of breast cancer in the same year. Who knows how the numbers might have changed if the screening had been available?

That is just one example of discrimination, and it is Liberal Democrat policy to outlaw the denial of treatment on the basis of absolute age barriers. We would also require the NHS executive to issue national guidance to tackle the problem of discrimination on the grounds of age.

The Government deny that age discrimination exists, but Age Concern has received reports of both implicit and explicit age discrimination at all levels in the NHS. It issued a report in 2000, but little seems to have changed since. Despite the lip service paid by the Government to age discrimination, many people know that the problem is a real one.

To sum up, the Liberal Democrats are tackling the issues that affect pensioners. Our proposals to axe the council tax have not been mentioned today, but they would benefit 70 per cent. of pensioners, and our pension proposals would tackle the particular problems faced by older women.

There are other problems, but we cannot do everything at once. There is still a huge mountain to climb. Above all, however, we will be serious when in government about eliminating age discrimination in all its forms.

6.50 pm

The Parliamentary Under-Secretary of State for Work and Pensions (Mr. Chris Pond): It seems only last week that we debated pensions on an Opposition motion and, indeed, it was. We have heard many thoughtful speeches today from Members on both sides of the House and I am delighted to welcome those Liberal Democrat Back Benchers who have been able to join us for the last few minutes of the debate on their motion, but who were not able to be here earlier.

The constant theme of all the speeches was that women pensioners do not enjoy as comfortable a retirement as they deserve. The Government recognise that the majority of pensioners are women and we are committed to ensuring that pension reforms improve women's rights. That is why the Government's priority has been to tackle poverty among the poorest pensioners, many of them women. In the year before we took office, 35 per cent. of single female pensioners were living in relative poverty. As a result of the action we have taken to tackle pensioner poverty, that figure is down to 21 per cent., even before the pension credit comes into effect. But there is clearly more to do if we want all pensioners to share in the nation's rising prosperity.

As we heard from my hon. Friend the Minister for Pensions earlier, the root of the challenge lies in the uneven distribution of opportunities during working life and of caring responsibilities. That is a problem that has gradually gained importance as a result of the breakdown of the model Beveridge family. But we have come a long way since Beveridge's time. The Government have introduced a range of important measures to benefit women and we do not intend to stop.

Our measures to help women differ from the advice given by the hon. Member for Havant (Mr. Willetts) not so long ago, when he recommended that one way to respond to demographic challenges was for women to have more babies. Our measures do not expect today's women to have children so that they can enjoy a comfortable retirement. Instead, our most significant measure to benefit today's pensioners has been the introduction of the pension credit. Having sat through two debates this afternoon with the hon. Member for Northavon (Mr. Webb), I have to tell him that he is developing an unfortunate tendency to sneer. The pension credit has had a huge and immediate positive impact on the living standards of many women pensioners. Two thirds of those entitled to pension credit are women, and half are aged 75 and over. More than 2 million women are now receiving the pension credit and we abhor the Opposition proposals that would take that away from the poorest pensioners. I can tell the hon. Member for Chesterfield (Paul Holmes) that although we always envisaged that the number of people working in the Pension Service would decline once the pension credit had been launched, we are committed to maintaining the level of service to pensioners.

[Mr. Chris Pond]

Pension credit has not been our only response to pensioner poverty. The introduction of winter fuel payments has helped 11.5 million pensioners, more than half of them women. Those payments are worth £200 a year, or £300 for households with a person aged 80 or over. In addition, more than 5 million households will gain from the over-70s additional payment. Some 60 per cent. of those aged over 70 are women, as are 66 per cent. of those aged over 80.

The state second pension, which the Conservatives plan to scrap along with the new deal if they get the chance, will boost the pensions of low and moderately paid employees and, for the first time, provide an additional pension for carers and long-term disabled people. As we have heard in this debate, that is of particular benefit to women, many of whom work part time or as carers. In fact, some 70 per cent. of the 5 million low earners who will benefit from the state second pension are women, as are almost all of the 2.5 million carers who will benefit.

We have also done much to improve the pension position of tomorrow's female pensioners. We are ensuring that all pensioners have as fair as possible an environment in which to save. The hon. Member for Upminster (Angela Watkinson) referred to wartime and post-war outworkers.

I think the hon. Lady will agree that it was sad that when the person she described as her heroine was in office she abolished the minimum wage for those very outworkers and home workers.

By tackling poverty during working age, we are giving people the means to avoid poverty in old age; for example, the minimum wage and the working tax credit overwhelmingly benefit women, thereby increasing their savings potential. The Government have also made a substantial investment in additional resources for child care to enable many of those caring for children to return to work.

We recognise that women are under-represented among those with private sector occupational pensions; in particular, women who work part-time are less likely to be offered and to take up employer-based pensions than men or women who work full-time. Nevertheless, more than 2 million working-age women are members of private sector occupational pension schemes, so the measures in the Pensions Bill to improve the security and simplify the structure of existing occupational pension provision are relevant to women. The House will remember that the Conservatives declined to support that Bill on Second Reading.

Stakeholder pensions, introduced by the Government, are beneficial to women in the modern labour market who move regularly between employers, who take a break from work—to raise a family, for example—or who have family who can pay into a pension for them. We are committed to improving pension information for everyone to ensure that they are aware of their pension position and the choices they face, which is especially important for women.

As I said, the Government have done much to help women. Today, the hon. Member for Northavon set out his plans for a citizens pension, which he says will help many women; but it will not be targeted at the poorest women. Taking account of the offsetting losses in pension credit, tax and national insurance, the poorest pensioners will gain nothing from the hon. Gentleman's proposals. The biggest gainers will be those in the top income deciles.

At a stroke, the Liberals plan to scrap the national insurance scheme, which is the bedrock of pensions as they operate today and was established in 1911 by another great Liberal—as he was at the time—Winston Churchill. People who have contributed, in many cases for an entire working life, towards their national insurance pension would find that it was swept away.

I have great respect for pressure groups. I used to run one, as did my right hon. Friend the Member for Birkenhead (Mr. Field) and my hon. Friend the Minister for Pensions. The hon. Member for Northavon used to work for one, too. The problem is that he thinks he still does. Instead of representing a national political party, serious about its potential to run the country, he still wheels out the latest wheeze he comes across—ill-thought-out, uncosted and half-baked. As we pointed out last week and my hon. and learned Friend the Member for Redcar (Vera Baird) pointed out earlier, those plans will be paid for by scrapping the DTI, the £2 billion that supports the post office network, the mechanisms for the minimum wage and protection for consumers and employees.

In a move described by the hon. Member for Havant as a "triumphant success", the Conservatives, who scrapped the earnings link in 1980 at the earliest opportunity, now plan to reintroduce it. They are calling for an increase in the basic state pension in line with earnings, but we know that the vast majority of women would not gain from that increase. They would lose from the abolition of the state second pension and, indeed, of pension credit, with which the Conservatives plan to pay for the increase.

An independent analysis by the Pensions Policy Institute concluded that under Conservative policies

"the average woman will lose".

The Leader of the Opposition agreed with that conclusion. Last year, he told us:

"Those who are entitled to the pension credit and do claim . . . will not be better off."

Most of those people will be women.

We are not complacent; we want to do everything that we can to help women to build up a decent income in retirement. That is why we are committed to producing a report on women and pensions by the end of next year, and I pay tribute to my hon. and learned Friend the Member for Redcar for introducing those proposals and to my hon. Friend the Minister for Pensions for accepting them.

Taken together, the measures that I have described to the House today are significant in meeting the challenges that many women in this country face in respect of pensions. They demonstrate that we have a coherent, sustainable long-term—

Mr. Andrew Stunell (Hazel Grove) (LD) *rose in his place and claimed to move,* That the Question be now put.

Question, That the Question be now put, *put and agreed to.*

Question put accordingly, That the original words stand part of the Question:—

The House divided: Ayes 182, Noes 250.

Division No. 244] **[6.59 pm**

AYES

Ainsworth, Peter *(E Surrey)*
Allan, Richard
Amess, David
Ancram, rh Michael
Arbuthnot, rh James
Atkinson, Peter *(Hexham)*
Baker, Norman
Baldry, Tony
Barker, Gregory
Baron, John *(Billericay)*
Barrett, John
Beith, rh A. J.
Bellingham, Henry
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, rh Virginia *(SW Surrey)*
Brady, Graham
Brake, Tom *(Carshalton)*
Brazier, Julian
Brooke, Mrs Annette L.
Browning, Mrs Angela
Burnett, John
Burns, Simon
Burnside, David
Burt, Alistair
Butterfill, Sir John
Cable, Dr. Vincent
Cameron, David
Campbell, Gregory *(E Lond'y)*
Campbell, rh Sir Menzies *(NE Fife)*
Carmichael, Alistair
Cash, William
Chapman, Sir Sydney *(Chipping Barnet)*
Chidgey, David
Clarke, rh Kenneth *(Rushcliffe)*
Collins, Tim
Conway, Derek
Curry, rh David
Davey, Edward *(Kingston)*
Davies, Quentin *(Grantham & Stamford)*
Davis, rh David *(Haltemprice & Howden)*
Djanogly, Jonathan
Dodds, Nigel
Donaldson, Jeffrey M.
Doughty, Sue
Duncan, Alan *(Rutland)*
Duncan, Peter *(Galloway)*
Ewing, Annabelle
Fabricant, Michael
Field, Mark *(Cities of London & Westminster)*
Flook, Adrian
Forth, rh Eric
Foster, Don *(Bath)*
Fox, Dr. Liam
Francois, Mark
Gale, Roger *(N Thanet)*
George, Andrew *(St. Ives)*
Gibb, Nick *(Bognor Regis)*
Gidley, Sandra
Gill, Parmjit Singh
Goodman, Paul
Gray, James *(N Wilts)*
Grayling, Chris
Green, Damian *(Ashford)*
Green, Matthew *(Ludlow)*
Greenway, John
Gummer, rh John
Hammond, Philip
Hancock, Mike
Harris, Dr. Evan *(Oxford W & Abingdon)*
Hawkins, Nick
Heald, Oliver
Heath, David
Heathcoat-Amory, rh David
Hendry, Charles
Hermon, Lady
Hoban, Mark *(Fareham)*
Hogg, rh Douglas
Holmes, Paul
Horam, John *(Orpington)*
Hunter, Andrew
Jack, rh Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Jones, Nigel *(Cheltenham)*
Keetch, Paul
Kennedy, rh Charles *(Ross Skye & Inverness)*
Key, Robert *(Salisbury)*
Knight, rh Greg *(E Yorkshire)*
Laing, Mrs Eleanor
Lamb, Norman
Laws, David *(Yeovil)*
Leigh, Edward
Letwin, rh Oliver
Lewis, Dr. Julian *(New Forest E)*
Liddell-Grainger, Ian
Lilley, rh Peter
Llwyd, Elfyn
Loughton, Tim
McIntosh, Miss Anne
Mackay, rh Andrew
Maclean, rh David
McLoughlin, Patrick
Malins, Humfrey
Maples, John
Mates, Michael
Mawhinney, rh Sir Brian
Mitchell, Andrew *(Sutton Coldfield)*
Moore, Michael
Moss, Malcolm
Norman, Archie
Oaten, Mark *(Winchester)*
Öpik, Lembit
Page, Richard
Paice, James
Paterson, Owen
Price, Adam *(E Carmarthen & Dinefwr)*
Prisk, Mark *(Hertford)*
Pugh, Dr. John
Randall, John
Redwood, rh John
Reid, Alan *(Argyll & Bute)*
Rendel, David
Robathan, Andrew
Robertson, Angus *(Moray)*
Robertson, Hugh *(Faversham & M-Kent)*
Robertson, Laurence *(Tewk'b'ry)*
Robinson, Peter *(Belfast E)*
Roe, Dame Marion
Rosindell, Andrew
Ruffley, David
Russell, Bob *(Colchester)*
Salmond, Alex
Sanders, Adrian
Sayeed, Jonathan
Simmonds, Mark
Simpson, Keith *(M-Norfolk)*
Smyth, Rev. Martin *(Belfast S)*
Soames, Nicholas
Spelman, Mrs Caroline
Spicer, Sir Michael
Spink, Bob *(Castle Point)*
Spring, Richard
Stanley, rh Sir John
Steen, Anthony
Streeter, Gary
Stunell, Andrew
Swayne, Desmond
Swire, Hugo *(E Devon)*
Syms, Robert
Taylor, Ian *(Esher)*
Taylor, John *(Solihull)*
Taylor, Sir Teddy
Teather, Sarah
Thomas, Simon *(Ceredigion)*
Thurso, John
Tonge, Dr. Jenny
Tredinnick, David
Tyler, Paul *(N Cornwall)*
Tyrie, Andrew
Viggers, Peter
Walter, Robert
Waterson, Nigel
Watkinson, Angela
Webb, Steve *(Northavon)*
Weir, Michael
Whittingdale, John
Widdecombe, rh Miss Ann
Wiggin, Bill
Wilkinson, John
Willetts, David
Williams, Hywel *(Caernarfon)*
Williams, Roger *(Brecon)*
Wills, Phil
Winterton, Ann *(Congleton)*
Winterton, Sir Nicholas *(Macclesfield)*
Wishart, Pete
Yeo, Tim *(S Suffolk)*
Young, rh Sir George

Tellers for the Ayes:
Sir Robert Smith and Richard Younger-Ross

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, Bob *(Cov'try NE)*
Allen, Graham
Anderson, rh Donald *(Swansea E)*
Atherton, Ms Candy
Atkins, Charlotte
Bailey, Adrian
Baird, Vera
Barnes, Harry
Battle, John
Bayley, Hugh
Beard, Nigel
Bell, Sir Stuart
Berry, Roger
Best, Harold
Betts, Clive
Blackman, Liz
Blears, Ms Hazel
Blizzard, Bob
Bradley, rh Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brennan, Kevin
Browne, Desmond
Burnham, Andy
Cairns, David
Campbell, Mrs Anne *(C'bridge)*
Campbell, Ronnie *(Blyth V)*
Casale, Roger
Caton, Martin
Cawsey, Ian *(Brigg)*
Challen, Colin
Chapman, Ben *(Wirral S)*
Chaytor, David
Clark, Mrs Helen *(Peterborough)*
Clark, Dr. Lynda *(Edinburgh Pentlands)*
Clarke, rh Tom *(Coatbridge & Chryston)*
Clelland, David
Coaker, Vernon
Coffey, Ms Ann
Cohen, Harry
Connarty, Michael
Corston, Jean
Cousins, Jim
Cox, Tom *(Tooting)*
Cranston, Ross
Cruddas, Jon
Cryer, Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cunningham, rh Dr. Jack *(Copeland)*
Cunningham, Tony *(Workington)*
Curtis-Thomas, Mrs Claire
Darling, rh Alistair
Davey, Valerie *(Bristol W)*
David, Wayne
Davies, rh Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Denham, rh John
Dobbin, Jim *(Heywood)*
Dobson, rh Frank
Dowd, Jim *(Lewisham W)*
Dunwoody, Mrs Gwyneth
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Etherington, Bill
Farrelly, Paul
Fisher, Mark
Fitzsimons, Mrs Lorna
Flint, Caroline
Flynn, Paul *(Newport W)*
Follett, Barbara
Foster, Michael *(Worcester)*
Foster, Michael Jabez *(Hastings & Rye)*
Foulkes, rh George
Gapes, Mike *(Ilford S)*
George, rh Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr. Ian

Gilroy, Linda
Godsiff, Roger
Goggins, Paul
Griffiths, Jane *(Reading E)*
Griffiths, Win *(Bridgend)*
Grogan, John
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hanson, David
Harman, rh Ms Harriet
Harris, Tom *(Glasgow Cathcart)*
Havard, Dai *(Merthyr Tydfil & Rhymney)*
Henderson, Ivan *(Harwich)*
Heppell, John
Hesford, Stephen
Heyes, David
Hill, Keith *(Streatham)*
Hinchliffe, David
Hood, Jimmy *(Clydesdale)*
Hope, Phil *(Corby)*
Hopkins, Kelvin
Howarth, George *(Knowsley N & Sefton E)*
Howells, Dr. Kim
Hoyle, Lindsay
Hughes, Beverley *(Stretford & Urmston)*
Hughes, Kevin *(Doncaster N)*
Hutton, rh John
Iddon, Dr. Brian
Ilsley, Eric
Irranca-Davies, Huw
Jenkins, Brian
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Jon Owen *(Cardiff C)*
Jowell, rh Tessa
Joyce, Eric *(Falkirk W)*
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keen, Alan *(Feltham)*
Khabra, Piara S.
Kidney, David
Kilfoyle, Peter
King, Andy *(Rugby)*
King, Ms Oona *(Bethnal Green & Bow)*
Knight, Jim *(S Dorset)*
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, David
Lawrence, Mrs Jackie
Laxton, Bob *(Derby N)*
Lepper, David
Leslie, Christopher
Levitt, Tom *(High Peak)*
Liddell, rh Mrs Helen
Linton, Martin
Love, Andrew
Lyons, John *(Strathkelvin)*
McAvoy, Thomas
McCabe, Stephen
McCafferty, Chris
McDonagh, Siobhain
MacDonald, Calum
McDonnell, John
MacDougall, John
McFall, rh John
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, Tony
Mactaggart, Fiona
McWalter, Tony
McWilliam, John
Mahmood, Khalid
Mann, John *(Bassetlaw)*
Marsden, Gordon *(Blackpool S)*
Marshall, David *(Glasgow Shettleston)*
Marshall-Andrews, Robert
Martlew, Eric
Meacher, rh Michael
Meale, Alan *(Mansfield)*
Michael, rh Alun
Miller, Andrew
Mitchell, Austin *(Gt Grimsby)*
Mole, Chris
Morgan, Julie
Mudie, George
Munn, Ms Meg
Naysmith, Dr. Doug
O'Brien, Bill *(Normanton)*
O'Hara, Edward
Olner, Bill
O'Neill, Martin
Osborne, Sandra *(Ayr)*
Owen, Albert
Palmer, Dr. Nick
Perham, Linda
Picking, Anne
Pickthall, Colin
Pike, Peter *(Burnley)*
Plaskitt, James
Pollard, Kerry
Pond, Chris *(Gravesham)*
Pope, Greg *(Hyndburn)*
Prentice, Gordon *(Pendle)*
Prosser, Gwyn
Purchase, Ken
Rapson, Syd *(Portsmouth N)*
Raynsford, rh Nick
Reed, Andy *(Loughborough)*
Robertson, John *(Glasgow Anniesland)*
Robinson, Geoffrey *(Coventry NW)*
Roche, Mrs Barbara
Rooney, Terry
Ross, Ernie *(Dundee W)*
Ruddock, Joan
Russell, Ms Christine *(City of Chester)*
Savidge, Malcolm
Sawford, Phil
Shaw, Jonathan
Sheerman, Barry
Sheridan, Jim
Shipley, Ms Debra
Short, rh Clare
Skinner, Dennis
Smith, rh Andrew *(Oxford E)*
Smith, rh Chris *(Islington S & Finsbury)*
Smith, Geraldine *(Morecambe & Lunesdale)*
Smith, Jacqui *(Redditch)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Soley, Clive
Starkey, Dr. Phyllis
Stewart, David *(Inverness E & Lochaber)*
Stinchcombe, Paul
Stoate, Dr. Howard
Straw, rh Jack
Stringer, Graham
Stuart, Ms Gisela
Tami, Mark *(Alyn)*
Taylor, David *(NW Leics)*
Taylor, Dr. Richard *(Wyre F)*
Timms, Stephen
Tipping, Paddy
Touhig, Don *(Islwyn)*
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr. Desmond *(Brighton Kemptown)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Vaz, Keith *(Leicester E)*
Vis, Dr. Rudi
Walley, Ms Joan
Ward, Claire
Wareing, Robert N.
Watson, Tom *(W Bromwich E)*
Watts, David
White, Brian
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Alan *(Swansea W)*
Williams, Betty *(Conwy)*
Wills, Michael
Winnick, David
Woodward, Shaun
Wright, Anthony D. *(Gt Yarmouth)*
Wright, David *(Telford)*
Wright, Tony *(Cannock)*
Wyatt, Derek

Tellers for the Noes:
Gillian Merron and
Paul Clark

Question accordingly negatived.

Question, That the proposed words be there added, *put forthwith, pursuant to Standing Order No. 31 (Questions on amendments)*:—

The House divided: Ayes 248, Noes 175.

Division No. 245] **[7:14 pm**

AYES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, Bob *(Cov'try NE)*
Allen, Graham
Anderson, rh Donald *(Swansea E)*
Atherton, Ms Candy
Atkins, Charlotte
Bailey, Adrian
Baird, Vera
Barnes, Harry
Battle, John
Bayley, Hugh
Beard, Nigel
Bell, Sir Stuart
Berry, Roger
Best, Harold
Betts, Clive
Blackman, Liz
Blears, Ms Hazel
Blizzard, Bob
Bradley, rh Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brennan, Kevin
Browne, Desmond
Burnham, Andy
Cairns, David
Campbell, Mrs Anne *(C'bridge)*
Campbell, Ronnie *(Blyth V)*
Casale, Roger
Caton, Martin
Cawsey, Ian *(Brigg)*
Challen, Colin
Chapman, Ben *(Wirral S)*
Chaytor, David
Clark, Mrs Helen *(Peterborough)*
Clark, Dr. Lynda *(Edinburgh Pentlands)*
Clarke, rh Tom *(Coatbridge & Chryston)*
Clelland, David
Coaker, Vernon
Coffey, Ms Ann
Cohen, Harry
Connarty, Michael
Cook, rh Robin *(Livingston)*
Corston, Jean
Cousins, Jim
Cox, Tom *(Tooting)*
Cranston, Ross
Cruddas, Jon
Cryer, Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cunningham, rh Dr. Jack *(Copeland)*
Cunningham, Tony *(Workington)*
Curtis-Thomas, Mrs Claire
Darling, rh Alistair
Davey, Valerie *(Bristol W)*
David, Wayne
Davies, rh Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Denham, rh John
Dobbin, Jim *(Heywood)*
Dobson, rh Frank
Dowd, Jim *(Lewisham W)*
Dunwoody, Mrs Gwyneth
Edwards, Huw
Efford, Clive
Elman, Mrs Louise
Etherington, Bill
Farrelly, Paul
Fisher, Mark
Fitzsimons, Mrs Lorna
Flint, Caroline
Flynn, Paul *(Newport W)*
Follett, Barbara
Foster, Michael *(Worcester)*
Foster, Michael Jabez *(Hastings & Rye)*
Foulkes, rh George
Gapes, Mike *(Ilford S)*
George, rh Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr. Ian
Gilroy, Linda
Godsiff, Roger
Goggins, Paul
Griffiths, Jane *(Reading E)*
Griffiths, Win *(Bridgend)*
Grogan, John
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hanson, David

Harman, rh Ms Harriet
Harris, Tom *(Glasgow Cathcart)*
Havard, Dai *(Merthyr Tydfil & Rhymney)*
Henderson, Ivan *(Harwich)*
Heppell, John
Hesford, Stephen
Heyes, David
Hill, Keith *(Streatham)*
Hinchliffe, David
Hood, Jimmy *(Clydesdale)*
Hope, Phil *(Corby)*
Hopkins, Kelvin
Howarth, George *(Knowsley N & Sefton E)*
Howells, Dr. Kim
Hoyle, Lindsay
Hughes, Beverley *(Stretford & Urmston)*
Hughes, Kevin *(Doncaster N)*
Hutton, rh John
Iddon, Dr. Brian
Illsley, Eric
Irranca-Davies, Huw
Jenkins, Brian
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Jon Owen *(Cardiff C)*
Jowell, rh Tessa
Joyce, Eric *(Falkirk W)*
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keen, Alan *(Feltham)*
Khabra, Piara S.
Kidney, David
Kilfoyle, Peter
King, Andy *(Rugby)*
King, Ms Oona *(Bethnal Green & Bow)*
Knight, Jim *(S Dorset)*
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, David
Lawrence, Mrs Jackie
Laxton, Bob *(Derby N)*
Lepper, David
Leslie, Christopher
Levitt, Tom *(High Peak)*
Liddell, rh Mrs Helen
Linton, Martin
Love, Andrew
Lyons, John *(Strathkelvin)*
McAvoy, Thomas
McCabe, Stephen
McCafferty, Chris
McDonagh, Siobhain
MacDonald, Calum
McDonnell, John
MacDougall, John
McFall, rh John
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, Tony
Mactaggart, Fiona
McWalter, Tony
McWilliam, John
Mahmood, Khalid
Mann, John *(Bassetlaw)*
Marsden, Gordon *(Blackpool S)*
Marshall, David *(Glasgow Shettleston)*
Marshall-Andrews, Robert
Martlew, Eric
Meacher, rh Michael
Meale, Alan *(Mansfield)*
Michael, rh Alun
Miller, Andrew
Mitchell, Austin *(Gt Grimsby)*
Mole, Chris
Morgan, Julie
Mudie, George
Munn, Ms Meg
Naysmith, Dr. Doug
O'Brien, Bill *(Normanton)*
O'Hara, Edward
Oliver, Bill
O'Neill, Martin
Osborne, Sandra *(Ayr)*
Owen, Albert
Palmer, Dr. Nick
Perham, Linda
Picking, Anne
Pickthall, Colin
Pike, Peter *(Burnley)*
Plaskitt, James
Pollard, Kerry
Pond, Chris *(Gravesham)*
Pope, Greg *(Hyndburn)*
Prentice, Gordon *(Pendle)*
Prosser, Gwyn
Purchase, Ken
Rapson, Syd *(Portsmouth N)*
Raynsford, rh Nick
Reed, Andy *(Loughborough)*
Robinson, Geoffrey *(Coventry NW)*
Roche, Mrs Barbara
Rooney, Terry
Ross, Ernie *(Dundee W)*
Ruddock, Joan
Russell, Ms Christine *(City of Chester)*
Savidge, Malcolm
Sawford, Phil
Shaw, Jonathan
Sheerman, Barry
Sheridan, Jim
Shipley, Ms Debra
Short, rh Clare
Skinner, Dennis
Smith, rh Andrew *(Oxford E)*
Smith, rh Chris *(Islington S & Finsbury)*
Smith, Geraldine *(Morecambe & Lunesdale)*
Smith, Jacqui *(Redditch)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Soley, Clive
Starkey, Dr. Phyllis
Stewart, David *(Inverness E & Lochaber)*
Stinchcombe, Paul
Stoate, Dr. Howard
Straw, rh Jack
Stringer, Graham
Stuart, Ms Gisela
Tami, Mark *(Alyn)*
Taylor, David *(NW Leics)*
Timms, Stephen
Tipping, Paddy
Touhig, Don *(Islwyn)*
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr. Desmond *(Brighton Kemptown)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Vaz, Keith *(Leicester E)*
Vis, Dr. Rudi
Walley, Ms Joan
Ward, Claire
Wareing, Robert N.
Watson, Tom *(W Bromwich E)*
Watts, David
White, Brian
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, Betty *(Conwy)*
Wills, Michael
Winnick, David
Woodward, Shaun
Wright, Anthony D. *(Gt Yarmouth)*
Wright, David *(Telford)*
Wright, Tony *(Cannock)*
Wyatt, Derek

Tellers for the Ayes:
Paul Clark and
Gillian Merron

NOES

Ainsworth, Peter *(E Surrey)*
Allan, Richard
Amess, David
Ancram, rh Michael
Arbuthnot, rh James
Atkinson, Peter *(Hexham)*
Baker, Norman
Baldry, Tony
Barker, Gregory
Baron, John *(Billericay)*
Barrett, John
Beith, rh A. J.
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, rh Virginia *(SW Surrey)*
Brady, Graham
Brake, Tom *(Carshalton)*
Brazier, Julian
Brooke, Mrs Annette L.
Browning, Mrs Angela
Burnett, John
Burns, Simon
Burnside, David
Burt, Alistair
Butterfill, Sir John
Cable, Dr. Vincent
Cameron, David
Campbell, Gregory *(E Lond'y)*
Campbell, rh Sir Menzies *(NE Fife)*
Carmichael, Alistair
Cash, William
Chapman, Sir Sydney *(Chipping Barnet)*
Chidgey, David
Clarke, rh Kenneth *(Rushcliffe)*
Collins, Tim
Conway, Derek
Curry, rh David
Davey, Edward *(Kingston)*
Davies, Quentin *(Grantham & Stamford)*
Davis, rh David *(Haltemprice & Howden)*
Djanogly, Jonathan
Dodds, Nigel
Donaldson, Jeffrey M.
Doughty, Sue
Duncan, Alan *(Rutland)*
Duncan, Peter *(Galloway)*
Ewing, Annabelle
Fabricant, Michael
Flook, Adrian
Forth, rh Eric
Foster, Don *(Bath)*
Fox, Dr. Liam
Francois, Mark
Gale, Roger *(N Thanet)*
George, Andrew *(St. Ives)*
Gibb, Nick *(Bognor Regis)*
Gidley, Sandra
Gill, Parmjit Singh
Goodman, Paul
Gray, James *(N Wilts)*
Grayling, Chris
Green, Damian *(Ashford)*
Green, Matthew *(Ludlow)*
Greenway, John
Gummer, rh John
Hammond, Philip
Hancock, Mike
Hawkins, Nick
Heald, Oliver
Heath, David
Heathcoat-Amory, rh David
Hendry, Charles
Hermon, Lady
Hoban, Mark *(Fareham)*
Hogg, rh Douglas
Holmes, Paul
Horam, John *(Orpington)*
Hunter, Andrew
Jack, rh Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Jones, Nigel *(Cheltenham)*
Keetch, Paul
Kennedy, rh Charles *(Ross Skye & Inverness)*
Key, Robert *(Salisbury)*
Knight, rh Greg *(E Yorkshire)*
Laing, Mrs Eleanor
Lamb, Norman
Laws, David *(Yeovil)*
Leigh, Edward
Letwin, rh Oliver
Lewis, Dr. Julian *(New Forest E)*
Liddell-Grainger, Ian
Lilley, rh Peter
Llwyd, Elfyn
Loughton, Tim
Mackay, rh Andrew
Maclean, rh David
McLoughlin, Patrick
Malins, Humfrey
Maples, John
Mates, Michael
Mitchell, Andrew *(Sutton Coldfield)*
Moore, Michael
Moss, Malcolm

Öpik, Lembit
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Price, Adam *(E Carmarthen & Dinefwr)*
Prisk, Mark *(Hertford)*
Pugh, Dr. John
Randall, John
Redwood, rh John
Reid, Alan *(Argyll & Bute)*
Rendel, David
Robathan, Andrew
Robertson, Angus *(Moray)*
Robertson, Hugh *(Faversham & M-Kent)*
Robertson, Laurence *(Tewk'b'ry)*
Robinson, Peter *(Belfast E)*
Roe, Dame Marion
Rosindell, Andrew
Ruffley, David
Russell, Bob *(Colchester)*
Salmond, Alex
Sanders, Adrian
Sayeed, Jonathan
Simmonds, Mark
Simpson, Keith *(M-Norfolk)*
Smyth, Rev. Martin *(Belfast S)*
Soames, Nicholas
Spelman, Mrs Caroline
Spicer, Sir Michael
Spink, Bob *(Castle Point)*
Spring, Richard
Stanley, rh Sir John
Steen, Anthony
Streeter, Gary
Stunell, Andrew
Swayne, Desmond
Swire, Hugo *(E Devon)*
Syms, Robert
Taylor, Ian *(Esher)*
Taylor, John *(Solihull)*
Taylor, Sir Teddy
Teather, Sarah
Thomas, Simon *(Ceredigion)*
Tonge, Dr. Jenny
Tredinnick, David
Tyler, Paul *(N Cornwall)*
Tyrie, Andrew
Viggers, Peter
Walter, Robert
Waterson, Nigel
Watkinson, Angela
Webb, Steve *(Northavon)*
Weir, Michael
Whittingdale, John
Widdecombe, rh Miss Ann
Wiggin, Bill
Wilkinson, John
Willetts, David
Williams, Hywel *(Caernarfon)*
Williams, Roger *(Brecon)*
Willis, Phil
Winterton, Ann *(Congleton)*
Winterton, Sir Nicholas *(Macclesfield)*
Wishart, Pete
Yeo, Tim *(S Suffolk)*
Young, rh Sir George

Tellers for the Noes:
Richard Younger-Ross and Sir Robert Smith

Question accordingly agreed to.

MR. SPEAKER *forthwith declared the main Question, as amended, to be agreed to.*

Resolved,

That this House welcomes the Pensions Green Paper as the first ever statement of government policy to explicitly consider the needs of women; further welcomes the commitment by the Government to report next year on the pensions position of women; supports steps to improve the incomes of women pensioners and enable more women than ever to build up pensions; welcomes in particular the introduction of Pension Credit, benefiting over two million women, and the state second pension, helping millions of the lowest paid women and women with caring responsibilities to build up a second pension; believes that both main Opposition parties' policies are unaffordable, unworkable and do nothing for the very poorest; notes that the Liberal Democrat policies will be financed by scrapping DTI programmes, which boost the wealth of the nation through investment in research and innovation; supports the conclusion of the Pensions Policy Institute that 'the average woman will lose' under proposed Conservative policy; notes that 99 per cent. of NHS trusts provide single-sex sleeping accommodation for planned admissions; and, as there are 10,000 wards in use across the NHS, congratulates the Government on this achievement; applauds the extension of breast screening to women aged 65 to 70, resulting in an additional 200,000 women being invited since April 2001; commends the Government's historic commitment to tackling pensioner poverty, which is continuing to do most for the poorest women pensioners; and welcomes the £10 billion extra that the Government is spending on pensioners this year compared with the 1997 system.

DELEGATED LEGISLATION

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6)(Standing Committees on Delegated Legislation),

FAMILY LAW

That the draft Child Support (Miscellaneous Amendments) Regulations 2004, which were laid before this House on 5th July, be approved.—*[Mr. Watson.]*

Question agreed to.

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6)(Standing Committees on Delegated Legislation),

NORTHERN IRELAND

That the draft Northern Ireland Act 2000 (Modification) (No. 2) Order 2004, which was laid before this House on 8th July, be approved.—*[Mr. Watson.]*

Question agreed to.

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6)(Standing Committees on Delegated Legislation),

LOCAL GOVERNMENT

That the draft Business Improvement Districts (England) Regulations 2004, which were laid before this House on 7th September, be approved.—*[Mr. Watson.]*

Question agreed to.

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6)(Standing Committees on Delegated Legislation),

EDUCATION

That the draft Student Fees (Approved Plans) (England) Regulations 2004, which were laid before this House on 7th September, be approved.—*[Mr. Watson.]*

Question agreed to.

EUROPEAN COMMUNITY DOCUMENTS

Motion made, and Question put forthwith, pursuant to Standing Order No. 119(9)(European Standing Committees),

DRIVING LICENCES

That this House takes note of European Union document No. 15820/03, draft Directive on driving licences (Recasting); and endorses the Government's objective to combat driving licence fraud and improve road safety without imposing undue burdens on industry, private individuals or law enforcers.—*[Mr. Watson.]*

Question agreed to.

PETITIONS

Crossrail Depot

7.26 pm

Mr. Andrew Rosindell (Romford) (Con): My constituents are gravely concerned at the prospect that Crossrail is to construct a large railway depot in the heart of Romford. It will particularly affect the

Crowlands and Rush Green areas of Romford, running from St. Edward's school to the Waterloo estates and from Oldchurch hospital to the Dagenham border.

My constituents are fearful that the effects could be devastating for the whole community and for the lives of local people, not to mention the effects on the local environment. The roads that will be particularly affected are Beechfield gardens, Crow lane and the surrounding roads, Ainsley avenue, Sheringham avenue, Jutsums lane, Bridport avenue, Southern way and Stockland road.

I should like to make several key points. The Crossrail depot will cause massive disruption to the whole community. The consultation has taken place—

Mr. Speaker: Order. The hon. Gentleman should not be making a speech. He should present the petition. There are words set out for the hon. Gentleman. If he reiterates those words, everyone will be happy, including the Speaker.

Mr. Rosindell: Thank you, Mr. Speaker. The petition reads:

The people of the Romford Parliamentary Constituency declare that they are wholly opposed to the construction of a Crossrail Depot within Romford.

The Petitioners therefore request that the House of Commons does all it can to ensure that the depot is not built as it will cause considerable inconvenience and disruption to the people of Romford.

And the Petitioners remain, etc.

The petition is signed by no less than 2,199 people and has been collected by the Crossrail action group.

To lie upon the Table.

King's Own Scottish Borderers

7.28 pm

Mr. Michael Moore (Tweeddale, Ettrick and Lauderdale) (LD): The future of the King's Own Scottish Borderers and the Royal Scots is a cause of real concern to people in the borders. Along with my hon. Friend the Member for Roxburgh and Berwickshire (Sir Archy Kirkwood) and my right hon. Friend the Member for Berwick-upon-Tweed (Mr. Beith), I have met the Secretary of State for Defence on two occasions to argue for the continuation of these regiments. The strength of feeling in our constituencies is illustrated by the enthusiasm with which people have signed the petition, which reads:

The petition of the constituents of Tweeddale, Ettrick and Lauderdale, the constituents of Roxburgh and Berwickshire and other concerned individuals

Declares that the doubts about the future of the King's Own Scottish Borderers regiment following the announcement on defence spending by the Secretary of State on Wednesday 21 July 2004 are causing growing concern in south-east Scotland. The Petitioners highlight the proud military traditions of the King's Own Scottish Borderers, the regiment's successful contributions to historic and recent military conflicts and peace-keeping missions around the world and its strong ties with the communities of the Scottish Borders in particular.

The Petitioners therefore request that the House of Commons urge Her Majesty's government to reconsider proposals which would reduce the number of Scottish battalions, to make provision for the retention of all of the Scottish regiments, and in particular to reject any plan to disband or amalgamate the King's Own Scottish Borderers.

And the Petitioners remain, etc.

To lie upon the Table.

Gurkhas

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Watson.]*

7.30 pm

Miss Ann Widdecombe (Maidstone and The Weald) (Con): I am grateful for the opportunity to raise the issue of our treatment of Gurkhas, particularly so far as immigration law is concerned. The matter concerns many hon. Members: I have agreed to the hon. Member for Brecon and Radnorshire (Mr. Williams) making a brief intervention at a later stage, and my hon. Friends the Members for Surrey Heath (Mr. Hawkins) and for Aldershot (Mr. Howarth) and my right hon. Friend the Member for North-East Hampshire (Mr. Arbuthnot) have campaigned for more equitable treatment for the Gurkhas for a long time.

I shall put the debate in context. On 6 March 2003, I was fortunate enough to obtain an Adjournment debate on this subject. During the course of that debate, I raised the treatment of Gurkhas in immigration law. I was particularly concerned that, although a Gurkha can serve 15 years with the British armed forces, which they normally do, and that that time is likely to include deployment on active service, those 15 years are not taken into account if they subsequently apply for leave to remain, leave to re-enter having returned to Nepal or naturalisation.

I followed up my Adjournment debate with a letter to the then Minister of State at the Home Office, the right hon. Member for Stretford and Urmston (Beverley Hughes), on 10 April 2003. On 1 July 2003, the then Minister replied and, among other assurances, were these words:

> "Officials from the Ministry of Defence, the Foreign and Commonwealth Office and the Home Office are in the process of reviewing current policy on naturalisation and settlement of Ghurkhas. A further meeting is being arranged to explore the possibility of immigration or work permit concessions that may enable Ghurkhas to return to the UK after discharge."

I felt hopeful when I received that letter, but I should have known better. Nothing happened.

On 12 January 2004, I tabled a written question to the Home Secretary asking what was happening. The then Minister replied on his behalf on 15 January and said that the review would report "shortly". Nothing further happened, so I rather boringly tabled exactly the same written question on 29 March, and the then Minister, doubtless with equal weariness, replied, yet again, that the review would report shortly.

My patience is almost limitless. I did nothing at all until we returned from the summer recess, when I tabled the same question, without great hope that I would receive anything other than the same reply. On that occasion, a slight variation occurred: the Minister said that he would reply as soon as possible, and I look forward to his giving that answer tonight. That is the context in which I sought and obtained this Adjournment debate. I have patiently endured the long process of waiting for the Government to rectify the disgraceful treatment of people who have served us well.

The Minister need not glare when I say that, because that treatment was not invented by him—indeed, it was not invented by any one Government. It has gone on for rather a long time, but that does not make it any less disgraceful.

The Gurkha regiment has won 26 Victoria crosses, 13 of which were won by Gurkhas themselves. They have fought in nearly every conflict since world war two: in the Falklands, in the first Gulf war, in East Timor, in Sierra Leone, and most recently, in Iraq. Yet, as I said in my Adjournment debate of 6 March 2003, we show our gratitude with a P45 and a one-way ticket to Nepal. After 15 years' service, they cannot stay here.

Let us suppose that such a Gurkha has a British child—that is, a child born in this country whom the law recognises as British. Even in those circumstances, the parent cannot remain in this country once his period of service is up. On proof that the parents have returned to Nepal and are settled there, one parent, but only one, can accompany the child to the UK; but when the child reaches the age of 12 that parent must go back. That means that a British citizen is either forcibly returned—by which I mean moral force, not deportation force—or is left alone in this country at the tender age of 12.

That prompts the question: whatever sort of country are we? I would propose that any Gurkha who has completed 15 years' service in this country and who applies to either remain, re-enter or be naturalised should be treated on exactly the same basis as anybody else who had been in this country for 15 years would be treated. I do not ask for them to be treated with special favour, but merely to have equality with others who have been in this country for 15 years.

In case there is any suggestion that this would flood the immigration system beyond its capacity to cope, only some 200 to 250 Gurkhas a year complete 15 years' service. These men are well trained, well disciplined and dutiful, and they would make ideal British citizens.

Let us make the obvious comparison. If somebody comes into this country unlawfully—in the back of a lorry, for example—or enters lawfully then decides to overstay, history shows that after a due period of time that person will benefit from an amnesty. Even if they do not so benefit, if they apply to regularise their position they will ask for the time that they have spent in this country to be taken into account and, as I well know, it is. Yet despite the 15 years' service of Gurkhas, it is as if they do not exist. Not one of them is taken into account. Any member of the NATO armed services can enter this country after discharge and apply for leave to stay here. They could be Frenchmen or Turkish infantrymen: they could be anybody. They are allowed to stay, whereas Gurkhas who have served the British Army directly, and may well have shed blood in that cause, are not.

In the previous debate, I raised other issues that I accept are not the Minister's direct responsibility, but I would nevertheless be very glad if he discussed them with his right hon. and hon. Friends in the Ministry of Defence. One of those issues is the absolute cruelty of refusing Gurkhas the right to have their families with them for more than three years out of the 15. It is true that those of the rank of colour sergeant or above can have a greater level of family accompaniment, but that is only 10 per cent. of them. Rank-and-file Gurkhas—the other 90 per cent.—can have their families with them for only three out of the 15 years.

Even if one tots up all the long leave that they are allowed in Nepal, they will still spend 10 years out of their 15 without their families. Any British soldier who is posted—not on active service—abroad can take his

family with him. Why do we assume that Gurkhas are not normal human beings who want their kids and wives with them? What is so different about them that we limit them ferociously to three years? I use the word ferocious because we often have surplus married accommodation but it is not put at the disposal of Gurkhas. The rule is most rigidly enforced.

When I previously raised the issue in the House, my right hon. Friend the Member for Tonbridge and Malling (Sir John Stanley), who is a member of the Britain-Nepal group, made a timely intervention to point out that given the amount of time that has passed since the archaic agreements that resulted in such injustices, a fresh look is necessary. As I said, I was delighted when I was told that a fresh look was in process, but nothing has come of it.

I raised the matter in the first place because I have in my constituency a Gurkha unit that is attached to the 36th Engineers, who were in the recent deployment to Iraq. I know how highly esteemed they are. Whenever we have a ceremonial parade in Maidstone, the Gurkha unit always attracts the warmest applause from my constituents. They are highly esteemed, yet poorly treated.

I am assisted somewhat nowadays because a national newspaper has, at long last, taken up the cause. I understand that the *Daily Express* has received 36,000 positive responses to its campaign to ensure better treatment for Gurkhas. I greatly look forward to the Minister's reply and hope that he will take my comments in the spirit that they are intended, which is not party political, but an appeal for the most basic common humanity that a Government should show. I am rather appalled not only at the 18-month delay that I endured but at the fact that we are still discussing the matter in the 21st century and somehow believing that there is still cause to argue about it. There should be no cause; we should right the injustice immediately.

7.42 pm

Mr. Roger Williams (Brecon and Radnorshire) (LD): I thank the right hon. Member for Maidstone and The Weald (Miss Widdecombe) for giving me an opportunity to say a few words, and I congratulate her on her assiduous work on behalf of Gurkhas and Gurkha families who have served this country so well over the years.

I initially became interested in the Gurkha soldiers and regiments because a demonstration company that assists with training platoon commanders and senior non-commissioned officers is stationed at Derring Lines in my constituency. The finest NCOs in this country owe many of their skills to the assistance and work of that Gurkha company.

Earlier this year, I visited Brunei with the armed forces parliamentary scheme. The 2nd Royal Gurkha Rifles, which had just returned from Afghanistan, is currently stationed there. Other regiments are building on the work that they initiated in Afghanistan and the trust that they formed with the Afghan people. Britain and those other regiments have benefited from their work.

The Gurkhas are highly esteemed for their qualities as soldiers, and their loyalty to the nation and the Crown is undisputed. However, they have problems with their terms and conditions of service. Accompanied married service, to which the right hon. Lady referred, is a genuine problem for them. In the three years that they are allowed to have their wives and families with them, especially when they are based at Brecon, they are well integrated into the community. The wives find jobs, the children go to school, and they play a huge part in the community's understanding of the diversity of culture in the rest of the world.

I have also become aware that when Gurkha soldiers finish their service after 15 years, as they have to do unless they become NCOs or officers, they have little alternative but to return to their country of origin, where their pension may be of some use to them, although it is very small compared with the pension that a British soldier gets. Some of those Gurkhas wish to stay in this country a little longer to build up some financial security for the time that they will spend in Nepal. They find it difficult because they are not given the same opportunities as other people from their country who have not served in the British Army, and I am pleased that the right hon. Lady has brought this matter to the attention of the House.

There has been concern in the Royal Gurkha Regiment that a number of its soldiers were leaving the service early to join commercial organisations providing security in Iraq and Afghanistan. They leave the British Army to do that so that they can build up the financial means to retire to Nepal. It is a great shame that they should have to leave the Army before they have to, in order to achieve that. If they were given the certainty that they could remain in Britain for a certain length of time, they would not need to take up such employment.

I do not believe that many Gurkhas would wish to remain in this country for ever, because they have a great affinity for their home country and want to return there to play a part in the reconstruction and improvement of the area. They are simply looking for an opportunity to stay here for a short while to build up some financial security before they go back to Nepal.

I support the work that the right hon. Lady is doing. It is important for the Gurkhas that they should have the confidence to serve this country, and I shall listen with interest to the Minister's reply.

7.47 pm

The Minister for Citizenship and Immigration (Mr. Desmond Browne): I congratulate the right hon. Member for Maidstone and The Weald (Miss Widdecombe) on being doubly fortunate in having secured two Adjournment debates on this important subject over the past 18 months, and I welcome this debate. May I also thank the hon. Member for Brecon and Radnorshire (Mr. Williams) for his contribution? I should like to remind him that he is but one of a number of Members on both sides of the House who have spoken out in support of the general thrust of the right hon. Lady's argument. He is fortunate to have been granted this opportunity to contribute to another Member's debate, and he represents a significant number of Members who have contacted either my Department or the Ministry of

[Mr. Desmond Browne]

Defence on this issue. The support in the House for this issue reflects the level of support that the *Daily Express* has generated among its readership.

I am well aware of the high regard in which the Gurkhas are held in this country, and of the valued contribution that they make during their service with the British armed forces. As I was preparing for this debate, I read the right hon. Lady's previous Adjournment debate on the subject. She has repeated tonight some of the observations that she made about the distinguished history of the Gurkhas, and I am sure that the legend of honour of the Gurkhas could occupy the House for some time, if we were to debate their heroism and service to British society and its armed forces.

I am also acutely aware of the concern sometimes expressed about the terms and conditions of the Gurkhas' service, and I shall deal with the specific points that the right hon. Lady raised if there is time for me to do so. She reminded the House that a review is being carried out, and I am sure that she would not expect me to pre-empt that work by making an announcement tonight. However, this debate gives me the opportunity to put the issue in context and to respond to her questions.

Miss Widdecombe *rose—*

Mr. Browne: If the right hon. Lady wishes to raise the issue of the time that the review has been going on for, I will deal with that specifically, and appropriately, in response to the debate. I will do it now if she wants me to do so.

Miss Widdecombe: When the Minister comes to respond on the time that has already elapsed, what I and, I am sure, other Members would be far more interested to hear, is how much time has yet to elapse before we get those results?

Mr. Browne: To the extent that any Minister is ever able to do that—the right hon. Lady knows that it is limited—I will endeavour to give an answer to that question.

At the outset—although I am now some way into my speech—I want to say that I am very grateful to the right hon. Lady for saying that this should not be reduced to a party political issue. The issue is far too important for that. I did not want to be brought by contributions to this debate to have to remind the House of the history of this matter—of course, Governments of a different hue from the current Government had opportunities to deal with this issue. Circumstances change, and as the right hon. Lady reminds us, we are in the 21st century, and it is time to look forward and not back. Some of those who comment on these issues outside the House ought to be reminded—and I would be grateful if she would repeat some of her comments outside—that this is not a party political issue, and that the situation persisted long before this Government came to power. While it needs to be resolved—I accept that, in the 21st century—that is not because of the actions of this Government.

The Government recognise the enormous contribution that the Gurkhas have made, serving across the world for the UK's armed forces. I want to take this opportunity simply to thank them for their bravery and their loyalty. Ministers are sympathetic to concerns about their current situation, which, as the right hon. Lady reminded us, has applied for the past 50 years. I reassure the House that Ministers, including me, have focused on a solution that works for the next 50 years, because the relationship between the Nepalese and British people has been of mutual benefit, and we ought to find solutions to these persistent problems.

On the time that the review has taken, it has been conducted in line with the undertaking given by the former Defence Minister, my hon. Friend the Member for Kirkcaldy (Dr. Moonie), in the right hon. Lady's debate on 6 March 2003. Officials of the Ministry of Defence and the Home Office have been conducting a joint review on current policy on naturalisation and settlement of Gurkhas, and in particular, they are looking at how current immigration policy impacts on Gurkhas on discharge. That review is nearing completion—*[Interruption.]* I know that that is a different form of words from that which the right hon. Lady—

Miss Widdecombe: Will the Minister give way?

Mr. Browne: No. I want to deal, as the right hon. Lady requested, with the issue of why it has taken so long.

This is not by any stretch of the imagination as simple as identifying an apparent injustice and seeking to resolve it. As one would have expected, the review has identified complex legal issues, on which complex legal advice is being sought. We need to be sure that we understand what impact change might have in relation, for example, to ensuring that any future policy is not discriminatory, and that the Gurkhas obtain the best advantage from it.

Because we share a common objective that the relationship of the Nepalese people with the Brigade of Gurkhas and the British Army continues, we need to consider the impact on recruitment and retention of Gurkhas, which is not straightforward by any stretch of the imagination, as I am sure that the right hon. Lady appreciates and understands. We need to consider changes to current pension arrangements to ensure that they do not disadvantage Gurkhas. We need to consider the impact on the Nepalese economy. We need to consider ensuring continued cohesion of Gurkha units serving in the British Army. We also need to consider how current immigration policy impacts on Gurkhas, the scope for change, and immigration or work permit concessions. Fundamentally, care needs to be taken to ensure that the practices underpinning the tripartite agreement, which dates back to 1947, are not undermined.

The review has been wide-ranging. It has included discussions of settlement, work permits, naturalisation, and welfare issues, including those affecting

dependants, and the issues are complex. I hope, however, that we will shortly be able to resolve those issues as the review draws to a conclusion.

Miss Widdecombe: Will the Minister please interpret for me the difference in Ministerspeak between "shortly" and "nearing completion"?

Mr. Browne: I did not intend to convey any different messages. I intended to give the right hon. Lady the impression that we were moving to the point of completion. Because we are dealing with issues of advice and consideration of advice, and because a number of people are involved—I cannot make the decision alone, but must engage in consultation—I cannot bind any individuals to a timetable that is unreasonable. I am sure that she and the House will understand that. I cannot bind other people's thought processes.

In my introductory remarks—which have now taken up the bulk of my speech—I have tried to explain the complexity of the decisions involved. I do not know whether, when she was a Home Office Minister, the right hon. Lady had an opportunity to go into that complexity, but if she did not I must say, with respect, that she is at a disadvantage. Having done so myself, I do not think it unreasonable to have taken much of last year to set up the review, take the necessary advice and reach the point that we have reached. We should bear in mind the history, and the fact that the solution will need to serve us for at least another 50 years.

It seems to me distinctly unreasonable—in the context of the time scale of not just the service of the Gurkhas to the British Army but the persistence of the present agreement and arrangements—to keep saying that it is all taking far too long. It is not taking far too long, given what has to be done. I am sure that when announcements are made and their consequences are appreciated, Members throughout the House, along with those outside who are aware of the issues, will agree that it has not taken too long.

Let me try to deal quickly with some of the specific issues that the right hon. Lady asked me about. She repeated some of the arguments that she advanced in her earlier Adjournment debate. In particular, she asked me to intercede with the Ministry of Defence with regard to the issue of accompanying families. Partly as a result of what she said in that earlier debate, that issue too is being reviewed by the MOD. I am not in a position to tie the MOD and its Ministers to any time scale, but I understand that Ministers expect to make announcements later this year. I am sure that if the issues can be resolved in that time, she will be content.

The right hon. Lady asserted that NATO troops are allowed to settle in the United Kingdom. I am not sure exactly which NATO troops she was thinking of. It is not my understanding that troops who served with NATO are entitled by the immigration laws to acquire settlement status in the UK. It is, however, true that Commonwealth troops serving in the British Army can settle. That is my understanding of the law, but I shall have it checked, and if I have inadvertently given the House incorrect information I shall write to the right hon. Lady.

The right hon. Lady drew attention to something of which I was not aware, and as a result I shall ensure that it is looked into. I refer to her assertion that children can be left here when their parents are required to return to Nepal. I agree that that is not an appropriate way in which to treat children, and I should have thought that it was inconsistent with our domestic legislation, which constrains us to act in the best interests of individual children. My simple approach is that most children are better off with their parents, if their parents are loving and caring. I am not aware of the arrangement to which she referred, but I will look into it and write to her.

I see that I am running out of time. Let me finally reassure the House that the current review is being conducted in the best interests of the Gurkhas. In the meantime, outstanding applications have been held in limbo, as it were—held aside—to ensure that—

The motion having been made after Seven o'clock, and the debate having continued for half an hour, MR. DEPUTY SPEAKER *adjourned the House without Question put, pursuant to the Standing Order.*

Adjourned at Eight o'clock.

House of Commons

Wednesday 15 September 2004

The House met at half-past Eleven o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

WALES

The Secretary of State was asked—

Miners' Compensation Monitoring Group

1. **Mr. Win Griffiths** (Bridgend) (Lab): When the Wales monitoring sub-group on compensatory payments for miners' respiratory diseases and vibration white finger last met; and what information on payments was provided to him at that meeting. [187919]

The Parliamentary Under-Secretary of State for Wales (Mr. Don Touhig): The Wales monitoring group met on Monday to discuss progress on miners' compensation claims. A total of £437 million has been paid to miners and their widows under the two compensation schemes. In my hon. Friend's constituency, £6.4 million has been paid for chest diseases and £1.9 million for vibration white finger. That is a total of £8.4 million in compensation.

Mr. Griffiths: I thank my hon. Friend for his sterling work in helping to ensure that miners and the widows and families of deceased miners receive all that they are due under the scheme. However, what unscrupulous advantage is being taken of the scheme by third parties, who take fees out of the compensation claims to the great disbenefit of miners and their families, who are entitled to that money?

Mr. Touhig: There have been instances of lawyers seeking to take money from miners and their widows after successfully obtaining compensation. The Law Society takes such matters seriously and, as a result of Government intervention, lawyers have paid back £60,000 to miners and their widows. The bigger problem, to which my hon. Friend has referred, is claims farmers—companies such as Industrial Diseases Compensation Ltd. As I said in the House on 9 June, those people are nothing but parasites who prey on elderly and vulnerable people. My message to them today is the same as it was then: the money is not yours; give it back to the miners and their widows.

Mr. Roger Williams (Brecon and Radnorshire) (LD): Although progress has been made on settling claims from miners and miners' families, there are still problems with surface workers who have worked in dusty and dangerous conditions, and miners who spent part of their working lives in small mines that were not covered by the National Coal Board. Will the Under-Secretary devote all his efforts to ensuring that those cases, too, are resolved?

Mr. Touhig: The solicitors have supplied information to the Department of Trade and Industry in support of claims for surface workers, but officials at the DTI feel that they need more information, especially about lead claims, if the matter is to be progressed. I hope that it will go before the judge at the hearing in October. The matter was discussed in the Wales monitoring group earlier this week, and I am conscious of the concerns of hon. Members of all parties about the matter.

On small mines, solicitors have highlighted some of the difficulties in establishing the liability of an insurer of small and private mines. I have written to the Association of British Insurers, which has told me in writing that its members will continue to co-operate in every way to ensure that the claims are properly investigated and the compensation paid.

Mr. Jon Owen Jones (Cardiff, Central) (Lab/Co-op): On the subject of third parties and parasites, will the Under-Secretary confirm that if the Liberals' policies to axe the DTI budget went ahead, there would be no money for compensation payments—

Mr. Speaker: Order. I call Adam Price.

Adam Price (East Carmarthen and Dinefwr) (PC): It has been estimated that, at the current rate of progress, the last case in the compensation scheme will not be settled until 2013—a full 15 years after the original judgment. Does the Minister believe that that is an acceptable timetable? Was the need for additional resources to speed up processing raised with him at the monitoring group meeting?

Mr. Touhig: I recognise that that is a serious issue. The scheme closed at the end of March. So far, 25,000 claims have been settled in Wales but more than 92,000 have been registered in total. In the four months before the scheme closed, 30,000 new claimants came forward. I hope that the discussions that are continuing between the solicitors' claimants group and the DTI to ascertain whether matters can be speeded up are successful. If so, the matter will go before the judge and I hope that, subsequently, we will run a scheme under which miners will have the option of either obtaining a fast-track decision or continuing to pursue their claim under the longer process. We are conscious of the need to ensure that resources are given to tackle the matter.

Education Maintenance Allowance

2. **Mr. Andrew Robathan** (Blaby) (Con): What recent discussions he has had with the Education Minister in the National Assembly for Wales about the education maintenance allowance. [187920]

The Secretary of State for Wales (Mr. Peter Hain): We meet regularly.

I welcome the introduction of the education maintenance allowance in Wales to tackle the drop-out rate at 16 and boost the aspirations of young people who would otherwise never consider staying on at school or college.

Mr. Robathan: Did the Secretary of State explain to the Education Minister how the people of Wales should understand that rather illogical position? On the one hand, the Government wish to bribe young people who are not motivated to remain in education to stay on at school through the payment of education maintenance allowance; on the other, they deter anybody but the richest children from going to university by introducing top-up fees, which may mean that students leave university with debts of perhaps £30,000. What is the logic of that?

Mr. Hain: I am not sure whether the hon. Gentleman thinks it better for youngsters to leave school at the age of 16. The pilots have shown that the staying-on rate has been increased by up to 6 per cent., and I would have thought that he would welcome the possibility of achieving a more highly skilled, and therefore more competitive, society in Wales, and of giving those youngsters more opportunities. On student finance, the hon. Gentleman will know that the Tory policy announced recently will result in students being plunged into massive debt. Graduates on low earnings could end up with a debt of £60,000 as a result of having a £10,000 loan. That would be the consequence of that punitive Tory policy.

Lembit Öpik (Montgomeryshire) (LD): The figures show that there has been a decline of 1.3 per cent. in the number of university applications among under-21-year-olds in Wales between last year and this year. Does the Minister accept that that is hardly a recommendation for his Government's student funding proposals for higher education? Crucially, will he give us a more direct answer than the one he gave to the hon. Member for Blaby (Mr. Robathan) when he tried to explain away the evident contradiction involved in financially incentivising under-18-year-olds to stay on in education while charging over-18-year-olds tens of thousands of pounds to continue in higher education?

Mr. Hain: The truth is that our policy is to encourage 16 to 19-year-olds to stay on in education in schools or colleges. That is in the interest of Wales. Our higher education policy will bring back grants of up to £2,700, which will benefit many thousands of students in Wales and provide a big incentive for people to go to university. We will also put in place a fair system for people to repay loans and fees over their working lifetime if they can afford to, and if they are in work.

Mr. Bill Wiggin (Leominster) (Con): May I begin by paying tribute to Fusilier Stephen Jones, who lost his life in Iraq serving with the Royal Welch Fusiliers? I know that the Secretary of State will do everything he can to ensure that the Royal Welch Fusiliers' cap badge and traditions remain at this difficult time; they are doing a fantastic job. Our thoughts should be with the family of Fusilier Jones at this sad time.

Nearer to home, we support this education policy, but my concern is that the colleges will not be there for the students to attend. Why is Neath Port Talbot college predicting a budget deficit of £880,000?

Mr. Hain: Neath Port Talbot college has indeed hit a difficult time over the past year. However, it is now bringing its balances into line and moving forward, having made the necessary efficiency savings, which the new principal, Mark Darcy, is driving through with my support. The hon. Gentleman knows, however, that if his party were to come to power and he were to become Secretary of State for Wales, we would see massive cuts in education maintenance allowances and all the other provision and support that this Government have made for higher and further education students. That would be the consequence of the £1 billion cut in the Welsh budget planned by the Tories for the first two years of their term of office.

Mr. Wiggin: I suggest that the Secretary of State focuses on his own policies rather than making up ours. Will he tell the House why Coleg Gwent is predicting that it will end the year with a deficit that threatens more than 30 jobs?

Mr. Hain: Again, the efficiency savings being made by Coleg Gwent, some of which have been extremely painful, have been designed to bring the college's finances into balance. The truth is that further education is now getting record investment under Labour; the numbers of students in further education has been rising and the number of courses has been improving. We regard the role of FE colleges as essential and will continue to fund them generously, in contrast to the Tories, who plan to cut budgets right across the board.

Mr. Wiggin: Thirteen out of 25 educational institutions in Wales are in debt to the tune of £3.5 million, so the money is not getting through. Seventy-five per cent. of college incomes come from Education and Learning Wales. Does the Secretary of State support the changes to ELWa that Rhodri Morgan has just brought about?

Mr. Hain: I do. The decision to bring ELWa into a much more effective system of organisation was badly overdue, because it had been responsible for a number of failures. The improvements that both the First Minister and the Education Minister are introducing, in discussion with ELWa, will help to improve that situation. What the hon. Gentleman has to explain to the people of Wales, however, is how they would be short-changed under Tory plans to cut the Welsh budget by £1 billion in the first two years of a Conservative Government.

Llew Smith (Blaenau Gwent) (Lab): Will the Minister reconsider the answer that he just gave? He said that what was happening at Coleg Gwent relates to efficiency savings, but we all know that it involves sackings and the closure of two important departments—engineering and catering—in one of the most deprived communities in Wales, Blaenau Gwent.

Mr. Hain: I am well aware of my hon. Friend's concerns. He has spoken to me in detail about them and we have made representations in support. I want to see Gwent college continuing to provide a range of vocational opportunities, including in engineering, as will be the case. It is absolutely vital that whatever new plans the college management put in place provide for those much needed opportunities, which he rightly identifies.

Mr. Simon Thomas (Ceredigion) (PC): Plaid Cymru welcomes the education maintenance allowance, and I am sure that the Secretary of State will join me in congratulating the young people of Wales on achieving such fantastic GCSE results, which put them at the threshold of further and higher education. Will he clarify what future those young people will have in 2006, both as regards top-up tuition fees and the changes in relation to A-levels and university entrance, which were announced in England yesterday by the Secretary of State for Education and Skills? This is a good opportunity to clarify what will happen in Wales to those young people now receiving this allowance.

Mr. Hain: I am grateful that the hon. Gentleman's party supports the Government's policy, in one respect at least, of paying up to £30 a week to encourage youngsters to stay on in school and further education in Wales. That will help us to overcome one of the lowest rates of participation among 16-year-olds in the entire industrialised world. In respect of the review being introduced by the Secretary of State for Education and Skills on university admissions, a Welsh representative will be a member of the working party that takes that policy forward. The matter is out to consultation, and I am sure that the hon. Gentleman will join me in seeking to achieve a much more sensible way for students leaving school to find an opportunity to go to university than the hectic last-minute procedures that necessarily apply at the moment.

Education Funding

3. **Mrs. Betty Williams** (Conwy) (Lab): What discussions he has had with his National Assembly colleagues concerning the impact of the spending review on capital funding projects in education in Wales. [187921]

The Secretary of State for Wales (Mr. Peter Hain): Under our Labour Government's spending review, Wales has had a generational step change in funding, and a huge investment in our future. The Assembly's budget will rise to almost £13.5 billion a year by 2007–08, and its capital budget will rise to almost £1.2 billion, massively enhancing the Assembly's ability to fund educational capital projects.

Mrs. Williams: I welcome my right hon. Friend's reply, but does he agree that such investment needs to be sustained, so that the children of Wales can be taught in an environment that they and their teachers should expect in the 21st century?

Mr. Hain: Yes, I agree with my hon. Friend. That is why, under the Chancellor's spending plans, which were announced only recently, we will see education capital budgets in Wales rising from around £100 million a year to £139 million a year over the next few years. That sustained investment will continue under Labour but would be at risk under the Tories. Indeed, in her constituency of Conwy, the replacement of three secondary schools, Ysgol John Bright in Llandudno, Ysgol Aberconwy and Ysgol Dyffryn Conwy, has recently been completed, and primary schools have all been modernised. That is an example of success in her constituency under Labour.

Mr. John Smith (Vale of Glamorgan) (Lab): When the Secretary of State next meets his colleagues in the Assembly, will he also discuss the spending review in relation to any decisions that may be taken by the Ministry of Defence, and the impact that that will have on the red dragon project and the economy of Wales?

Mr. Speaker: Order. That is not within the terms of the question.

Community Support Officers

4. **Mr. Wayne David** (Caerphilly) (Lab): What discussions he has had with Cabinet colleagues on the deployment of additional community support officers and community wardens in Wales. [187922]

The Parliamentary Under-Secretary of State for Wales (Mr. Don Touhig): My right hon. Friend and I regularly meet ministerial colleagues to discuss matters affecting Wales. Currently, 122 community support officers are on patrol in Wales. An additional 46 officers have been secured for the four Welsh forces in the third round of Home Office funding.

Mr. David: I thank my hon. Friend for his reply. He will know that community support officers are at the cutting edge, in Wales and elsewhere, of the fight against crime and antisocial behaviour. I welcome the fact that, before long, there will be 57 community support officers in Gwent alone. Does he agree, however, that to sustain that kind of support and intervention, continuing high levels of public expenditure are needed?

Mr. Touhig: Certainly, investment in fighting crime is important, and this Government are committed to that, with increases not just in community support officers but in police numbers. We are working closely in partnership with local government, too. In my hon. Friend's borough, which he and I jointly represent, I am sure that he will welcome the newly elected Labour council's decision to employ safety wardens, who will promote community safety and help to tackle crime in support of the work being done by the police. It is further evidence of Labour's commitment to overcome the problems of crime that we face in society.

Alan Howarth (Newport, East) (Lab): Is my hon. Friend aware that in Newport Chief Superintendent Price is deploying individuals police officers to each ward to build a relationship with the local community? They will be supported by uniformed community

support officers to give local residents additional reassurance, and to deter anyone minded to indulge in antisocial behaviour. Chief Superintendent Price is leading by example, being regularly out on the beat himself. Will my hon. Friend commend that strategy?

Mr. Touhig: I certainly will. I met Chief Superintendent Price only last week. My right hon. Friend the Prime Minister has said that people do not just want to see the bobby on the beat; they want a strong, organised, uniformed presence back on our streets. I commend the commitment of Gwent police to the introduction of police ward managers, which will mean 66 extra bobbies on the beat. That, I think, will be welcomed throughout the country.

Mr. Huw Edwards (Monmouth) (Lab): Does my hon. Friend agree that community support officers could work very effectively with the youth service in trying to combat the problems of under-age drinking? It is a particular nuisance in my constituency, where a tremendous amount of litter, debris and glass is being left on the village green and playing fields. Could not an approach involving partnership and co-operation help to solve the problem?

Mr. Touhig: It could indeed. We are living in a time when there is a culture of binge drinking among young people, and for both social and health reasons it is important to tackle that. We need to collaborate with a whole spectrum of organisations, including the police, the health service, youth services and local authorities. The joined-up government that we need is taking place in Wales, where work is being done in partnership with—in particular—our colleagues in the Welsh Assembly.

I know of the difficulties that my hon. Friend is experiencing in his constituency, and of the hard work that he is doing to overcome them. I wish him well, and I hope that the success of his efforts in Monmouth pays him substantial dividends.

Fallen Sheep

5. **Michael Fabricant** (Lichfield) (Con): What discussions he has had with the First Secretary on compensation to farmers for fallen sheep. [187923]

The Parliamentary Under-Secretary of State for Wales (Mr. Don Touhig): No compensation is available to farmers for fallen sheep in Wales. However, a national fallen stock scheme has been set up to provide farmers with a means of disposing of their fallen stock. The scheme is due to be launched in autumn this year.

Michael Fabricant: The Minister will know that there are currently 25 outlets for disposal of fallen sheep in Wales, but does he also know that 20 of them are run by hunts? If the Hunting Bill is passed tonight, only five will be left. What will be the extra cost to farmers?

Mr. Touhig: I take the hon. Gentleman's point. In setting up the national scheme, we seek to tackle the problems throughout the country. Issues will arise from whatever the House decides later, but there is a free vote and I do not want to prejudge the result.

Mr. Elfyn Llwyd (Meirionnydd Nant Conwy) (PC): Does the Minister agree with the farming unions in Wales that imposing a flat rate on the disposal of fallen stock would be far fairer than penalising those who live in more problematic, less accessible areas? What evaluation have the Government made of the huge likely increase in predation of lambs as a direct result of the ignorant move made by the Government today? *[Interruption.]*

Mr. Speaker: I must ask the House to come to order. The Chamber is very noisy. [HON. MEMBERS: "Hear, hear."] Perhaps those who are cheering me will be quieter.

Mr. Touhig: I take the hon. Gentleman's first point. Discussions have taken place, and the introduction of the national scheme this autumn is a result of joint efforts by Government and the farming industry. There will of course be transitional financial support during the first three years, which will help farmers who are currently having a difficult time.

I also take the hon. Gentleman's second point, but I am not in a position to answer it at this stage. I will write to him.

Disabled People

6. **Julie Morgan** (Cardiff, North) (Lab): What plans he has to help disabled people in Wales. [187924]

The Secretary of State for Wales (Mr. Peter Hain): Across Wales and England we are improving access for disabled people to services generally, and in particular conditions at work. From 1 October, employers and service providers will have new duties under the Disability Discrimination Act 1995 to remove inequalities.

Julie Morgan: I thank my right hon. Friend for that reply. Is he aware of the proposal to cut classes in Cardiff for disabled people—namely, adults with physical disabilities, acquired-brain injuries and mental health problems, and the hearing-impaired? Should those cuts not be reversed, and is it not an absolute disgrace that that is the first action of the newly elected Liberal Democrat council?

Mr. Hain: I must say that I was horrified to hear of those cuts, and I agree that it is shameful that the Liberal Democrats have implemented that policy, especially given that their manifesto document, published this week, states:

> "The Liberal Democrats would implement policies to deal with the pressing needs of the many disabled people living in our communities."

It seems that this is yet another case of the Liberal Democrats promising one thing in order to get into office, and doing something quite different when they do so—a point that the voters of Hartlepool will, I hope, bear in mind.

Mr. John Bercow (Buckingham) (Con): Having carefully considered the circumstances of people with disabilities in Wales, can the right hon. Gentleman tell the House what input he and his Department have had into the debate within government about the creation of a single equality Act?

Mr. Hain: We of course made that contribution and discussed the matter with colleagues. The hon. Gentleman will know of the legislation that, subject to pre-legislative scrutiny and consultation, will introduce new rights for disabled people. I hope that he will support it.

Kevin Brennan (Cardiff, West) (Lab): On the cuts in disabled services mentioned by my hon. Friend the Member for Cardiff, North (Julie Morgan), is my right hon. Friend aware that they will also affect Rookwood hospital, in my constituency? Is it not particularly pernicious that the cuts were announced only in late July, yet the budgets for the courses ran from April? Does that not show that, when the Liberal Democrats actually get into power, they cannot be trusted?

Mr. Hain: It certainly shows that one cannot trust the Liberal Democrats, whether they are campaigning to get into power or in power. Indeed, as I understand it, the service at Rookwood hospital to which my hon. Friend refers has helped for 30 years to rehabilitate disabled people. The fact that it is now being jeopardised by a Liberal Democrat council should give everybody pause for thought when considering voting Liberal Democrat in any elections to come.

Antisocial Behaviour

7. **Chris Bryant** (Rhondda) (Lab): What recent discussions he has had with the chief constable of South Wales police on antisocial behaviour. [187925]

The Parliamentary Under-Secretary of State for Wales (Mr. Don Touhig): My right hon. Friend the Secretary of State and I have regular discussions with the chief constables of all four Welsh police forces. The Anti-social Behaviour Act 2003 provides a wide range of tools to tackle antisocial behaviour. The Government are determined that people should be able to live their lives free from intimidation and harassment.

Chris Bryant: I wonder whether the Minister noticed the recent comments of the chief constable of South Wales police, which seem to suggest that she is very hesitant about using all the powers now available to her to deal with antisocial behaviour. Will the Minister explain to her that the people of Maerdy and Treherbert are sick and tired of young people marauding around the town, and that they want the police to take every step available to them under these powers?

Mr. Touhig: The chief constable of South Wales police was right to highlight the wide range of powers in place to tackle antisocial behaviour. The Government are determined to crack down on those who make life a misery for working people. In March of this year the third set of powers in the 2003 Act came into force, thereby giving the police greater scope for combating antisocial behaviour. I have a simple message for the authorities about those new powers. Now that they have them, there is no excuse: use them. They have the tools—they should now do the job.

Huw Irranca-Davies (Ogmore) (Lab): I echo the sentiments expressed by my hon. Friend the Member for Rhondda (Chris Bryant), but I also commend the new chief constable for agreeing to attend a series of autumn meetings on antisocial behaviour in my constituency, at which, I am convinced, the message that these powers must be used will be rammed home. I ask the Minister to pay tribute to the work of the boys' and girls' clubs of Wales, which play an important role in tackling the scourge of antisocial behaviour by providing youngsters with responsible spare-time leisure activities. Will he receive a delegation to discuss their work?

Mr. Touhig: I would be happy to meet such a delegation. It is important that we engage with young people in order to overcome the problem of antisocial behaviour in our communities, and I am pleased that police forces and local authorities are now actively promoting the use of antisocial behaviour orders. Indeed, in the year to 31 March there has been a 171 per cent. rise in the number of ASBOs issued, which is to be welcomed. As I said earlier, the tools are now there for the authorities to do the job. We expect them to use them, and to tackle the antisocial behaviour that is a plague in our society.

Devolution

8. **Miss Anne McIntosh** (Vale of York) (Con): What recent discussions he has had with the First Minister of the National Assembly for Wales on devolving further powers to the Assembly. [187926]

The Secretary of State for Wales (Mr. Peter Hain): The First Minister and I have regular bilaterals to discuss a number of issues, including the report of the Richard commission and the devolution of further powers to Wales.

Miss McIntosh: What is the current thinking of the First Minister on the devolution of further powers to Wales, and is it the same as the right hon. Gentleman's?

Mr. Hain: The answer is yes, and we are committed to a practical route map for better governance in Wales and increased and enhanced powers for the National Assembly for Wales, through consultation, as agreed unanimously at our Welsh Labour conference on Saturday by 300 delegates. That contrasts with the policy of the chair of the Welsh Conservative party, who wants the Assembly stripped of power, no doubt in preparation for a future under planet Redwood, which would see Wales being dragged back and powers taken back to the Tories.

PRIME MINISTER

The Prime Minister was asked—

Engagements

Q1. [188831] **Julie Morgan** (Cardiff, North) (Lab): If he will list his official engagements for Wednesday 15 September.

The Prime Minister (Mr. Tony Blair): This morning I had meetings with ministerial colleagues and others, and in addition to my duties in the House I will have further such meetings later today.

Julie Morgan: Is my right hon. Friend aware that in my constituency there is a high number of pensioner households? What does he plan to do to help those pensioners, and in particular the one in four single women pensioners who live in poverty?

The Prime Minister: We have a number of different measures that will help single women in retirement in particular. First, there is the extra money that we are giving through the pension credit; then there is the £200 fuel allowance; there is also the free television licence for those over 75; and there is the state second pension, which will help about 20 million low-income earners to get a better retirement income. We have continued to put a substantial amount—about £10 billion a year extra—into pensions, but we will not, as the Conservatives want us to, abolish the state second pension; and we will not abolish the pension credit, because it is helping many people to get relief from poverty.

Mr. Michael Howard (Folkestone and Hythe) (Con): The justice gap is the difference between the number of crimes recorded and the number that result in the criminal being brought to justice. The Home Secretary says that this is the key measure of the effectiveness of the criminal justice system and a crucial indicator of success in reducing crime. What has happened to the justice gap since the Prime Minister took office?

The Prime Minister: The most effective measure of crime is the crime survey. Let me point out that, as opposed to the Conservatives, under whose tenure of office crime doubled, it has fallen 30 per cent. under us. The level of detection and conviction is important, but I understand from the Home Secretary that there has been an improvement of some 50,000 in the past year.

Mr. Howard: The Prime Minister is paid to discharge his constitutional responsibilities, and they include answering questions at the Dispatch Box. Now let me give him the answer that he was not prepared to give. I will tell him what has happened to the justice gap since he took office: it has got wider. Recorded crime is up by 825,000, but the number of cautions and convictions is down by 42,000, so under this Government there are more crimes but fewer criminals are being caught and convicted.

Now let us look at another gap. Five years ago, the Prime Minister promised to stop incapacity benefit being an alternative to long-term unemployment or early retirement. What has happened to the number of people claiming that benefit since that promise?

The Prime Minister: First, let me revert to the so-called "justice gap" for a moment. It is the case that during the time in which the Conservatives governed, crime doubled. It is also the case that, in the British crime survey, crime has fallen by 30 per cent. It is further the case that there are record numbers of police and they are now being supplemented by community support officers. This party in government has a better record on crime than the right hon. and learned Gentleman and his party ever had.

On incapacity benefit, I think that about 300,000 fewer people are coming on to it than when we took office.

Mr. Howard: The question I asked was about the number of people claiming, which has gone up by 120,000. This week, the head of the Prime Minister's own antisocial behaviour unit said:

"I can think of countless families who are drinking or drug using with the money . . . the Government is giving them."

That is what the head of his own unit said.

Does the Prime Minister agree with another of his advisers, his former chief economic adviser, who said this week that under this Government, "the regulatory burden" has "increased", "the tax system" has

"become more complicated and the tax burden"

is "rising too"?

The Prime Minister: First, let me correct the right hon. and learned Gentleman on incapacity benefit. It is true, of course, that the number of people claiming incapacity benefit trebled under the Conservatives. There are still many people on incapacity benefit today who came on to it before 1997. The question is how many are coming on to the benefit each year now as opposed to 1997—and the numbers have declined by 30 per cent. I agree that there is still a lot more to do, which is precisely why we want to tighten up the gateway of people coming on to incapacity benefit. Let us be quite clear, however, that for a long period under the Conservatives incapacity benefit was the result of the way they shunted people off unemployment benefit to make sure that they never appeared in the official figures. So we will take no lessons from the Tories on incapacity benefit.

As for the economy, let us compare the economy now with the economy when the right hon. and learned Gentleman was in office—*[Interruption.]* He was a Cabinet Minister for 10 years. Under this Government we have the lowest inflation, the lowest interest rates, the lowest levels of unemployment for more than 30 years. When the right hon. and learned Gentleman was Employment Secretary, there were 1 million extra people on the dole. That is the difference between the two parties.

Mr. Howard: Let me remind the Prime Minister about the question that I asked him. It was about the views of his former chief economic adviser, who said that the regulatory and tax burden had gone up. Let me give the

Prime Minister a hint: his former chief economic adviser is right, which is why for the first time ever our national income per head is lower than that of the Republic of Ireland.

In respect of the Prime Minister's NHS plan, four years ago the Government promised to tackle the problem of hospital cleanliness, so have the figures got better or worse?

The Prime Minister: I have to return to the original point on the economy. Let me make it clear that the burden of tax is less than it was under most of the years of the previous Conservative Government, but it is true that we have increased national insurance to fund improvements in the national health service. We are proud of doing that; it is the right thing to do. It means that, for the first time, instead of health waiting lists going up—they were 400,000 under the Conservatives—they are 300,000 down under us.

In respect of the other policy issue that the right hon. and learned Gentleman asked about, which I am afraid has just slipped my mind—*[Interruption.]*

The Deputy Prime Minister (Mr. John Prescott): The economy.

The Prime Minister: No, the economy was the issue before it. What was the last one? [HON. MEMBERS: "Hospital cleanliness."] Yes, that was it. The right hon. and learned Gentleman is right that that is a major issue. We accept that, which is why we are investing about £300 million extra in hospital cleanliness over the next couple of years. However, that real issue should not detract from the Government's record on the health service, where waiting lists have fallen, people are able to get access to health care far quicker and there have been record increases in the number of doctors and nurses. I agree that there is still more to do and that hospital cleanliness is one example of that. However, cutting investment in the national health service—we should remember that the right hon. and learned Gentleman voted against all the extra investment for the NHS—is not the answer.

Mr. Howard: The problem of hospital cleanliness is rather an important one, and if the Prime Minister concentrated on answering the questions that I am putting to him, it would not have slipped his mind.

The number of deaths from the MRSA superbug has actually doubled since the Prime Minister took office. Those who work in the NHS, including the chief executive, say that Government targets make matters worse. The National Audit Office says that more than one in 10 local hospital managers refuse to allow specialist teams to close wards to deal with those infections because of the Government's targets. Will the Prime Minister instruct his Health Secretary today to insist that the recommendations of infection teams are followed?

The Prime Minister: First, the additional money that we are putting in will make a difference, and its effectiveness will be measured. The Leader of the Opposition talks about MRSA levels, but the proper computation of those levels has been available only under this Government. It is correct to say that we have more to do on this issue, but I do not believe that the answer is to get rid of Government targets. We are putting record investment into the health service and it is important that we demand outputs for it. That should not interfere with clinical judgment, but if we are putting the money in, it is important that we get the results out. That is what we are doing.

Mr. Howard: I asked the Prime Minister to take specific action today to deal with this dreadful problem, but yet again all we have had from him is more talk. Crime is up, incapacity benefit is out of control, tax is rising, hospital infections are spreading and there is a crisis in pensions, but the Prime Minister's message to the people of this country is that his priority is to ban fox hunting. When will he get to grips with the problems that people really care about?

The Prime Minister: The right hon. and learned Gentleman finally got to his point at the end. When people look at this Government's record, they will see a record on the economy that is strong, with the lowest rates of interest, inflation and unemployment for more than 25 or 30 years. They will see record levels of employment, rising living standards and record school results. The British crime survey shows not only that crime is falling but that we have record numbers of police. In respect of the NHS and education, people can see that the investment is working. This country is stronger, fairer and more prosperous than it was seven years ago, and I believe that that is one reason why people reject the Conservatives.

Mr. Gordon Prentice (Pendle) (Lab): Will my right hon. Friend review the application of the double jeopardy rule to our soldiers serving abroad? Surely it cannot be right for soldiers whose commanding officer has dismissed as unfounded the serious criminal charges that they faced to have those charges resurrected by the civilian authorities?

The Prime Minister: The House will accept that we have to investigate allegations of abuse and, if necessary, prosecute them. We would also be subject to criticism if we did not do that but merely said that we would not take up the issue. I want to make one thing clear to my hon. Friend: the vast bulk of British soldiers in Iraq and elsewhere around the world do a magnificent job. They do not mistreat prisoners, but treat the local communities extremely well, which is why they are so popular as peacekeepers. Even so, where there is mistreatment, I am afraid that we have to investigate it.

Mr. Charles Kennedy (Ross, Skye and Inverness, West) (LD): I am sure that the Prime Minister and the House are well aware of the outstanding contribution that the Gurkhas have made to the British armed forces over many generations. A relatively small number overall of Gurkha soldiers who complete their service in our armed forces here seek British citizenship. Does the right hon. Gentleman agree that their right to be accorded citizenship is long overdue?

The Prime Minister: As I think I said a week or two ago, we are examining this issue very carefully. I hope that we will be able to make an announcement in the next few weeks, but obviously we understand the strength of the case that is being made.

Mr. Kennedy: As the UK chairman of the Gurkhas pointed out to me earlier this week, many of those who are seeking British citizenship would be a positive asset to our country both socially and economically, as they were in the armed forces. The Prime Minister is right to praise our armed forces, not only for the combat tasks they undertake but for their hurricane relief support work and their work saving lives during the floods in Cornwall this summer. Would not it be a great morale boost for the Gurkhas and for the armed forces as a whole if this much respected and decorated regiment were to be acknowledged in that way?

The Prime Minister: Let me take the opportunity to pay tribute to the Gurkhas on my own and the whole House's behalf for the fantastic work that they do. They are an integral part of the British Army, and we are proud to have them with us. I reassure the right hon. Gentleman that the issue is not just the Gurkhas themselves, because the strength of that case is clear, but we simply have to examine what the consequences might be of agreeing to that case. We are doing that, and I shall be able to make an announcement in the next few weeks.

Q2. [188832] **Keith Vaz** (Leicester, East) (Lab): In February, Stephan Pakerra, a 14-year-old Leicester schoolboy, was brutally murdered by a 17-year-old with a claw hammer and a knife. There were more than 50 injuries to his body. The parents of the victim believe that the perpetrator of that savage attack was influenced by the video game "Manhunt". Later today, there will be a meeting in Westminster to discuss video games and their effect on children. Will the Prime Minister ask the Home Secretary whether he will commission new research to look at a connection between video games and crimes of violence? Will he meet a delegation of concerned parents about the issue?

The Prime Minister: I am obviously happy to meet any of my hon. Friend's constituents or people concerned about this issue, and the Home Secretary will have heard what my hon. Friend has just said. I offer my deepest sympathy to the family of my hon. Friend's constituent. I can also say, from what I have been told about this game, that it is obviously in no way suitable for children. In fact, the sale of the game to a person under 18 should be illegal. Responsible adults should have the right to watch and choose what games they play and films they see, but children need to be protected. We have Europe's strongest system for controlling the sale of computer games that are not suitable for children. It is run by the Video Standards Council, which applies the familiar British Board of Film Classification rating system. Given the prevalence of these games, however, this issue is worth looking at closely, and I shall certainly discuss with the Home Secretary how we can take matters forward.

Mr. Alex Salmond (Banff and Buchan) (SNP): Yesterday, the Prime Minister quite rightly told us that the planet was in danger and that we must generate much more power from renewable sources, yet Talisman Energy, which wants to develop the world's largest wind farm in the Moray firth, says that the greatest single threat to the viability of that project is the charges being proposed by Ofgem and the National Grid Company. Can the Prime Minister explain why it should cost £20 per kilowatt to connect to the grid in the north of Scotland, whereas anyone can be subsidised by £9 per kilowatt if they want a wind farm in central London—*[Interruption.]* Though not the Prime Minister's hot air, perhaps. Will the Prime Minister intervene to join up the thinking of his Government on those matters?

The Prime Minister: We are committed to increasing the amount of renewable energy. Obviously, wind will be a substantial source of that, particularly off shore. I do not know about the particular position that the hon. Gentleman asked about, and I can certainly look into it. I have to say that the Government's commitment over the past few years to renewable energy makes it clear that we are increasing the proportion of our energy needs that is met by renewables. We are making a substantial investment and will continue to do so.

Q3. [188833] **Ross Cranston** (Dudley, North) (Lab): May I take my right hon. Friend to the Government's alcohol strategy and to the important speech that he gave earlier in the year about binge drinking? This morning, my noble Friend Lord Mitchell and I hosted the launch of the charity NOFAS UK—the National Organisation on Fetal Alcohol Syndrome—and its video for schools. Will my right hon. Friend lend his support to the video's message that if pregnant women binge-drink there is a serious danger to their children in the future? In particular, will he lend his support to the incorporation of the issue in the forthcoming public health White Paper?

The Prime Minister: On the specific issue of foetal alcohol syndrome, we know that excessive drinking may affect the brain of a developing foetus. The evidence is absolutely clear, and I am sure that responsible women who are pregnant will take account of it. The forthcoming public health White Paper will build on the progress that we have made with the alcohol strategy. It will deal with this as a matter of public health, but, in addition, strong measures are now in place in relation to binge drinking and antisocial behaviour. As the Under-Secretary of State for Wales was saying a few minutes ago, the powers to deal with that exist, and we urge the police and local authorities to use them. On the specific issue of public health, we will deal more with it shortly when the Government's White Paper comes.

Q4. [188834] **Mr. John Baron** (Billericay) (Con): The Prime Minister kindly met me earlier in the year to discuss the growing problem caused locally by Travellers buying greenbelt land and illegally developing it. However, the Government's recent response—the 28-day temporary stop notice—is widely seen as a fudge, because all it does is postpone the problem and thereafter our inadequate planning laws

kick in. Will the Prime Minister recognise that the Government's indecision on the issue is now causing increasing anger and threatens the peace and harmony of many local communities, for all concerned? Will he now re-examine my private Member's Bill, which proposed a fair solution to the problem and had good cross-party support, but was blocked by the Government without explanation?

The Prime Minister: As I think I said to the hon. Gentleman when we met in February, I am basically sympathetic to the points that he makes. As he knows, we are undertaking a policy review on the position of Gypsies and Travellers, which we will publish shortly. My understanding is that the 28-day delay allows the local authority to take prompt action. I know that he disagrees with that and thinks that we need additional legal powers. I am happy to look at the question again and discuss it with my right hon. Friend the Deputy Prime Minister, but we think that the powers are valid—as I think my hon. Friend the Under-Secretary of State, Office of the Deputy Prime Minister, the hon. Member for Pontefract and Castleford (Yvette Cooper) said to the hon. Gentleman when we met. I entirely agree that it is a major issue in certain communities—I know that from my own constituency—and it is important that the powers are in place to deal with it effectively. I will go back and have a look at the issue again, but it is worth pointing out that we have strengthened the law, and the advice we are receiving—although I will check it carefully—is that the law is sufficiently strong to enable us to deal with the problem. I understand that it is an issue in some areas and I will look into it carefully myself.

Tom Levitt (High Peak) (Lab): This Sunday sees the first significant extension of open access land in England under the Countryside and Rights of Way Act 2000. My right hon. Friend will be aware that the establishment of a legal right to roam fulfils a Labour ambition that goes back many generations. Will he today send a message of solidarity and celebration to those who will gather in the Peak district in my constituency this weekend to celebrate the right to roam?

The Prime Minister: As my hon. Friend rightly points out, the Act introduced a major new right for which people have campaigned for more than a century. By the end of December 2005, walkers will have new rights of access to some 3,200 sq miles of open country and registered common land in England. It is important to realise that the Act and the countryside code strike a proper balance between the rights of walkers and those of landowners. I hope and believe that matters can be resolved sensibly, so that people have access to more of our countryside, which they have wanted for many years, without interfering with the proper use of the land by its owners.

Q5. [188835] **Mr. David Heathcoat-Amory** (Wells) (Con): Yesterday, the Prime Minister told other countries to take seriously the threat of climate change, so why does he have a domestic energy policy that makes no sense and that will desecrate large areas of our country with unreliable wind turbines, which will not solve the problem? At the same time, nuclear power, which does make a positive contribution, will be allowed to wither away without replacement. Will he close the familiar gap between what he says and what he does, and get a domestic energy policy that measures up to the scale of his environmental rhetoric?

The Prime Minister: It was this Government who played a major part in negotiating the Kyoto protocol, and we have also reduced greenhouse gas emissions. Renewable energy, far from being an accidental part of our strategy, is a vital part of our ability to meet our targets for greenhouse gas emissions, and I am sorry if the right hon. Gentleman is against it. We made it clear in the White Paper that we have not shut the door on nuclear power, but until the issues of cost and public concern about safety can be met there is simply not the consent to go ahead with it. That is why it is important that we continue to invest in new technologies, such as renewable energy. It is a perfectly coherent policy to say that we will reduce greenhouse gas emissions, and renewable energy and greater energy efficiency are good ways to achieve that.

Mrs. Anne Campbell (Cambridge) (Lab): Is my right hon. Friend aware of the arrest and detention in Jerusalem of my constituent, Hajira Qureshi, a student of mathematics at Cambridge university? No charges have been brought against Ms Qureshi or her two companions, yet they were subject to a raid of their hotel room at 3 am and were strip-searched. Will my right hon. Friend make representations to the Israeli authorities and protest about that unprovoked attack on British citizens?

The Prime Minister: According to the Foreign Secretary, we are following that up, but of course I understand my hon. Friend's concern. We are aware that three British nationals were arrested by Israeli authorities; they have been seen by our consular authorities who are providing all the assistance they can. I understand that they were subsequently released from custody. We have raised the matter with the chief of police in Jerusalem and we shall continue to pursue it with the Israeli authorities. At this stage, that is all I can say to my hon. Friend.

Q6. [188836] **Mr. Andrew Turner** (Isle of Wight) (Con): Although the Isle of Wight is one of Britain's prime tomato producers, it is hard to find island tomatoes in local supermarkets, yet I can buy mangetout from Sierra Leone. It costs the same to get a beef carcase to a wholesaler from Argentina as it does from parts of Britain. What is the Prime Minister doing to cut food miles?

The Prime Minister: For some reason, the mangetout section has been left out of my brief and I apologise for that. To be absolutely frank, I do not know, so I shall have to write to the hon. Gentleman on the subject—but I am sure that we are doing something.

Cross-departmental Working

Q7. [188838] **Mr. Graham Allen** (Nottingham, North) (Lab): If he will make a statement on the impact of cross-departmental working on the Government since 1997.

The Prime Minister: All Departments work closely together to ensure the co-ordination of policy. Cross-departmental working and its impact is most noticeable in areas such as crime and asylum and in relation to public health, where we need to bring a whole series of Departments together to work in a constructive and co-operative way.

Mr. Allen: The Prime Minister will know that Nottingham, North, especially its outer estates, is one of the poorest UK constituencies, but excellent cross-departmental working has helped to tackle some of the problems—the new deal, Sure Start and the building schools for the future programme. However, there are now 36 funding streams coming into Nottingham, North and 20 organisations involved in regeneration. Will the Prime Minister take a personal interest in trying to cut through and clarify the plethora of bodies and initials, which confuse local people, so that regeneration can be done not to, but with, the people who are its subject?

The Prime Minister: The point my hon. Friend raises is correct. Indeed, I am already taking an interest in, and have held several meetings on, the subject. Most people recognise that the money going into communities through the new deal, Sure Start and elsewhere is making a real difference to some of the poorest communities in our country, but it is true that there is a plethora of funding streams, which causes unnecessary difficulty and bureaucracy. The new local area agreements, which merge various funding streams locally to support the delivery of agreed outcomes, will be taken forward. I hope that in that area, too, we can learn from experience to ensure that people are accountable for the money we spend while also ensuring that they get it more effectively and quickly than they do at the moment. I would say one final thing to my hon. Friend: the other day, when I was in the constituency of my hon. Friend the Member for Middlesbrough (Sir Stuart Bell), I saw the work that inner-city regeneration is doing with not just the support of local people but their active involvement, and that is a programme of which we can be very proud.

Engagements

Q8. [188839] **Mr. Laurence Robertson** (Tewkesbury) (Con): On the topic of urban regeneration, is the Prime Minister aware that in my constituency there are proposals to close three urban post offices? In two of those areas, the nearest post office is more than a mile away, and in one of the areas there are plans to build hundreds more houses, all of which will increase car journeys, yet only yesterday the Prime Minister said that he was concerned about the emission of poisonous gases into the atmosphere. How does he square his policy of closing post offices with his alleged concern for the environment?

The Prime Minister: It is not that we have a policy of closing post offices. The hon. Gentleman will know that, under the previous Government, about 3,000 post offices closed. Post offices have continued to close under this Government, because their business and financial viability is being altered as a result of more people getting their benefit not through the post office but through their bank account. We have set aside several hundred million pounds to support rural post offices, but in the end we cannot support every post office, no matter what its financial viability is. That is why we have substantial investment going in, but there is no point in kidding people; unless we double or treble that investment we cannot keep every post office open.

Q9. [188840] **Clive Efford** (Eltham) (Lab): May I inform my right hon. Friend that, this week, we will be celebrating the fact that the 1,000th home on the Middle Park estate in Eltham will be improved under the decent homes programme? Although we are justifiably proud of our investment in decent homes, there still remains a problem in my area with young families who cannot find affordable homes. Those people have grown up in houses that were built by Labour, and they look to Labour to provide for them and their families. May I appeal to my right hon. Friend to allow local authorities once again to build council houses using their investment allowance?

The Prime Minister: First, the point that my hon. Friend raises is correct. There is obviously a real issue to do particularly with younger people wanting to get their feet on the rungs of housing ownership and being unable to do so, and we hope that we can address that over the next few weeks. There is also a need for greater social housing, and we are putting additional resources—billions of pounds—into that. He is also right in saying that there has been a substantial reduction in the number of social homes that do not meet the decency minimum threshold, and we have reduced that by 1.6 million homes in this country over the past few years, but we will put more investment and resource into it. I agree that one part of that must be social housing, which can come from a variety of sources. Over the next few years, we are supporting housing for up to 12,000 key workers in London. That will make a substantial difference not just to housing but to the quality of people who can come into our public services.

BILL PRESENTED

LEGISLATION (MEMORANDA OF EUROPEAN DERIVATION)

Mr. William Cash, supported by Mr. Richard Shepherd, Sir Nicholas Winterton, Mrs. Angela Browning, Sir Peter Tapsell, Sir John Butterfill, Mr. David Amess and Mr. David Heathcoat-Amory, presented a Bill to require a Minister of the Crown, the National Assembly for Wales, a Northern Ireland Minister or a Scottish Minister in respect of any primary or subordinate legislation which gives effect to any European Community treaty, obligation or instrument to publish a memorandum specifying the relevant European Community treaty, obligation or instrument from which it is derived and identifying which provisions in the legislation are so derived: And the same was read the First time; and ordered to be read a Second time on Friday 15 October, and to be printed [Bill 155].

Desecration of National Flags

12.32 pm

Mrs. Angela Browning (Tiverton and Honiton) (Con): I beg to move,

That leave be given to bring in a Bill to establish a criminal offence of desecrating national flags; to establish penalties in relation to the offence; and for connected purposes.

This Bill was promoted by the letters that I received from my constituency and elsewhere following scenes of the burning of our Union flag on the streets of London earlier this year. National flags—the emblem of a nation state—do not belong to, or represent, a Government or a policy; they belong to all of us. Most people have a sense of possession and belonging whether they were born in a country or whether it becomes their adoptive home. They identify with their flags, often with pride, as we saw in Athens at the Olympic games.

Love of country and the symbols of nationhood are deemed by some today to be politically incorrect. I do not share that view. [HON. MEMBERS: "Hear, hear."] I empathise with those who find it grossly offensive to see our flag desecrated, as defined by the dictionary as

"to violate the sacred character of an object".

Even more so, that inflames anger when there appears to be no redress. Such actions in a public place not only offend; in some instances, they incite racial hatred and can lead to violence.

In studying how other countries have approached the problem, I find that many other countries have enacted legislation to include penalties of both fines and imprisonment. Austria, Germany, France, Italy, Portugal and India have all enacted such legislation, and some countries, such as Norway and Japan, have legislated specifically in respect of foreign flags, knowing how offensive it is if those flags are destroyed in their countries.

The Bill does not seek to trivialise the use of the flag where it has been adapted, for example, in the design of garments. I have received a certain amount of correspondence about the use of the flag in underwear design; and I want to make it clear to the House that the Bill does not seek to prohibit that sort of fun. Nor would I oppose the Union flag being incorporated in advertising or projected on the front of Buckingham palace, as we have seen in the past.

The Bill is a direct response to the silent majority who expect action to be taken when acts of desecration take place. Last Sunday, the *Sunday Express* carried out a telephone poll to find out what its readers thought about the act of burning the Union flag and whether they thought that that should be made a criminal act. I was pleased that 1,096 people spent their own money to respond to that poll and that 98 per cent. said that there should be such legislation. Additionally, such a measure would have the support of the Victoria Cross Society.

I am only too well aware of the limitations of a ten-minute Bill, so although I hope that mine will proceed, I am perhaps more realistically addressing the Government Front Bench in the hope that time will be found to include such a provision in a Home Office Bill. If the Government fail to do that, I hope that my Front Bench, when we come to office after the next general election, will include the measure in an early Home Office Bill.

12.36 pm

Dr. Evan Harris (Oxford, West and Abingdon) (LD): I had not intended to speak until I heard what the hon. Member for Tiverton and Honiton (Mrs. Browning) said. It would not be right for the House to allow a Bill that would restrict freedom of expression and free speech to pass unchallenged.

I accept that many people are offended when they see the burning—or what they describe as the desecration—of the national flag, and I agree with the hon. Lady that using and supporting the flag should not be seen as politically incorrect, whether that is in the context of sporting occasions or supporting the nation. I also accept that a flag is the emblem of a national state and that it belongs not to the Government but to all of us. However, she paid no attention to the requirement that the House and country should have to recognise that freedom of speech and expression should be allowed as long as other people are not damaged. People in this country must accept that others will have opinions and ways of expressing those opinions that may insult them, so it is wrong to use words such as "desecration" and to consider things to be sacred in such a way as to criminalise freedom of expression.

There is a tradition of burning flags as an expression of disgust—sometimes outright disgust—at something that is done in one's name by one's country. I would not use that method because I appreciate how insulting it can be, but nevertheless other people choose to. Short of covering the act under considerations of public order and burning in general, it should not be made a criminal offence, so I urge the House to oppose the Bill.

Question put, pursuant to Standing Order No. 23 (Motions for leave to bring in Bills and nomination of Select Committees at commencement of public business), and agreed to.

Bill ordered to be brought in by Mrs. Angela Browning, Mr. Christopher Chope, Michael Fabricant, Mr. Ian Liddell-Grainger, Dame Marion Roe, Mr. Andrew Rosindell and Angela Watkinson.

Desecration Of National Flags

Mrs. Angela Browning accordingly presented a Bill to establish a criminal offence of desecrating national flags; to establish penalties in relation to the offence; and for connected purposes: And the same was read the First time; and ordered to be read a Second time on Friday 15 October, and to be printed [Bill 156].

Hunting Bill (Procedure)

12.39 pm

The Minister for Rural Affairs and Local Environmental Quality (Alun Michael): I beg to move,

That the following provisions shall have effect in relation to the Hunting Bill—

1. Proceedings on Second Reading shall be brought to a conclusion, unless already concluded, five hours after the commencement of proceedings on the Motion for this Order.

2. At the conclusion of proceedings on Second Reading—

(1) the Bill shall be treated as having been committed to a Committee of the whole House and as having been reported from the Committee without amendment, and

(2) the House shall proceed to consider any Motion standing in the name of a Minister of the Crown under section 2(4) of the Parliament Act 1911 for a suggested amendment to the Bill.

3. Proceedings on that Motion shall be brought to a conclusion, unless already concluded, three hours after their commencement (for which purpose the Speaker shall put only the Question on any amendment of the Motion selected by him and the Question on the Motion).

4. Proceedings on Third Reading—

(1) may be taken immediately after the conclusion of proceedings on the Motion mentioned in paragraphs 2(2) and 3, and

(2) shall be brought to a conclusion half an hour after their commencement.

5. No motion may be made to recommit the Bill.

6. In relation to the proceedings mentioned in paragraphs 1 to 4 above—

(1) Standing Order No. 15(1) shall apply,

(2) the proceedings shall not be interrupted under any Standing Order relating to the sittings of the House,

(3) the Orders of the House of 28th June 2001 and 6th November 2003 relating to deferred Divisions shall not apply,

(4) the proceedings shall not be interrupted by a Motion for the adjournment of the House under Standing Order No. 24 (and any such Motion shall stand over until the conclusion of such of the proceedings mentioned in paragraphs 1 to 4 as are to be taken at the sitting concerned),

(5) no dilatory motion may be made except by a Minister of the Crown,

(6) the Question on any dilatory motion made by a Minister of the Crown shall be put forthwith, and

(7) if the House is adjourned or the sitting is suspended during the course of the proceedings, no notice shall be required of a Motion made by a Minister of the Crown at the next sitting of the House varying or supplementing the provisions of this Order.

7. The Question on any Motion varying or supplementing the provisions of this Order (whether by making provision about Lords messages or otherwise) shall be put forthwith.

I shall be extremely brief because I am sure that right hon. and hon. Members will want to use the time available to discuss the substantive issues. The procedure motion gives reasonable time for debate on an issue that has been before the House many, many times. Indeed, one is tempted to say that everything that could be said has been said on many occasions. It is, in addition, the same Bill that came before the House last year, when it was debated extensively. Later in the process, there will be a debate on the sensible proposition on commencement.

Mr. Oliver Heald (North-East Hertfordshire) (Con): The Minister will know that under section 2 of the Parliament Act 1911 it is possible to suggest amendments to improve the Bill. No time is allowed for any such suggestion motions, except for the Minister's suggested amendments. Is not it wrong in those circumstances to say that there is adequate time for debate?

Alun Michael: Not at all. There was plenty of opportunity for positive acts of amendment in two places—first, in this House, when it was last before us and, secondly, in another place, when it had the opportunity, which it did not fully take, to amend, debate and improve the Bill and return it to this House. I am absolutely clear that there has been plenty of opportunity to consider all the issues and plenty of opportunity for hon. Members on both sides of the House to produce amendments and suggest improvements. I reject entirely the hon. Gentleman's implication.

Sir Patrick Cormack (South Staffordshire) (Con): Will the right hon. Gentleman accept that the House of Lords did not complete its consideration of the Bill because it was effectively withdrawn by the Government before all the amendments could be discussed?

Alun Michael: I am sorry but the hon. Gentleman is absolutely and completely wrong. The House of Lords failed to complete its consideration of the Bill. It failed to use the time that the Government made available and to take advantage of a series of options for additional time. Debate on the Bill ceased as a result of an Opposition Chief Whip—I believe it was the Liberal Democrat Chief Whip—moving that the debate should end. The Government were prepared to give more time for debate, but the forces that wish to prevent the Bill's progress unfortunately did not take the time available to them in the House of Lords. This House, in contrast, has been quick to make full use of every minute of time made available to it on many occasions, and this motion deals with the timing of debates in this House.

Mr. Roger Williams (Brecon and Radnorshire) (LD): At the end of an interesting week in Parliament, it seems that the British people will be able to beat their children but not chase a fox. Does the Minister think that the Government have got the balance right?

Alun Michael: The hon. Gentleman's flippant approach to both issues is rather sad. He will know as well as I do that issues such as education, getting young people into jobs and strengthening the economy, and large issues of health and the environment, which the Prime Minister addressed in an excellent speech yesterday, are the Government's priorities. This issue has been taking up parliamentary time year after year, and it must be brought to a conclusion. At the time of the last general election, we undertook to enable Parliament to reach a conclusion on it. We have also made it clear that we would prefer those on the Opposition Benches and in another place to address the legislation before them, to seek to improve it and to argue the issues rather than to frustrate the will of this House, which has been reinforced on occasion after occasion.

Several hon. Members *rose—*

Alun Michael: I see that there is a queue.

David Burnside (South Antrim) (UUP): Does the Minister agree that the only reason the Bill is before us is that we are in the run-up to an election and the Government want to placate the left wing of the Labour party? It has nothing to do with the issue and the Bill will not bring the matter to a conclusion. Why do the Government not bring it to a conclusion by making it an election issue rather than delaying it for two years?

Alun Michael: The hon. Gentleman gives me the opportunity to point out that this was an election issue: we said in our manifesto that we would enable Parliament to reach a conclusion on it. We have been an extremely patient Government because we have tried to bring people together and get them to listen to each other, and to find ways forward that are less divisive than those of the two, very shrill, extremes in the debate. I personally have invested an enormous amount of time in that, and it has been worth while; I do not regret it. However, it has become clear that the views are so polarised that it is impossible to deal with the issue in that way, and the House of Lords failed to take the opportunity to improve the Bill and return it to us, so I tell the hon. Gentleman that he is entirely wrong.

Miss Ann Widdecombe (Maidstone and The Weald) (Con): Does the Minister agree—he probably does not—that the Prime Minister has quite cynically manipulated this issue throughout two Parliaments? The right hon. Gentleman will know that I am on his side on the main issue: I shall vote for a hunting ban. However, it was not just before the last election that that pledge was made. Before the 1997 election, the Prime Minister undertook to provide a free vote followed by legislation if Parliament voted for a ban. What has he been doing in the last seven years to fulfil that promise, except to delay and then revive the issue every time it suited him electorally?

Alun Michael: I welcome the right hon. Lady's support for the substantive motion today, but I do not think that playing to her colleagues with that bit of populism will win her back support in the Conservative party. As for her question, I disagree with her passionately, as she knows. In the 1997 general election we promised a free vote in the House followed by legislation. We had the free vote; we had the Burns report; and we had the legislation, which did not succeed in its passage through Parliament. At the last general election we undertook to enable Parliament to reach a conclusion. We have tried to do that by consensus, by discussion, by agreement and by common sense. That did not succeed. When we debated the Bill that I introduced, I did not noticeably have support from those who are shrill today. At the end of the day, this House voted, by a large majority, for a ban on hunting. I seek to facilitate further debate on that proposition today, so that we can send the Bill to the House of Lords

[Alun Michael]

and ensure that we reach a conclusion on the issue. That is what we promised in our manifesto and, as usual, we intend to deliver.

Lembit Öpik (Montgomeryshire) (LD): I accept that the Minister has spent a great deal of time consulting various groups. On procedure, however, does he accept that those of us who actively participated in that consultation with him and others are frustrated that measures such as compensation, which everyone agreed was important, cannot be put into the Bill if we do not have a mechanism to discuss such amendments? How does the Minister intend to fill the many holes in the Bill that, I suspect, mean that it will be unable to achieve its intended purpose?

Alun Michael: I pay tribute to the hon. Gentleman as one who has been willing to invest an immense amount of time talking to those who take a different view from him. He does credit to the House in the way he has engaged in that. He and I do not always agree but there can be no doubting his commitment to try to argue issues through and reach a conclusion.

Mr. Barry Sheerman (Huddersfield) (Lab/Co-op): Will my right hon. Friend give way?

Alun Michael: In a moment. I want first to respond to the hon. Member for Montgomeryshire (Lembit Öpik).

I do not agree with the hon. Gentleman that there is a need for additional time to discuss compensation. We dealt with the matter in earlier debates, and we do not believe that there are any grounds for compensation. Human rights issues were examined in great detail by the Joint Committee on Human Rights. It raised only one narrow point, which we have examined carefully as a result of its findings. I am absolutely convinced that both on human rights and on compensation there is no need for further change to the Bill—it stands as it is drafted.

Mr. Adrian Flook (Taunton) (Con) *rose—*

Mr. John Greenway (Ryedale) (Con) *rose—*

Alun Michael: I give way to my hon. Friend the Member for Huddersfield (Mr. Sheerman) first.

Mr. Sheerman: Let me just nail this point: we said in the 1997 manifesto that we would provide an opportunity for a vote in Parliament. I do not think that there was anything about using the Parliament Act if we could not get the House of Lords to agree. This is hardly the issue on which to use the Parliament Act, which is hardly ever used, not only to overrule the House of Lords but to steamroller the Bill through this House against a very large minority who do not want it.

Alun Michael: I interpret that in a slightly different way, and I say to my hon. Friend that this is not an appropriate issue on which the House of Lords should provoke the use of the Parliament Act. The House of Lords should engage with the Bill, amend it, seek to improve it and send it back to this House for the normal procedure of reconciliation between the two Houses. If that is what he meant, I agree with him. I do not think, though, that it would be right for this House to say, "The House of Lords doesn't want it—that's all right, we'll just roll over and leave it, then." That could not be right.

Mr. Greenway: The Bill that the Minister introduced to Parliament last year did at least provide the opportunity for hunting with dogs to continue in upland areas such as the North York Moors national park. Why has he changed his mind, given that he thought that that was so important? It cannot simply be that a majority of his Back Benchers think that it is wrong, because he pleaded with them to go ahead with that scheme.

Alun Michael: The hon. Gentleman is wrong. The Bill did not give the opportunity for hunting in upland areas. It gave the opportunity for those who believed that they could undertake an activity of dealing with vermin through hunting in a way that was less cruel than all the alternatives to go before a tribunal to put that evidence forward. Although I do not believe that there would have been many cases in which they succeeded, providing that opportunity would have made sense. However—perhaps the hon. Gentleman failed to notice—the House voted not to create that tribunal system. The exceptions to the ban on hunting are included in the Bill—ratting, for instance, where the alternatives, such as poisoning, are particularly unacceptable. The difference is marginal: what matters is what is in the Bill.

Mr. Flook: As the Minister knows, I have raised the issue of West Somerset, particularly Exmoor, many times. In that part of the country, hunting is not only a way of life but an integral part of the way in which the economy works. The economic impact of a direct ban would be at least £5 million and the employment impact would be 420 jobs. The indirect impact would be a further 600 jobs. That comes from an authoritative study by West Somerset district council. What will happen to that area, and why cannot we discuss that in relation to the Bill?

Alun Michael: I remind the hon. Gentleman that substantive issues will be debated on Second Reading. Briefly, so that I do not trespass beyond the bounds of the debate, I assure the hon. Gentleman that I have looked very carefully at issues involved in hunting in the west country and the claims that it is important to the local culture or to the future of the deer population. I do understand the depth of feeling in certain parts of that area. There is no justification, however, for suggesting that hunting is necessary or that it is not a method of dealing with the deer population that is anything other than cruel. I therefore see no reason for extended debate on that particular issue.

As for the economic impact, the Burns report demonstrated that the economic impact of a ban on hunting would be extremely limited, and the evidence given in Portcullis House suggested that it would be even

less than that. In view of the buoyancy of the rural economy, that issue does not require extensive further debate.

Mr. Dennis Skinner (Bolsover) (Lab): In the course of the past few minutes, my right hon. Friend has been subject to a barrage from Members whingeing and whining and wanting to rerun the principle. The truth is that for 18 years, when I was in opposition, I lost, because that was democracy. We were in the minority, and we had to take it on the chin. There are people now in this House not capable of understanding that the numbers are against them. I hope that my right hon. Friend is able to complete what he has to say, get on with the job, and tell the House of Lords to go to hell and that we will carry this Bill.

Alun Michael: Instead of being impolite to those in another place, I invite them to debate the Bill that we send to them. Apart from that, my hon. Friend makes many good points. Those who suggest that there is any justification for violence or protest as a result of the Bill's going through should certainly listen to his comments. As democrats we have to respect the majority.

Mr. Simon Thomas (Ceredigion) (PC): The Minister may recall that I supported his last Bill because I thought that it at least took science and ecology as its founding principles and had a method of dealing with those areas, particularly upland areas, where I am convinced that a decent argument has been made that hunting with hounds has ecological and environmental, as well as animal welfare considerations. This is the first time that the House has debated the Bill as a Government Bill from start to finish, and to do so in this truncated way pays great disservice, whatever the decision at the end of the day, to the House and to Members who have spent their time and effort in consultation with their constituents.

Alun Michael: First, the Bill that I drafted and introduced would have given the opportunity for hunting with dogs not on ecological grounds, but on the grounds that there was a necessity for a particular activity for the control of vermin and so on, and that the proposed method would be less cruel than any of the alternatives. The case for the ecological argument has not been made in the evidence that I have heard: it does not apply as it does in relation to shooting sports, for instance.

Secondly, this is the same Bill that I introduced and that the House passed on the last occasion. I still think that it included some rather good ideas. It was debated fully and the House took its decision and voted. The hon. Gentleman should, like me, respect democracy and the conclusion of the debate in this House.

Mr. Andrew Robathan (Blaby) (Con): The Minister describes himself as a democrat, as do I. Further to the comments of the hon. Member for Ceredigion (Mr. Thomas), is he not therefore a little embarrassed, even a little ashamed, at this abuse of the parliamentary process and misuse of the Parliament Acts merely to satisfy the prejudice and bigotry of the hon. Member for Bolsover (Mr. Skinner)?

Alun Michael: The hon. Gentleman should be embarrassed that so many of his hon. Friends are here. They say that this is a trivial issue, then they all pile into the Chamber to debate it. If we had a debate immediately afterwards on education or health, they would disappear, as they usually do. There is no abuse of the processes of the House and I have nothing to be embarrassed about. I am pleased to be able to bring this Bill before us so that the House can fulfil our promise to enable Parliament to reach a conclusion on the issue.

Mr. Douglas Hogg (Sleaford and North Hykeham) (Con): The right hon. Gentleman characterises democracy as respecting majorities, and of course that is partly right. Does he accept, however, that another element of democracy is to respect the rights of minorities, and that that is being disregarded in this case?

Alun Michael: The right hon. and learned Gentleman is right: that is why the Government have spent so much time listening to those minorities—*[Interruption.]*

Mr. Speaker: Order. The hon. Member for Blyth Valley (Mr. Campbell) must calm down.

Alun Michael: Thank you, Mr. Speaker. Unfortunately, this is an issue on which very few Members appear able to be calm.

Respect for minorities involves listening to them and deciding whether they have an argument, then, in this case, considering the central issue of whether the activities that they are undertaking are cruel, unnecessary or involve a minimum of suffering. Those are the issues on which I hope hon. Members will take their decisions in voting on the propositions in the Bill.

Mr. Hugo Swire (East Devon) (Con): In order that there can be no perceived, or real, abuse of the House during this afternoon's deliberations, does the Minister agree that it is incumbent on those who have benefited from support, financial or otherwise, from campaigning organisations such as the International Fund for Animal Welfare, and those who have indirectly benefited from its £1 million bung to the Labour party, should say so at the outset of proceedings?

Alun Michael: We could have an interesting discussion about the sources of Conservative party financial support. Any financial support given to the Labour party because Labour Members believe in, support and work for animal welfare would be provided only in a proper, declared manner. There should be no perception of abuse of the processes of the House. The hon. Gentleman does neither himself nor the House any credit by making such a suggestion.

Mr. Tony Banks (West Ham) (Lab): The hon. Member for East Devon (Mr. Swire) is about to leave the Chamber, which is unfortunate. Although the International Fund for Animal Welfare gave £1 million to the Labour party, it also gave considerable amounts to the Conservative party and the Liberal Democrat party.

Alun Michael: I am grateful to my hon. Friend for that point.

[Alun Michael]

The procedure motion will facilitate proper debate and a conclusion on the divisive issue. I commend it to the House.

Mr. Swire: On a point of order, Mr. Speaker. I wish to set the record straight. The hon. Member for West Ham (Mr. Banks) suggested that I was leaving the Chamber but I was not. I was merely moving to take my place as the Whip on duty, from which I shall be allowed to witness two and a half hours of hypocrisy, cant and prejudice.

Mr. Speaker: The hon. Gentleman should withdraw the word "hypocrisy".

Mr. Swire: I withdraw that particular word unreservedly.

Mr. Speaker: It has been noted that the hon. Gentleman is remaining in the Chamber.

Before I call the hon. Member for North-East Hertfordshire (Mr. Heald), I remind hon. Members that the selection of amendments has been placed in the No Lobby in the usual way.

1.2 pm

Mr. Oliver Heald (North-East Hertfordshire) (Con): I beg to move amendment (a), in line 4, leave out from "after" to end of paragraph and insert "their commencement".

Mr. Speaker: With this, we may take the following amendments: (n), in line 10, leave out from "any" to "under" in line 11 and insert "Motions".

(o), in line 11, leave out "a suggested amendment" and insert "suggested amendments".

(p), in line 13, leave out "that Motion" and insert "those Motions".

(q), in line 19, leave out "Motion" and insert "Motions".

(d), in line 20, leave out "half an" and insert "one".

Mr. Heald: It is worth mentioning for hon. Members' convenience that we are most anxious to divide not only on amendment (a) but on amendment (n), which raises a different issue.

The procedure motion involves a massive use of Executive power to crush an aspect of freedom in rural communities. The Leader of House, in whose name the motion stands, would allow the passing of the Bill today, but only through guillotining debate and disposing of the Committee and Report stages. He would also ensure that only the Government amendment on when the ban comes into force could go to the other place. No other amendments, many of which appear on the Order Paper, would even be debated, despite the support of many hon. Members in all parties.

The thinking behind the procedure motion is doubtless to ensure that the Bill leaves us, as the Minister said, in exactly the same state as the previous measure, accompanied by an amendment providing for a delay, to comply with the Parliament Act.

We oppose the procedure motion because even if the strict statutory conditions for the Parliament Act are fulfilled, the circumstances do not warrant the use of our most draconian procedures. If we are to maintain our right to debate in this place, the guillotine should be used sparingly and the Parliament Act reserved for rare circumstances in which there is no other way forward. The Parliament Act has been used when legislation is of high or constitutional importance, when there is genuine urgency and when the other place is clearly unreasonably blocking the will of the elected House.

Mr. Banks: Is not that exactly what the House of peers is doing at the moment? How can the will of this House be fulfilled if the House of Lords continually blocks it? Surely the hon. Gentleman, as a House of Commons man, should defend our procedures.

Mr. Heald: Yes, we should defence our procedures, but the Bill is not a case for a strict guillotine or the Parliament Act.

Mr. Hogg: My hon. Friend sets out the arguments for not invoking the Parliament Act, but a further consideration exists. Parliamentary majorities should not be used to suppress the rights of minorities. The House of Lords has an important role in safeguarding those rights. It was doing its duty and we should not override it.

Mr. Heald: Yes, and it is also right that the Government should not use their Executive power to effect that sort of oppression of a minority.

The Government have not known their own mind about the Bill. For the past seven long years, they have started and checked, jinked and dived and been up hill and down dale. At the end of seven years and after wasting seven months of the Session, they say that the Bill is so important that it must be tackled now. According to newspaper reports, the Government would even be prepared to sacrifice three significant Bills—the Pensions Bill, the Children Bill and the Civil Contingencies Bill—to secure the measure. What a shocking sense of priorities that displays.

The Pensions Bill is designed to help protect the pensions of millions; the Civil Contingencies Bill is our long-delayed response to the events of 9/11; and the Children Bill deals with the needs of some of our most vulnerable children. I do not agree with some aspects of those measures, but I have no doubt that their subject matter is far more important than hunting.

Chris Bryant (Rhondda) (Lab): The hon. Gentleman's assertions about the use of the Parliament Act in the past are untrue. The age of consent was not an urgent constitutional issue that required the use of the Parliament Act. That also applies to the War Crimes Bill, for which the Conservative Government used the Parliament Act. People advance the belief that we should not use the Parliament Act when there is a free vote. I believe that we should be able to use it in the case of a free vote because that reflects the unfettered will of the House, unconstrained by any Whip.

Mr. Heald: The hon. Gentleman is simply wrong. I want to consider urgency, because the current circumstances do not warrant the use of the Parliament Act. The hon. Gentleman mentioned the War Crimes Bill. Ministers at the time said that that was urgent because the victims and witnesses were old and might die before they could give evidence. In the case of the European Parliamentary Elections Bill, it was said that no time could be lost because the new election system had to be introduced by a specific date. When the Sexual Offences (Amendment) Bill was considered, the Government claimed that the need to respond to a decision by the European Court of Human Rights meant that there could be no delay.

Sir Patrick Cormack: Does my hon. Friend accept that several of us were deeply unhappy about the use of the Parliament Act in all those cases? Several Conservative Members voted against the War Crimes Bill and believed that that was an improper use of the Parliament Act. If that constituted improper use, surely that is magnified 100 times in the current circumstances.

Mr. Heald: My hon. Friend makes an important point. He cherishes the important principles on which the House operates its conventions. He is right that we should be sparing indeed in our use of the Parliament Act.

Miss Anne McIntosh (Vale of York) (Con): Does my hon. Friend agree that, if the Minister for Rural Affairs and Local Environmental Quality had spent more time on his so-called concern about cruelty by allowing pre-legislative scrutiny of the Bill in the same way as the Government are allowing such scrutiny of the Animal Welfare Bill, or even enabling that measure to consider aspects of hunting, shooting and fishing, we would have been spared any resort to the Parliament Act?

Mr. Heald: My hon. Friend makes a fair point. Of course, the Minister does not support the Bill in its current form. The Bill that he supported was considered last year but he was ambushed on Report. That is why we are here now.

Alun Michael: Will the hon. Gentleman confirm for the benefit of the hon. Member for Vale of York (Miss McIntosh) that the previous Bill was considered in Committee at great length? Almost every argument that could be made was discussed. The House has spent an enormous amount of time on the Bill. Rather than rushing to resort to the provocation of the Parliament Act, the Government have been slow to do so because we did not want to do it. Will he therefore join me in urging the other place to engage properly with the Bill when we send it on instead of rejecting the will of the House of Commons?

Mr. Heald: Let us get to the nub of the question of urgency. How can we say that this Bill is as urgent as the other Bills on which the Parliament Acts were used, when the Government themselves say, "Oh, we don't need to implement it for two years"? The sense of urgency that has existed on other occasions does not exist here.

The contention that the Parliament Act can be used because the other place is clearly engaged in blocking the Bill also needs to be examined. The Hunting Bill that was introduced in the 2000–01 Session proposed three options: a ban, self-regulation and a statutory hunt licensing authority. This House voted for a ban; the other place voted for regulation. Far from the Government taking the view—and pursuing the matter vigorously—that this House was right and that the House of Lords was frustrating matters, the Minister introduced a Bill that provided for a regulatory approach. He therefore agreed with the broad thrust of what the other place was saying. It was hardly surprising that, when new clause 11—which would effectively ban hunting—was added to the Bill at the very last moment on Report last year, Members in the other place took the view that they did. They had been encouraged to take that view by what the Minister had said in this place. We should also not forget that the Bill had only two days in Committee in the other place before it ran out of time.

All previous Bills passed under the Parliament Act have reached the ping-pong stage between the two Houses at least once. The basic parliamentary principle should be that the other place has either spent an inordinate time dealing with a Bill, or that it has returned it to the Commons in amended form, signifying an impasse. On this Bill, the Government initially agreed with the approach of the other place and introduced a Bill of a regulatory nature, which was ambushed on Report. They then gave up after only two days in Committee in the Lords. Far from the shilly-shallying being at the other end of this building, the blame lies fairly and squarely with the Government.

Gregory Barker (Bexhill and Battle) (Con): Is it not worth remembering that, when Labour Members talk about the will of Parliament, they are actually talking about the will of a minority of Members of this House? I was a teller when the last vote was taken on this issue, and fewer than half the Members of the House of Commons voted for a ban; the other Members voted against one, absented themselves or abstained. To try to pretend that there is a great well of support in this Chamber for a ban is downright nonsense. It would be impossible to form a Government with the number of Members who voted for a ban, and that is an excellent reason for their bigoted views to be frustrated in the revising Chamber.

Mr. Heald: I do not know whether you, Mr. Speaker, heard the "Today" programme this morning. A journalist from *The Guardian* was explaining that this issue had nothing to do with animal welfare, and that it represented the last knockings of the class war. Having heard the views of the hon. Member for Bolsover (Mr. Skinner), who could disagree with that?

Lembit Öpik: Is the hon. Gentleman as concerned as I am that the Bill that we have here does not seem to be the Bill that the Minister and the Prime Minister seemed minded to support? Does he agree that a serious concern about this procedure is that a Bill that evidently does not have the unanimous support of the Government is now

[Lembit Öpik]

going to be pushed through—with all the holes that it has—without our having had the opportunity to discuss it in Committee in the lower House?

Mr. Heald: The hon. Gentleman has played a huge part in these proceedings—*[Interruption.]* No, it is true that he has. He has played a very constructive part. He is right: how can the Government table a motion involving the massive Executive powers of the guillotine and the Parliament Acts, when they themselves have said that the Bill is unworkable and unenforceable? It is quite wrong for a Government to behave in this way with this sort of Bill.

The Parliament Acts provide that a Bill sent from this House must take the same form, but this will be the first time that a Bill has been so different from the one that was originally presented that the necessary detailed provisions have not been properly debated.

Mr. Banks: May I take the hon. Gentleman back to what he just said? He was repeating the usual nonsense about this being all about the class war. If this is a class issue, it is a middle class issue—a middle England issue. The profile of the passionate anti-hunter—which I know because I get thousands of letters from them—is a middle class white woman living in the home counties, or a county town or village who reads the *Daily Mail*. That shows how much of a class issue this is.

Mr. Heald: Perhaps the hon. Gentleman is the exception, but I do not think so, because he used to describe this as a totemic class issue.

The final change that was made on Report last year resulted in a recommittal to a Standing Committee, but the debate was very limited in scope and the main problem areas were simply never debated. It is right to quote the remarks of the Minister for Rural Affairs and Local Environmental Quality, who said on 30 June last year:

"We must not send a defective Bill to the other place."

He went on to warn that

"we would face extreme difficulty if we sought to apply the Parliament Acts to a defective piece of legislation."—*[Official Report*, 30 June 2003; Vol. 408, c. 39.]

The Government know the verdict of their own parliamentary Joint Committee on Human Rights, which was that with a blanket ban compensation would be needed to meet the requirements of the European convention on human rights. Other important issues to be dealt with are the breadth of the offence created and the nature of the intent required to commit the offence of hunting. Whatever side of the argument we are on, not many of us would want to pass a Bill that would result in tourists being charged with hunting just because they came upon a hunt one day.

We should have a Committee stage, and it is vital that there should be an opportunity to introduce motions suggesting amendments.

Mr. Desmond Swayne (New Forest, West) (Con): Does my hon. Friend agree that, in a democracy such as ours, minorities put their rights and liberties at the disposal of the majority, and abide by the decisions of the majority, on the basis of an understanding that their voice will be properly heard and that the procedure will be fair? The absence of a Committee stage effectively abrogates any such concordat, and people will accordingly be inclined to look beyond Parliament for the protection of their liberties as a consequence of that omission.

Mr. Heald: Our freedoms are important and should not be treated in a cavalier fashion. One of our great concerns is the way in which the curtailing of debate has become commonplace through the programming system. It would be extremely dangerous, from a constitutional point of view, if the use of the Parliament Acts were also to become commonplace. The Labour Peers group has suggested that the Parliament Acts should be far more regularly used, and many of us view that with great concern. Those on the other side of the House, or in the other place, who disagree with me on this issue might want to consider that, at some point, they will be on the other side of the Chamber. I hope that that will happen in six months' time, but I might be wrong. We shall have to see. That time will come, and to have curtailment of debate and the routine use of the Parliament Acts would be a disgrace.

Mr. Hogg: May I follow up the point made by my hon. Friend the Member for South Staffordshire (Sir Patrick Cormack)? As we do not have entrenched rights, save those incorporated in the Human Rights Act 1998—which are only now being developed—does it not behove hon. Members in this House to be very sparing with their power as a majority to impose on other people moral and ethical values that they simply do not share?

Mr. Heald: That is a vital point.

Section 2(4) of the Parliament Act 1911 provides for suggestion motions, which provide the opportunity to make a proposal for an amendment to the other place. It was no less a figure than Winston Churchill in 1913, when he was a Cabinet Minister in the Liberal Government, who said:

"The Suggestion stage is . . . to enable either small points which are oversights to be set right by general agreement or to enable suggestions of compromise to be put forward and debated. The root principle of the Parliament Act is that every amendment which makes for agreement, and for a change in a Bill which tends to lessen disagreement, can be incorporated in the Bill without depriving it of the advantages of the . . . Parliament Act".—*[Official Report*, 23 June 1913; Vol. LIV, c. 843.]

On the Order Paper today, motions are proposed to deal with issues such as compensation, intent and the breadth of the offence. Only this week, we heard that the business for tomorrow could not go ahead, and that time was available. I asked that some of that time should be set aside so that motions of suggestion on practical measures could be debated. What was the Government's reaction? It was a flat no.

Sir Patrick Cormack: Is it not an extraordinary paradox that this Government, who have extended the provision for carry-over, do not apply that rather than the Parliament Act? It would be a much less offensive procedure to carry over this Bill, with a proper

Committee stage, into the next Session, which is still within the lifetime of this Parliament, rather than to use the draconian Parliament Act.

Mr. Heald: Yes. I return to the point that I made earlier about whether Ministers believe genuinely that what is going to the other place is unworkable. The Secretary of State for Environment, Food and Rural Affairs will remember saying:

"No Bill on a simple ban has ever been thought to be workable."

The Minister for Rural Affairs and Local Environmental Quality will remember saying:

"A complete ban . . . would destroy the architecture of the Bill, undermine the strong simple framework of enforcement that is set out in the Bill and be perceived as pursuing prejudice rather than targeting cruelty."

He went on, after the ambush, to say that MPs,

"chose a Bill that is simple to explain rather than a Bill that is simple to enforce."

In those circumstances, how can they justify using the panoply of government—the Executive power—to force the Bill through on a guillotine, and to use the Parliament Act, when they know that the Bill needs to be amended?

Ms Candy Atherton (Falmouth and Camborne) (Lab): Does the hon. Gentleman honestly think that if the Bill were to go to a Committee stage, the House's final decision would be different?

Mr. Heald: The Government, not the Opposition, decide how much time is allocated for debate. Were amendment (n) allowed, which provides for other Members' motions under section 2(4) to be considered, and were the Government to allow half a day or even a day tomorrow to debate those motions, what would be lost? Nothing. The timetable for the Parliament Act would not be lost. It would just mean that this place would be allowed to do its job—to debate the concerns of the people.

Alun Michael: I want to make one thing clear, because several Members have spoken as though there has been no Committee stage. I remind the House that on the last occasion the Bill was re-committed for a Standing Committee to consider the implications of the new clause proposed by my hon. Friend the Member for West Ham (Mr. Banks). Therefore, it has had a Committee stage. In addition, for the Parliament Act to apply, the Bill must go to the House of Lords in exactly the same form as last time. If the hon. Gentleman is urging restraint, it should be on the House of Lords to address the Bill as it comes to it, and not to provoke the use of the Parliament Act.

Mr. Heald: The Minister may have forgotten what happened last time. The re-committal motion was only in respect of clause 11, so the debate was circumscribed—a decision that you made, Mr. Speaker, and probably rightly so, on procedural grounds.

The schedules and other issues set out on the Order Paper today were not capable of being discussed. As for section 2 motions, however, the operation of the Parliament Act would not be affected. As I suggested when I quoted Winston Churchill a moment ago, we can make suggestions, such as that for the delay, which will be debated. We could propose a suggestion on compensation, intent or the breadth of the offence, and if the other place agreed we might end up with a Bill that was a bit more enforceable or workable. It is therefore right that the House's debate should not be curtailed. Routinely, we seem to lose the opportunity to debate great rafts of amendments and new clauses as a result of the unilateral programming of legislation. The routine use of the Parliament Act for issues that are not of the highest importance is a dangerous step.

As I said, I made a modest request of the Government for extra time. Amendment (n) would allow other motions to be discussed, and I ask all Members who value our procedures and right of debate to join me in the Lobby.

Chris Bryant: The hon. Gentleman referred to Winston Churchill's views on the Parliament Act. He may know that Winston Churchill also used to argue that one of the terrible difficulties about the original Parliament Act—he argued this when he was a Liberal, but not when he was a Conservative—was that in the second half of a Parliament, especially a Parliament that was shortened from seven years to five years, the other place was given significant additional powers every year that the Parliament went on, because it could delay the whole Government programme. Is that not one of the major reasons why we should use the Parliament Act? Otherwise, the other place will never learn its lesson.

Mr. Heald: The hon. Gentleman makes his point in his customary way, but the fact is that in this instance we are using the nuclear option, a draconian measure, to oppress a minority in rural areas. That is simply not acceptable, and I invite the support of Members from both sides of the House, who share a concern for our procedures and right of debate, to vote against the procedural motion and for the Opposition amendments.

1.25 pm

Mr. Douglas Hogg (Sleaford and North Hykeham) (Con): This is a very sad day for democracy. Those of us who value minority rights, our political institutions, toleration and moderation should be deeply ashamed, angry and distressed at today's proceedings. Through this motion and the Bill, we are riding roughshod over the liberties and freedoms of hundreds of thousands of our fellow citizens. We are diminishing freedom itself. We are diminishing our freedom, and freedom under the law. That is a terrible thing to do.

I want to turn specifically to the programme motion, which is currently before the House. First, it paves the way to the use of the Parliament Act, which is profoundly offensive. My hon. Friend the Member for North-East Hertfordshire (Mr. Heald) set out the reasons for objecting to the use of the Parliament Act. He has urged on the House that the Parliament Act should be used only in urgent and compelling cases. Surely he is right.

We all know that there is no urgency. The Government conceded that there is no urgency by their implementation date. Leaving that aside, they could have introduced this Bill at any time in the past seven years had they chosen to do so. They did not, which is an implied recognition that there is no urgency.

[Mr. Douglas Hogg]

As to the compelling nature of the Bill, I am perfectly willing to accept that a large majority in the parliamentary Labour party want this Bill to be introduced. There is not a compelling desire in the country as a whole, however, but a diversity of opinion on the subject. We know as a fact that this Bill is not the Government's preferred choice, because, had it been so, they would have introduced it. Therefore, neither urgency nor compulsion is a justification for the Bill.

David Taylor (North-West Leicestershire) (Lab/Co-op): Perhaps the right hon. and learned Gentleman can explain why the definition of non-urgency will not lead to eternal procrastination in this place, as that has been the recipe in the past?

Mr. Hogg: I will come to exactly that point. Much of the debate has centred on the opposition in the other place to the passage of the Bill. That is true—the other place will not support it. In all modesty, we ought to ask ourselves why it will not support it. I know the answer: in a free society, we should not oppress minorities, and we should be very chary about imposing our moral and ethical values on sizeable proportions of the population who do not share those values.

In many sophisticated societies—we are one such—those propositions are defended by a Bill of Rights, which is an entrenched statutory provision policed by a supreme court. We do not have that. We must rely first on the other place and secondly on our sense of moderation. I believe in limited government. I think that majorities should be chary about imposing their views on other people. The fact that the other place has many times said no ought to suggest to us, in all modesty, that we are wrong to do that which we are doing.

Mr. Kevin McNamara (Hull, North) (Lab): I have listened continually to the argument about repressing minorities. Does the right hon. and learned Gentleman recall being a member of a Government who took away the right of tenure of university lecturers, got rid of the dock labour scheme, crushed the miners and, above all, reduced the rights of trade unionists? All those acts involved oppressed minorities and all used the Tory party's huge majority.

Mr. Hogg: I have two points to make in response to that. First, each issue must be determined on its merits. Secondly, the hon. Gentleman implies that this is an act of vengeance and that I find a profoundly unattractive statement.

Sir Patrick Cormack: Would not the analogy have been rather better if the hon. Member for Hull, North (Mr. McNamara) had mentioned his own championing of the minority in Northern Ireland, which was successful? Should we not equate that minority with the minority in rural England with whom we are concerned today?

Mr. Hogg: That is a sound point, with which I agree.

Lembit Öpik: Does the right hon. and learned Gentleman agree that suggesting that the Bill should be forced through by means of this procedure because an earlier Government forced through other legislation that the hon. Member for Hull, North (Mr. McNamara) did not like by means of similar procedures is a pathetic justification? Surely we are all obliged to consider the benefits and the costs, rather than simply seeking vengeance. The problem with the procedure motion is that it does not allow space for us to examine the Bill's flaws in detail. It is in the interests of those who want to ban hunting with dogs to have a good Bill that works rather than one that does not work for want of proper scrutiny.

Mr. Hogg: I entirely agree—and that brings me to the terms of the motion itself.

First, let me say something about the time allowed for Second Reading. The motion allows but five hours for discussion of both the motion itself and Second Reading, and we should bear it in mind that Divisions will come out of that time. I expect debate on the motion to continue for some time—and quite right too, for this is an important matter. The closure may be moved—although that is a matter for the Chair and indeed for hon. Members—and there may be a Division on that; in any event, my hon. Friend the Member for North-East Hertfordshire has said that there will be two Divisions on amendments. There will therefore be at least three Divisions, and perhaps four.

Sir Patrick Cormack: That could take an hour.

Mr. Hogg: That is my point. Out of the five hours that we have been allowed, we shall have at the very most four hours in which to debate both the programme motion and Second Reading. That means about two hours for Second Reading. On any view, the Bill raises constitutional matters of the highest importance and two hours is outrageous.

Mr. Peter Pike (Burnley) (Lab): Does not the timetable motion take account of all the time that we have spent debating the issue during the life of the current Parliament? Does it not recognise that, at the last election, the Labour party was elected on the basis of a clear indication that it would allow the decision to be made on a free vote? On more than one occasion, the House has plainly taken a view on a free vote. Is not the right hon. and learned Gentleman really arguing that the other, unelected House should have a permanent veto?

Mr. Hogg: There are two answers to that. First, it is the business of Governments to safeguard constitutional principles and the rights of minorities. This Government are betraying both, and that is a very serious charge against them. As for the position of the other House, I have already dealt with that. I happen to believe that, on this matter, the other House is right, because it is standing up for freedom, liberty and minority rights. We should listen to what it is saying and not try to override it.

Let me now say something about the question of amendments. My hon. Friend the Member for North-East Hertfordshire made an important point about that.

The programme motion does not allow for a Committee stage, a Report stage or any amendment whatever. That is objectionable for at least two reasons. First, I have never encountered a Bill that, even in its own terms, could not be improved. My hon. Friend pointed out that even those of us who are root and branch against the Bill, as I am, would like, if there must be legislation, at least to see competent and effective legislation. Compensation, for instance, is a vital issue, but we cannot table a compensation amendment because there is no amendment that can be tabled.

Mr. Gordon Prentice (Pendle) (Lab): Is it not rich for the right hon. and learned Gentleman to talk about compensation? As Minister of Agriculture, Fisheries and Food, he specifically ruled out compensation for farmers affected by BSE.

Mr. Hogg: I introduced one of the most generous schemes to support the beef market that could have been contemplated by anyone. I should have thought that there were better criticisms to make of me than that.

My second point about amendments is desperately important. Amendments provide a way of testing the logic of any particular proposition. It is not just a case of improving a Bill; it is a case of testing its inherent logic. Amendments of that kind are often called probing amendments.

The Bill contains an express provision permitting falconry. I happen to support falconry—I think it is a glorious sport—but I am entitled to ask, by means of an amendment, why the Bill expressly permits falconry while prohibiting hunting with hounds. Where lies the logic in that? Similarly, there are provisions relating to terrier work and shooting. I am an enthusiastic, if very incompetent, shot, but why does the Bill expressly permit terrier work on foxes in order to facilitate the shooting of pheasants, but prohibit hunting with hounds? Where lies the logic in that? That is the kind of question that can be addressed by probing amendments. Such a procedure affects public understanding of a Bill and I think that it would increase hostility towards this provision.

Mr. A. J. Beith (Berwick-upon-Tweed) (LD): The right hon. and learned Gentleman may recall that, in the last Parliament, I argued in Standing Committee that the Bill would prohibit ratting. The Government denied that at several sittings, but having looked at the Bill more closely they returned several weeks later with amendments to deal with the matter.

Mr. Hogg: Schedule 1 includes ratting as a permitted form of hunting. That makes the right hon. Gentleman's point: no Bill that has ever come before us could not have been improved. By using the Parliament Act, however, we are preventing this Bill from being improved, and that is outrageous.

I have two final points to make. The first relates to Third Reading. The motion allows but half an hour, which is a desperately short time for Members who will not have been able to speak earlier and who may well want to ask the essential question, "Where lies the difference in principle between shooting, hunting with hounds and angling?" They would want to say on Third Reading that there is no essential difference and that to try to distinguish between those things is profoundly and shamefully wrong.

I do not suppose that my words will prevail, but I desperately hope that hon. Members will rally round the principle that other people's freedoms are our freedoms. We cannot destroy the freedoms of law-abiding minorities without diminishing freedom itself. If right hon. and hon. Members agree with that simple and time-honoured proposition, they will oppose the programme motion and they will oppose the Bill.

1.40 pm

Mr. Barry Sheerman (Huddersfield) (Lab/Co-op): I shall speak very briefly, Mr. Deputy Speaker. All politicians like to remain popular with their own side, but I should point out that, on this issue, I am in a minority among Labour Members, although not a persecuted one. I hope that this debate will continue in the good-tempered way in which it started and allow a different opinion to be expressed on the Labour Benches.

In debating a motion such as this—I oppose it and will vote against it—we sometimes lose track of the issues. My interpretation of what we said in our manifesto differs from the Minister's. We said that we would have a vote and let Parliament decide, but the fact is that the two Houses profoundly disagree.

Alun Michael: I should remind my hon. Friend that the manifesto commitment was to enable Parliament to reach a conclusion.

Mr. Sheerman: Yes, but the fact is that the long-running disagreement between the two Houses has led to a conclusion: stalemate. We now have to decide whether this issue is important enough to warrant invoking the Parliament Act.

When I first heard that we were going to deal with this issue in the manifesto, I regretted the fact, because in my view it should be dealt with through a private Member's Bill. I am sorry that the Government have got so deeply involved, but I applaud the fact that we continue to have free votes.

Mr. McNamara: My hon. Friend says that he regrets the Government's intervening, but he will recall the time when the whole Tory Cabinet turned up on a Friday and voted against my private Member's Bill.

Mr. Sheerman: My hon. Friend makes a good point. Some of the arguments from the Conservatives on this issue are not very good and listening to them almost guarantees that I will change the way I vote. However, I do not like persecuting minorities and I do not want communities that have values and a way of life that differ from mine to lose them.

I have a serious worry: I was in the House during the Thatcher years, when disgraceful and dreadful things were done to communities such as mining communities, but I draw a different lesson from that. I do not want to do to rural communities what the Thatcher Government did to the mining communities; two wrongs do not make a right. They may be the minority, but there are many people in this country who take a different view from the

[Mr. Sheerman]

majority on country sports. As I explained in the original debate on this issue in 1997, I used to be anti-hunting, but then I thought through why I took that view. I have never hunted and I never want to. I do not shoot. I do not ride. However, I have lived in the country, reared chickens and ducks, and had foxes take them away. As I said in 1997, if someone can prove to me that there is a more humane way of killing a fox than hunting with dogs, I will change my view, but the Burns inquiry and every piece of evidence that I have seen since then has not persuaded me that there is a more humane way.

Mr. Banks: Perhaps I might steer my hon. Friend back the procedural matter and the manifesto pledge that Parliament would decide on this issue. It has not been resolved, and a stalemate is not a decision. Does my hon. Friend, who is a good House of Commons man, not see the qualitative difference between huge majorities arrived at through a free vote on the Floor of the House and their being overturned and frustrated by an unelected Chamber?

Mr. Sheerman: As my hon. Friend knows, I have been in this House a long time, and I realise that invoking the Parliament Act is a question of judgment; that judgment is based on the importance that we attach to the issue in question. In my view, this issue is nowhere near important enough to justify invoking that Act.

It is clear that there is a strong divide between the two Houses. I am not a great supporter of the House of Lords; indeed, as my hon. Friend the Member for West Ham (Mr. Banks) may know, I voted for its abolition. But the fact is that we have it, and its current role is that of a second Chamber—a Chamber that is perhaps a little more thoughtful and which takes time to contemplate issues. *[Interruption.]* That has always been its role. Given our current constitution and the fact that we have not abolished the Lords, we should listen to it very seriously when such disagreements arise.

My great worry is this: after today, when will we next use the Parliament Act? Will we use it when another such issue arises? I have been in the House long enough to remember the long hours that were spent debating abortion. Many people took different views on that issue, which, I am pleased to say, was always dealt with through private Members' Bills. I would be horrified if it were dealt with in the manner adopted in the United States. I sincerely believe that it is in the best interests of this country and of the House if issues such as abortion are dealt with, as they have always been, through private Members' Bills and on a free vote.

David Winnick (Walsall, North) (Lab): But the only reason that the law on abortion was changed was that the then Government provided time to do so during what was my first Parliament, in 1966; otherwise, the Opposition would have ensured that no such law passed. As my hon. Friend knows, if there is sufficient opposition, no private Member's Bill ever gets through. Is he really saying that, despite free votes in the previous and current Parliaments producing substantial majorities, the will of the House of Commons should be permanently opposed through a permanent veto by the House of Lords? If so, what is the purpose of our debates and decisions?

Mr. Sheerman: I am sorry to disagree with my hon. Friend—we have been friends for a very long time—but we hold different views on the importance we attach to hunting with dogs. In my view, there is a range of issues, such as abortion, that this House should debate in a very different way. They should be debated through private Members' Bills, because that is a much healthier method.

I have never regarded this issue as a party political one; indeed, the voting patterns of peers—be they Labour, Conservative or Liberal Democrat—have been all over the place. I accept that there is less diversity among Labour Members, and I regret that the reality is that most of the Members who support hunting are Conservatives. There would be a freer exchange of views if opinions were more diverse.

Gregory Barker: I am listening very carefully to the hon. Gentleman's extremely courageous speech. The most thoughtful of the speeches in the other place that I have heard—those expounding the defence of liberty and showing the greatest concern for minorities—were made not by Conservative peers but Labour ones, some of whom were appointed only recently. One of the best speeches was made by Lord Waheed Alli.

Mr. Banks: That is only because the hon. Gentleman agrees with what he said.

Mr. Sheerman: Noises off, as my hon. Friend would say.

We are in a very difficult position. I am a political realist, and I know that the steamroller of the Parliament Act will be invoked, but I warn my colleagues that doing so will not do the Labour party or the Labour Government a great deal of good in the long term. At the end of the day, the British public rumbled Thatcherism—I am being very political here—because of the divisive nature of that Government. I agree with my hon. Friend the Member for Hull, North (Mr. McNamara) that it was a ghastly, divisive period in our history, but I am surprised that a Labour Government should be taking us back into the same territory. We may be dealing with a different minority, but they still have rights. I do not want to be seen, and I do not want my party to be seen, as willing to ignore other people's minority rights. We do not want that coming back to haunt us—and it will. This will not be resolved by the invocation of the Parliament Act.

We have a long history as a party that stands up for minorities and goes to the front line to protect their rights, but here we have a different sort of minority that we happen not to agree with, so we are going to trample all over their rights.

Claire Ward (Watford) (Lab): It is a real shame that I have to disagree with my hon. Friend, but I can tell him that there is outright support for this policy in the Watford party and among my constituents. People want us to settle the issue, because we promised that we would. It is also a matter of trust: in the past two general

election campaigns, we said that we would bring the matter to a close. It is absolutely clear that the majority in this House favour a ban on hunting. We can take into account all sorts of minority issues, but at the end of the day, if hunting is wrong, we must take a stand against it. I believe that it is fundamentally wrong and unacceptable in the 21st century in modern Britain and I shall be very pleased to vote to ban it tonight.

Mr. Sheerman: I understand my hon. Friend's view, and recognise the passion with which she holds it. I, too, hold passionate views, but I worry about her conclusion that we should now rush this through with the Parliament Act when we know that a substantial number of people in our country profoundly disagree with it.

Kate Hoey (Vauxhall) (Lab): It will not surprise the House to hear that I agree with everything that my hon. Friend has said. May I remind him and the House that in the two votes in the Commons and the Lords last year, 406 parliamentarians supported a licensing system, compared with 366 backing a ban? On Third Reading, let us not forget, only 317 of the 659 Members of Parliament voted for a ban. That is not an absolute majority.

Mr. Sheerman: My hon. Friend and I mostly agree on this, and I thank her for that intervention.

We have a stand-off between the House of Lords and the House of Commons. I have been in politics for a long time, and it seems to me that the best solution in such a situation is to seek compromise, to meet somewhere halfway, and I have to say that, time and again, there is—*[Interruption.]*

Mr. Deputy Speaker (Sir Michael Lord): Order. We must not have sedentary interventions. I also remind the hon. Gentleman that we are talking about the procedure motion.

Mr. Sheerman: Yes we are, and I am saying that I regret my party's support for the use of the Parliament Act, because as a Government, as a party and as professional politicians, surely it would be better, rather than taking the Thatcher way in a stand-off, for us to say to one another that we must find a compromise. There is a group of people in this House who, sometimes making themselves quite unpopular, have tried to come up with compromises to break the deadlock between the House of Commons and the House of Lords. I would have thought that, as grown-up men and women, we could do that. My right hon. Friend the Minister took an important and courageous role in going for the compromise of a regulated system, which I would have supported, because I believe that politics is about compromise, and on such an important issue, on which a vital minority have a great interest, compromise would have been the right way forward.

Alun Michael: Would my hon. Friend therefore urge Members in another place to engage with the Bill as it reaches them and make proposals, should they wish to do so, so that engagement between the two Houses can take place in the ordinary way? If that were to happen, the use of the Parliament Act would not be necessary.

Mr. Sheerman: I certainly urge colleagues in another place to be reasonable and to compromise, as long as that does not mean that whatever compromise they offer is simply bounced back or cast aside in this Chamber, and we get the same straight abolition all over again.

Mark Tami (Alyn and Deeside) (Lab): But has not the other House cast aside the views of this House by the way in which it has acted on this issue over many years?

Mr. Sheerman: This is not the easiest speech to make from this side. I have tried to make the case and to draw some parallels, but clearly we are not going to agree, and I do not want to try colleagues' patience any longer.

Lembit Öpik: Does the hon. Gentleman agree that, for compromise to work, both sides must be willing to shift? When the Lords showed that they were willing to shift to an extent, there was no reciprocity on the part of those who favour a ban in this House. That is why stalemate ensued, but the upper House cannot be held responsible for that.

Mr. Sheerman: I take that point.

Finally, I appeal to hon. Members to step back for a moment. Those who have been here as long as I have care very much about the reputation of the House, of Parliament and of professional politicians. This does that reputation no good. Whatever their views on hunting, most people outside the House want to see fair play, and I do not think that people watching our debate and seeing the Parliament Act being invoked will think that the British sense of fair play is getting a fair crack of the whip. I am sorry to finish on this note. As long as there are not too many inflammatory speeches from the other side, I shall continue to vote against the Bill.

1.57 pm

Andrew George (St. Ives) (LD): It is a pleasure to follow the hon. Member for Huddersfield (Mr. Sheerman). He made a courageous speech and demonstrated that he was genuinely wrestling with the arguments and the evidence to try to come to a judgment on the issues. I have come to a different view, from a different perspective, interestingly, because I come from the country and I used to follow and support the hunt, but, having considered all the issues, I now support a ban. He said that he had searched for evidence that there is a more humane way than hunting to deal with pest control, and so have I. I will not bore the House by repeating what I have said in Committee and in this Chamber about more humane ways of controlling pests in the countryside.

I also agree that there are many more important things for the House to spend its time on. We have debated this issue in and around the House for many hundreds of hours, and I think it would be improper for us to spend hundreds more going through a marathon course of Committee and consideration when the issues have already, in my view, been resolved.

I believe that the debate is not about hunting but about who runs the country and how it is run: is it run on the basis of primogeniture, birthright and what one might describe as the old boy network, or is it run on the basis of democracy? Which is the pre-eminent Chamber? In my view—and, I believe, the view of most hon. Members—the Commons is the pre-eminent

[Andrew George]

Chamber. We have considered the issue and come to a conclusion on it. Many Bills are enacted on the basis of the votes of fewer than 50 per cent. of elected Members. Whatever the result of the electoral arithmetic when votes are taken, as long as the issues are concluded in a proper manner, I am happy for that to happen.

There is a great debate about the relevance of democracy here. Having been involved in Committee and the other stages when the last Bill was considered, I believe that it is important, now that the Bill has been brought back before us, that we read and reflect on the debate in the other place to see whether their Lordships produced any blinding flash, pearl of wisdom or indisputable fact that somehow passed us by in all the hundreds of hours that we spent considering the issues.

The forthcoming Second Reading debate will provide me with the opportunity to assess in greater detail some of the points raised in the other place and to establish whether they were new, interesting or relevant to our current debate. After all, the second Chamber—the lower Chamber, in my view—is a Chamber for revision, advice and sober second thought, not for obstruction or frustrating the will of the democratically elected House of Commons.

I will not identify individuals, but instead refer to column references in the House of Lords debate. On Second Reading on 16 September, one noble Lord said that our decision was

"an affront to the whole process of democracy"—[*Official Report, House of Lords*, 16 September 2003; Vol. 652, c. 840.]

That was a comment from an hereditary peer, so if we are an affront to democracy, what does that make him? Another noble Lord said:

"Democracy is the will of the people, not just members of another place."—[*Official Report*, 16 September 2003; Vol. 652, c. 782–83.]

The fact is that we have to weigh up the issues, consider all the evidence and reach a judgment on the basis of that evidence. We have had enough evidence to do so, and we should now spend as little time as is reasonably possible to come to our conclusion. The right hon. and learned Member for Sleaford and North Hykeham (Mr. Hogg), who is no longer in his place, argued that there was no urgency to push the issue through. However, several Members intervened to point out that although there is no greater urgency now than there was seven years ago—in the sense that nothing more significant is going to happen in the countryside now than was going to happen seven years ago—it is important for us to make progress on the issue. Given the process of perpetual obstruction from the other place, we have to reach the sad conclusion that the Minister is right and that, if necessary, we will have to invoke the Parliament Act.

Kate Hoey: To be clear, for the benefit of Liberal Democrat supporters all over the country, is it the official Liberal Democrat view that the Parliament Act should be used to force through a ban on hunting?

Andrew George: I am speaking for the Front Bench, but it is a free vote for the party. The party is in favour of a ban on hunting, but I have made it clear that I am offering my personal judgment. It is a free vote for all Liberal Democrats and the whole parliamentary party. My judgment is that we have spent quite enough time on this issue and that we cannot allow perpetual obstruction to continue. The matter must be resolved and, regrettably, it may have to be resolved in this way.

Kate Hoey *rose—*

Andrew George: No, I will not give way because I want to move on—

Mr. Greenway *rose—*

Andrew George: Very well, I give way to the hon. Gentleman.

Mr. Greenway: I am grateful, as I seek further clarification. Is the hon. Gentleman saying that the current Bill is preferable to the Bill that the Government originally introduced?

Kate Hoey: It is the Liberal Democrat view.

Andrew George: The hon. Lady says that this is the Liberal Democrat view, but I have already said that the party has a clear position on the issue of hunting and that all Members in the parliamentary party have a free vote. I have also made it clear, during many hours of debate on Third Reading and on Report—the hon. Member for Ryedale (Mr. Greenway) may not have been around; otherwise he would know—that I favour a Bill closer to the Minister's original Bill, which included a form of regulation, than the current Bill. However, none of us is in any position to design our own Bill. There is a free vote. There could well be 659 different versions of the Bill. At the end of the day, a compromise and a judgment have to be reached. My judgment is that a number of faults could be ironed out and may be ironed out in due course, but that I will support the Bill in its current form today.

Chris Bryant: I hate to help out a Liberal Democrat when he is creating a fudge, as the hon. Gentleman seems to be doing now. However, does he agree that the real problem about the relationship between our Chamber and the second Chamber, with respect to the Parliament Act, is that many people in the country who do not follow every jot and tittle of what we do in Parliament see us vote successively with significant majorities in favour of a ban on hunting, yet still it never comes to pass, which undermines parliamentary democracy?

Andrew George: I am sure that the hon. Gentleman has a greater knowledge of the implications of the Parliament Act than the Liberal Democrats and I do. He is certainly right to recognise that the general population would be astounded to think that an unelected House of Lords could overrule the House of Commons.

Mr. Crispin Blunt (Reigate) (Con): Is not the key issue one of parliamentary democracy in a bicameral system? This is a moral question, which is why there is a free vote with no fixed party positions. The issue is similar to

abortion and assisted dying, where it is for individuals to reach their own point of view. The Government are required to provide parliamentary time for such issues to pass. However, the other Chamber should also endorse the legislative changes when they are as controversial as this issue, abortion or assisted dying. There should be a triple lock—both Chambers and the Government making time for legislation—before we start removing the liberties that have been held by substantial minorities for so long.

Andrew George: I agree that we should be cautious about how we proceed, but my reading of the House of Lords debate on Second Reading and in Committee is that nothing new was brought to the overall debate that had not already been argued in the House of Commons. If I thought that there were significant matters that we had not considered prior to the debate in the other place, my attitude would be different. It is a question of judgment. I do not know whether the hon. Gentleman has read the House of Lords debate, but I can assure him I found nothing new in it. I believe that the Lords are engaged in simple obstruction of the settled will of this democratic Chamber.

The hon. Member for Reigate (Mr. Blunt) also referred to the issue of liberty, which has been repeated by many hon. Members in their contributions to the debate. It is quite interesting that that issue has been presented—

Mr. Deputy Speaker: Order. The hon. Gentleman just mentioned the time that we might have for the Second Reading debate. We will have more time for that if hon. Members deal quickly with the procedure motion. I ask him and future speakers to make sure that their remarks relate to that motion.

Andrew George: I am grateful for that advice, Mr. Deputy Speaker. The point that I was making about the procedural motion has to do with the extent to which we in this Chamber have the right to question the approach taken by the House of Lords to defending the apparent liberties of alleged minorities. I want to address that issue, but I shall take your advice and save my comments on liberty and minority rights until the Second Reading debate.

2.10 pm

Phil Sawford (Kettering) (Lab): We are discussing procedure and urgency in this debate, but I was concerned to learn this morning that people wearing masks were in a vehicle outside my home last night. The vehicle apparently contained some sacks of manure and there appears to have been an intention to carry out an illegal or criminal act around my home. It seems that the people in the vehicle left when they saw police cars arrive, but that is not surprising as I live two doors along from a police station.

I was surprised to learn that the local media had colluded in this disgraceful attempt to harass and intimidate my family. I was even more concerned to learn from a local reporter that the people involved initially got the wrong address, which would have meant that their target would have been my parents' home rather than mine. My father is 79 years old, and my mother, who has a heart condition, is 78. Those masked intruders were planning to intimidate and harass the wrong people.

I come now to the question of procedure. I suspect that the people to whom I have referred are not representative of the vast majority of hunt supporters and that they belong to some kind of lunatic fringe. However, I think that there is a degree of urgency about this matter if that is the way such people are going to act in an attempt to intimidate—nay, terrorise—the families of Members who speak in this Chamber. The sooner we bring this matter to a conclusion, the better.

It is important for us to deal with the procedural question and enshrine the decision of this Chamber in the law of the land. We must implement that decision at the earliest opportunity, in the hope that we can prevent further examples of the sort of activity that took place yesterday evening outside my constituency home. The Under-Secretary of State, Office of the Deputy Prime Minister, my hon. Friend the Member for Corby (Mr. Hope), is a constituent of mine, and I understand that his family were subjected to similar treatment. The people involved left when they saw some police vehicles.

Mr. Banks: The hon. Member for North Wiltshire (Mr. Gray) thinks that that is funny.

Phil Sawford: I regret that such intimidation of Members' families seems to amuse certain Opposition Members. This is an urgent matter and I beg the House to resolve it today.

Mr. Heald: On a point of order, Mr. Deputy Speaker. Of course no one on these Benches would dream of countenancing or supporting any sort of criminal activity or misbehaviour, but my hon. Friend the Member for North Wiltshire (Mr. Gray) just remarked to me that not much was being said about procedural matters. Many hon. Members wish to speak on Second Reading, when there will be an eight-minute limit. Is it really in order for the hon. Member for Kettering (Phil Sawford) to plough on talking about other things?

Mr. Deputy Speaker: I think that the hon. Gentleman can safely leave such matters to the Chair.

2.14 pm

Sir Patrick Cormack (South Staffordshire) (Con): Of course no hon. Member would ever condone the sort of actions to which the hon. Member for Kettering (Phil Sawford) referred, regardless of his or her position on the procedure motion or the substantive issue facing us today.

I want to refer to the admirable and courageous speech made by the hon. Member for Huddersfield (Mr. Sheerman), who has now left the Chamber. It is not easy to speak against one's own side or the majority of one's colleagues, as I know from experience. The hon. Member for West Ham (Mr. Banks) knows that I spoke out in favour of retaining the Greater London council when it was being abolished, and the hon. Member for Bolsover (Mr. Skinner), who is not here, knows that I voted against the closure of the coal mines. I therefore know what it is like to be in a minority. I want to urge

[Sir Patrick Cormack]

Labour Members, and those on my side who are in favour of this Bill, to pause for a moment to consider the consequences of this procedural motion.

We are discussing this motion for one reason only—the embarrassment of the Prime Minister. On the one hand, he is constantly being reminded of the off-the-cuff commitment that he gave in a television interview; on the other, he feels somewhat beleaguered among Labour Members as a result of policies that many of his colleagues do not like. It so happens that I am one of his great supporters on the most important of those policies, but that is neither here nor there. The Prime Minister's Iraq policy is very unpopular among Labour Members, and he feels that he has got to give them some red meat. He has therefore authorised his business managers to bring in this extraordinary procedural motion, and in so doing he has deprived the House of a proper opportunity to discuss the Bill.

That course of action appears all the more disgraceful when we remember that the original Bill introduced by the Minister for Rural Affairs and Local Environmental Quality was markedly different from the one that we are discussing today. I give credit to the Minister because he tried very hard to fight his corner.

Mr. David Cameron (Witney) (Con): Not that hard.

Sir Patrick Cormack: My hon. Friend says that the Minister did not try that hard, but that is a matter for debate and discussion. It would not be appropriate to go into the matter in this debate on the procedure motion. If we did so, I am sure that Mr. Deputy Speaker would pull me up short, and quite right too.

Whether or not the Minister tried very hard to get the original Bill through the House, he eventually gave up the attempt and became a convert to the theory of the total ban. As a result, the Bill under consideration today is very different from the one that he commended to the House last year. He is introducing it with the protection of the most draconian procedural motion that we have had to debate in this Parliament. The Minister is depriving this House of an opportunity to hold a proper Second Reading debate, and of having any debate at all in Standing Committee.

There is absolutely no reason for the Minister to adopt that course of action. My hon. Friend the Member for North-East Hertfordshire (Mr. Heald), the shadow Leader of the House, made an admirable speech, and I intervened on him to make the point that, over the past few years, the House—wisely or unwisely—has introduced a raft of so-called modernisation measures. It is no secret among colleagues on either side of the House that I am deeply unsympathetic to many of those changes, but the fact is that they have been brought in. One of those changes means that we can now carry over Bills into a new Session to a much greater extent than before.

It would have been entirely consistent with the Government's so-called modernisation theory if, instead of commending this motion to the House, the Minister had commended a carry-over motion. That would have been much more respectful of Parliament and of the rural minority. The members of that minority feel beleaguered and aggrieved, as the economy is a long way from being as buoyant as was alleged earlier today.

After all, this Parliament has almost two years left to run. In many quarters, it is suggested that the Prime Minister is likely to decide that he does not want to go on for another two years and that he will go to the country on the day of next year's county council elections, which will be held on 5 May. Even if that is his preferred option—we would not expect him to tell us the date at this stage—we have a state opening of Parliament fixed for 23 November. Another Queen's Speech will be presented, and there is no reason at all why this Bill could not be proceeded with in this Session in a more seemly and proper manner in both Houses and carried over to the next Session.

David Winnick: May I clear up one point, which is the one about the Prime Minister bringing the Bill back because of Iraq? Many of us who supported the Government's policy on that issue, and who continue to do so, were among those who at every opportunity, be it Prime Minister's questions, business questions or whatever, pressed for the Parliament Act to be used. Not one of my colleagues—not one—who takes an opposite view about the war would change his or her mind because of what is now being done. It is absolute fiction to say that the only reason the Bill is before us is that the Prime Minister wants to curry support within the parliamentary party.

Sir Patrick Cormack: I suggested not that it was the only reason, but that it was a contributory reason, and I am firmly convinced that it is. The urban masses on the Labour Benches do not understand—do not want to understand—the ways of the countryside. You, Mr. Deputy Speaker, sit for a largely rural constituency, but we must remember that the majority of our people live in towns, or near them. The majority of people in the world, I heard on the "Today" programme this morning or yesterday—it must be true, therefore—will be urban well before the middle of the century. Does not that make it more incumbent than ever on those of us who represent all our people to have a particular regard for that rural minority on whom we depend so much for sustenance?

Mr. Henry Bellingham (North-West Norfolk) (Con): The people whom my hon. Friend has mentioned will have their democratic rights taken away because the Bill is not going to be debated. Surely the Government usually put a Bill through all its stages in one day only when there is an emergency or where something has suddenly cropped up or there is all-party agreement when the House is proroguing, yet they have known about this Bill for months and months and months.

Sir Patrick Cormack: Those points have already been made very powerfully by my right hon. and learned Friend the Member for Sleaford and North Hykeham (Mr. Hogg) in a most magnificent speech. Of course, that is true, but it is much more serious than that. What we seek to do today is to use a parliamentary steamroller—that is what the procedural motion is—to criminalise a very large number of extremely law-abiding people, upon whom, to a large degree, the fabric of rural society depends.

I tried today to get in at Prime Minister's questions. I make no complaint about the fact that I was not called, but what I was going to ask the Prime Minister was whether he would vote to criminalise large sections of the rural community. At a time when law and order rightly dominates the postbags and surgery time of most Members of Parliament, is it sensible to introduce a whole range of criminal acts when those acts are at the moment entirely legal, and to do it, moreover, in this procedural way?

Mr. Banks: The hon. Gentleman is a great expert on constitutional and parliamentary matters, and we defer to him in that respect and listen carefully to what he says. Surely, though, Parliament does not criminalise people. We pass legislation, and if individuals then decide to defy the law, as democratically carried through, they criminalise themselves. We make certain things unlawful, but if people persist in doing them, they criminalise themselves.

Sir Patrick Cormack: Let me make one thing plain. I have made the point to friends in my constituency and in the Countryside Alliance that I have not, do not and never will condone the breaking of the law, however stupid that law may be. What I have just said is still entirely valid and relevant, however. At the moment, country sports are legal, and I am proud today to wear the tie of the Countryside Alliance. Country sports are legal, and what we are saying to the responsible, animal-loving, animal-caring people who practise our country sports—no section of our community loves or cares for animals and wildlife more than these people do—is that we are going to make what they do criminal. In a moral sense, I believe that it is criminal to do that, and all of us ought to pause before we do it.

Mr. Heald: Does my hon. Friend agree that there is also an essential issue of trust between the people and the Government? If the Government believe that the Bill is unworkable, as the Minister has said, and unenforceable, as the Secretary of State has said, how can the Government use this steamroller mechanism to criminalise people with a defective Bill?

Sir Patrick Cormack: My hon. Friend reinforces the very point that I have made. What we are doing in this extraordinarily tight procedural motion is proceeding on a Bill that will make the lives of the police force of this country, particularly in the rural areas, almost impossible.

Chris Bryant: Will the hon. Gentleman give way?

Sir Patrick Cormack: In a moment, if the hon. Gentleman will just contain himself.

I have talked to police officers—senior police officers, at that—who of course will have no option but to enforce the law, if this becomes the law, but who say that it will take their eye off many things, such as rural burglary, vandalism and all those other crimes that bedevil society in our constituencies. I have the honour to represent a number of rural villages, but not a single one is not defaced by vandalism and nuisance crime, and not a single one has adequate policing from the point of view of numbers, whatever the Prime Minister and the Home Secretary may protest from that Dispatch Box. Yet here we are, making the life of the police more and more difficult.

Chris Bryant: The hon. Gentleman has a deserved reputation in the House for standing up for the rights of Back Benchers and for the Chamber vis-à-vis the Government, yet he seems to be arguing, as several other hon. Members have, that if this Bill were the Government's Bill, unamended—the Minister's original Bill—there would be a greater reason for using the Parliament Act. Surely it makes more sense when this Chamber has spoken through the will of ordinary Back Benchers that the Parliament Act should apply.

Sir Patrick Cormack: I do not agree. I said earlier, intervening on my hon. Friend the Member for North-East Hertfordshire, that I have been profoundly unhappy about the use of the Parliament Act in recent years. I was one of those who spoke out very forcefully, having voted against the War Crimes Bill, on the use of the Parliament Act—in that case, by a Conservative Government. If that was bad, and I believe that it was, this is a thousand times worse. To use the Parliament Act in a manipulative way, having sacrificed a Government measure and superimposed a private Member's measure on top of it, is frankly indefensible. It is all the more indefensible when there is readily available the procedural device of the carry-over. The Minister seeks to intervene, and I shall of course allow him to do so, but let him respond to that point.

Alun Michael: There is no need for carry-over, because there is no need for additional time. The Bill had a Committee stage when it was last before the House. No other Bill to which the Parliament Act has applied has ever had a Committee stage the second time around, even the Bills of major constitutional importance in 1913. The point I make is that the Parliament Act is intended to resolve conflict between the two Houses; it is not about the importance of the relative issues. I would also invite him to encourage his friends in the Countryside Alliance, of which he said he was a member, to encourage its members to start to recognise the importance of the rule of law and to reconcile themselves to the possibility of legislation. I hope that by his words he will do nothing to suggest that people ought to break the law.

Sir Patrick Cormack: I have already made that point, and I have made it many times inside and outside this House. The Minister is suffering from self-induced amnesia. He introduced a Bill that was totally transformed in Committee. Now he is introducing another Bill. For him to do that when the weapon of carry-over is at his disposal, and to force through this procedural motion in one brief afternoon—one brief part of one brief afternoon, indeed—is, in fact, an insult to Parliament.

The hon. Member for Rhondda (Chris Bryant), who is now engaging in personal conversation rather than listening to the debate, was kind enough to say that I was something of a champion of Parliament and its rights. I am honoured to be thought of in such terms. I believe passionately in this place and in the totality of Parliament, including the other place. This House has a

[Sir Patrick Cormack]

duty to itself to use its most powerful weapons exceptionally sparingly. Today, we are doing precisely the opposite.

Mr. Banks: Will the hon. Gentleman give way?

Sir Patrick Cormack: I will give way for the third time to my old but misguided friend.

Mr. Banks: It is because the hon. Gentleman is making so many interesting points that people want to intervene. Those who favour using the Parliament Act in this case do so because they agree with the Bill, and those who disagree do not want to use the Act. I would be in favour of using the Parliament Act if this Chamber passed a measure—by the majority that it did on hunting—that I totally opposed, on the ground that I believe in principle that this Chamber's will must always prevail over that of the unelected Chamber. If this House had been unanimous on the issue, would the hon. Gentleman support the use of the Parliament Act? Is the issue numbers or principle?

Sir Patrick Cormack: It is a matter of principle. The principle is that the Parliament Act, which is the last weapon in the armoury of this House, should be used only very sparingly and for the most important issues. Strong views are honourably held on both sides of this debate. We know that the Liberal Democrats are divided, I have colleagues who want a ban and there are brave proponents of hunting on the Labour Benches. However, the subject is not of paramount importance in the national consciousness. I had a snack earlier in the Tea Room—*[Interruption.]* On this occasion, it was a little snack. A Member from another party—I shall not embarrass him by identifying him—sat with me and I asked him his view of the issue. He said, "Well, if I had to list the 250 most important topics for my constituents, hunting would come 639th." Most of our constituents do not believe that the issue is of such paramount importance that it justifies Parliament using its ultimate weapon.

I end with an appeal to those who desperately want to ban hunting. Their first and foremost duty as parliamentarians is to the parliamentary integrity of this place. They are not serving that ideal today. In the words of Cromwell, I say to them

"I beseech you . . . think it possible you may be mistaken."

2.33 pm

Mr. John Greenway (Ryedale) (Con): I have listened to this debate for almost two hours and I think that we should confine our remarks to the issue of the procedure motion. It is because I take fundamental objection to elements of the motion that I have sought to catch your eye, Mr. Deputy Speaker. Those in favour of a ban on hunting seem to think that this House has discharged all its obligations by voting in favour of a total ban. The fact that some of us profoundly disagree with that is irrelevant to my point, because it is equally clear that the Minister and many other right hon. and hon. Members have reached the view that the Bill, as it stands, is deficient.

If we believe in the integrity of this Chamber, we should accept that it should be this Chamber that seeks to address the deficiencies in the Bill, not the other place. We are not allowed to so because if we amend the Bill the Parliament Acts cannot be used. For that reason, the procedure motion is a constitutional outrage: we are being denied the opportunity of a Committee stage on this Bill. I am willing to accept that if we had a Committee of the whole House for two or three days, during which we debated some of the issues about which we feel passionately—some of them are contained in hurried amendments tabled by my right hon. and hon. Friends and other hon. Members—we might not win any of the votes, given the views of most of the governing party. But at least we would have fulfilled our constitutional responsibility to argue the matter in this House on behalf of our constituents. We are being denied that opportunity.

Labour Members should think long and hard before they support the motion. They should divorce the motion from the issue and think about other issues on which Back Benchers have strong opinions—such as abortion or assisted death and euthanasia. What would happen if we had a free vote on one of those issues, the other place came to a different view and the Government of the day denied this Chamber a Committee stage and rammed through a measure that divided the country, let alone both Houses and Members on both sides?

We should not approve the motion because that would undermine our reason for being here.

Mr. Cameron: My hon. Friend makes a powerful case, but the situation is even worse than he suggests. Through this motion, we are being asked to treat the Bill as if it has been through Committee stage. We are being asked to sign up to the sort of lie that would not be out of place in a banana republic Parliament or even in a dictatorship. That is the outrage.

Mr. Greenway: I am grateful for that intervention, because that was the point that I intended to make. However, it is obvious that there is disagreement about whether and to what extent there has been Committee stage consideration of the changes that were introduced on Report last time. I agree with my hon. Friend that the consideration was unsatisfactory and inadequate, and we should have a Committee stage now to do the job properly. Everyone knows that the view of the police is that some of the provisions and the schedule are flawed. Indeed, it is apparent from what the Minister has said—he encouraged the other place to make suggestions to make the Bill more workable and to address the deficiencies—that he accepts that the Bill is deficient. Why then should we rely on an unelected Chamber to change the Bill? We should endeavour to change it ourselves.

I have tried to keep off the subject of hunting and talk purely about the motion and the precedent that will be set if we approve it. I happen to have in my constituency many people whose livelihoods and way of life will be wrecked if the Bill goes through. It is my constitutional right and responsibility to speak for them. The best way in which to discharge that right is to vote against this motion. Many Labour Back Benchers who will no doubt troop through the Lobby to support the motion

will live to rue the day, because it will set a precedent which future Governments will use against other interests.

I believe that we are not fulfilling our constitutional duty to examine legislation thoroughly. We are not being allowed to do so by a Government who seem to think that they can gain political advantage from the manoeuvres of the past few days and from what is happening today. If there is to be a delay of 18 months or two years in implementing the measure, it is inevitable that the next general election will be fought on the issue in constituencies up and down the land. That is not right in itself, and if Labour Members think it will advantage them, they have another think coming.

Millions of people know that if the ban goes through, shooting and angling will be next. [HON. MEMBERS: "No, no."] They will. There is not a shadow of doubt about that. There will be a formidable body of opinion against the Prime Minister. Furthermore, many people—whether or not they like hunting, shooting or fishing—believe that the measure undermines personal liberty and people's livelihoods, and they take grave exception to that. The measure does not give the Government such a straightforward political advantage as they think.

Lembit Öpik: In that context, does the hon. Gentleman agree that the great problem with the procedure that we are being offered is that it will squeeze out opportunities to present convincing arguments to people who support hunting? We have neither the space nor the time to do that. As we know that the country has been persuaded to oppose the ban, there is some hope that, through the use of proper procedure, at least those logical Members of Parliament who are not blinded by prejudice could be persuaded, too.

Mr. Greenway: I am grateful to the hon. Gentleman for that intervention, as it gives me the opportunity to observe that, unlike many of his colleagues, he has earned great respect for his work on the measure during his years in this place.

I conclude by again urging the House to think carefully about accepting the motion. Members must divorce it in their mind from the issue of hunting and consider only that if they support the motion they will be using a sledgehammer to crush minority interests and that, next time, they may be on its receiving end.

2.42 pm

Lembit Öpik (Montgomeryshire) (LD): Every day when we start our business in the Chamber we say a prayer. It includes the words that Members should

"never lead the nation wrongly through love of power, desire to please, or unworthy ideals, but laying aside all private interests and prejudices keep in mind their responsibility to seek to improve the condition of all mankind".

I am sure that many people simply go through the words, but when we think about them they mean that we must be objective about our decisions. Crucially, we must be willing to make decisions that are in line with our values, even if they are against our feelings. Sometimes that is easy, and often there is not even a vote in this place. However, sometimes it is hard and we end up with stalemate.

When there is stalemate between this place and the upper House, it is incumbent on us to ask why. It is not hard to see why on this occasion, because the entire debate has been characterised by strong emotions and sincerely held views. In addition, procedural issues have arisen from the content of the Bill. Indeed, when dramatic changes to the previous Bill occurred on Report, the Minister for Rural Affairs and Local Environmental Quality said that we should resist them, as they would wreck the Bill's architecture.

It is hardly surprising that so many Members are unhappy about the procedure motion. I hope that Members will listen to my contribution, which is a sincere request that we be given the space to make a rational decision. I hope that we shall win and I shall explain my request.

One of the greatest difficulties is that emotions never run higher than in the Chamber. The eyes of the nation are occasionally upon us and proceedings in the Chamber lend themselves to strong feelings and a confrontational mode. Sometimes we hear great insights, but at other times, long monologues of self-belief. By comparison, our Committees have been much more constructive; they have not been quite so provocative and there has been a degree of consensus on some issues—for example, compensation.

The one day—3 July 2004—allowed for us to debate the recommitted Bill showed that there was potential for development if we were given time. My hon. Friend the Member for St. Ives (Andrew George) highlighted the fact that there are a number of faults to be ironed out. My first point, therefore, is that even those who support the ban feel that there are faults that could be ironed out, but how and when are we to do that? It will obviously be of great significance to the thousands of people massed outside this place to understand the processes the Government propose to iron out those faults. To date, I have heard nothing better than the possibility of a Committee.

Secondly, we have already discussed the role of the Lords in the matter; it has been said that the Lords frustrated the will of the House. That is true. A majority of Members of this place voted for a ban and the upper House came to a different view. However, we must ask why—*[Interruption.]*

Mr. Deputy Speaker: Order. General conversations are breaking out in the Chamber. I should be grateful if hon. Members would do the hon. Gentleman the courtesy of listening to his remarks.

Lembit Öpik: Thank you, Mr. Deputy Speaker. It will not take me long to make my points.

Why did the Lords hold out on the issue to such an extent? I hope that those who are in favour of a ban, as well as those who are opposed, will accept that in many cases it is because their lordships sincerely hold a different view and have a different interpretation of their personal principles. That leads them to oppose a ban and to propose regulation or some other method. From a procedural point of view, it is thus not appropriate for the Minister to suggest that the threat of using the Parliament Act should prevent the upper House from interfering with the content of the Bill.

[Lembit Öpik]

We have all accepted that there are flaws in the Bill. Why not give the upper House the space to amend it? Of course, we know why not: because the Government want to use the Parliament Act and I shall not go into their motives for that. However, it is a great regret that we do not have the opportunity to amend the Bill and that much of our debate has ended up being criticism of the Lords.

Labour Members are not in a position to criticise the legitimacy, or illegitimacy, of decisions by the upper House. They should bear it in mind that they have presided over modifications to the other place, as defined by the Prime Minister's preference. We have a House of Lords designed by the Government, so it is not appropriate for them to criticise its condition.

Sir Patrick Cormack: Is not it also true that about 300 of those Members of the House of Lords were put there by the Prime Minister?

Lembit Öpik: Indeed. That is a fair point.

We are where we are as a result of decisions made by the Prime Minister and others, so we need to be cautious about criticising the upper House as being wholly unacceptable. If it is, it is the result of decisions made by the Government.

When a Lords Member said that these circumstances were an affront to democracy, I suspect that, because they felt so strongly about the issue, they felt frustrated that the Commons were not listening and were unwilling to compromise—*[Interruption.]* Other Members may disagree, but I shall not pursue the matter.

My third and last point is that we have a choice: whether to have the courage to find the right answer or simply to force through the answer before us today. I am sure that my views do not have the support of everybody in the House, but we must all agree that the measure involves a restriction of civil liberties. No one can deny that.

There are also questions about animal suffering. I believe that if the Bill is passed, there will be an increase in animal suffering rather than a reduction. There are problems such as how a dog will differentiate hares and rabbits when it is chasing them and a host of other things that we need to discuss on Second Reading. The difficulty is that I can see no stage in the process when, in fairness to Members on both sides, we can look at the arguments in the same detail as we do in Committee. If we do not look at them, we shall end up with a defective Bill that does not even achieve what those in favour of a ban on hunting with dogs want. Let us bear it in mind that the Bill does not ban hunting with dogs; it bans the hunting of foxes and stags with dogs, but not the hunting of rabbits or rats.

I really hope that, with the benefit of reflection on this discussion and hindsight on what has gone before this debate, it does take changing one's point of view on the substantive question of banning hunting with dogs to recognise that the procedure motion is defective and that it will not achieve the outcome that any hon. Member wants, simply because we do not have the space to do so.

I shall not go through the middle way group's proposal—I hope that we can do that, at least briefly, on Second Reading—but I conclude with this comment: this is not a debate about animal welfare unless we give ourselves the space to consider the implications on animal welfare of a ban.

A Labour Member said to me just as I was coming into the Chamber, "This is about the miners." Well, it is a great shame if people are getting mixed up. This is not about the miners; it is about the civil liberties of many people who particularly choose this pastime and, in many cases, use it as a fox-control technique, as they do in my area, and it is about animal welfare.

If fox hunting is to be banned in this way, let us bear it in mind that, because of the precedent set by the House, future Governments of this or another persuasion can use it as a precedent. That precedent could come back and bite those very people who may be on the winning side this time.

The stalemate between the upper and lower Houses indicates that there is something seriously wrong with the Bill. To force it through without consensus is a victory of prejudice, in my judgment, and a failure of intellectual integrity. Those in the pro-ban lobby can win the vote today, but they cannot pretend that, by stifling the debate and ignoring the existence of alternative views, they have won the argument. British citizens are fair-minded and they do not like injustice, but the procedure motion leads us towards a Bill that is not fair and can be unjust.

In my judgment, therefore, the procedure motion and the Bill are illiberal. They do not take account of the change in the country's mood, given that most people do not support a ban on hunting with dogs, and certainly do not support its criminalisation. I can no more support the procedures proposed today than I can support the Bill in its current form.

2.52 pm

Bob Spink (Castle Point) (Con): Whatever side of the argument one is on, some points are irrefutable, and as it seems to fall to me to summarise this debate, I shall briefly go through those points, if I may, for the House.

The implications of the Bill are momentous. It will criminalise the practices of thousands of good people; it will destroy tens of thousands of jobs; and, on balance, it will not improve animal welfare for the horse, the hound or, indeed, the fox. The issues concerned are devilishly complex. The time given to consider the Bill is ridiculously inadequate. The Committee and Report stages on the Bill—a different Bill has been considered previously—are to be excluded. Hon. Members' amendments will not be allowed. The Parliament Acts will be used. All those matters ride roughshod over our parliamentary procedures and our democracy.

The motion is indeed an affront to our democracy. It is pandering to the worst and self-interested political manoeuvring of the Prime Minister. If the motion is approved, this will be a very bad day—not just for democracy, but for the House—and it will result in flawed legislation. We should reject the motion and vote to uphold the reputation of the House.

Mr. Bob Ainsworth (Coventry, North-East) (Lab) *rose in his place and claimed to move*, That the Question be now put.

Question put, That the Question be now put:—

The House divided: Ayes 310, Noes 158.

Division No. 246] **[2.54 pm**

AYES

Abbott, Ms Diane
Adams, Irene *(Paisley N)*
Anger, Nick
Ainsworth, Bob *(Cov'try NE)*
Allan, Richard
Allen, Graham
Anderson, rh Donald *(Swansea E)*
Anderson, Janet *(Rossendale & Darwen)*
Armstrong, rh Ms Hilary
Atherton, Ms Candy
Bailey, Adrian
Baker, Norman
Banks, Tony
Barnes, Harry
Barrett, John
Barron, rh Kevin
Battle, John
Bayley, Hugh
Beard, Nigel
Beckett, rh Margaret
Bell, Sir Stuart
Bennett, Andrew
Barry, Roger
Best, Harold
Betts, Clive
Blackman, Liz
Blizzard, Bob
Blunkett, rh David
Boateng, rh Paul
Bradley, rh Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brake, Tom *(Carshalton)*
Brennan, Kevin
Brooke, Mrs Annette L.
Brown, rh Nicholas *(Newcastle E Wallsend)*
Bryant, Chris
Burnham, Andy
Burstow, Paul
Cable, Dr. Vincent
Caborn, rh Richard
Cairns, David
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell, Ronnie *(Blyth V)*
Caplin, Ivor
Carmichael, Alistair
Casale, Roger
Caton, Martin
Cawsey, Ian *(Brigg)*
Challen, Colin
Chapman, Ben *(Wirral S)*
Chaytor, David
Chidgey, David
Clark, Mrs Helen *(Peterborough)*
Clark, Dr. Lynda *(Edinburgh Pentlands)*
Clark, Paul *(Gillingham)*
Clarke, rh Tom *(Coatbridge & Chryston)*
Clarke, Tony *(Northampton S)*
Clelland, David
Coffey, Ms Ann
Connarty, Michael
Corbyn, Jeremy
Corston, Jean
Cox, Tom *(Tooting)*
Cranston, Ross
Crausby, David
Cruddas, Jon
Cryer, Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, rh Dr. Jack *(Copeland)*
Cunningham, Jim *(Coventry S)*
Cunningham, Tony *(Workington)*
Curtis-Thomas, Mrs Claire
Darling, rh Alistair
Davey, Edward *(Kingston)*
Davey, Valerie *(Bristol W)*
David, Wayne
Davidson, Ian
Davies, rh Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Dhanda, Parmjit
Dobson, rh Frank
Doran, Frank
Dowd, Jim *(Lewisham W)*
Drown, Ms Julia
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Farrelly, Paul
Fitzpatrick, Jim
Fitzsimons, Mrs Lorna
Flint, Caroline
Foster, rh Derek
Foster, Don *(Bath)*
Foster, Michael *(Worcester)*
Gapes, Mike *(Ilford S)*
Gardiner, Barry
George, Andrew *(St. Ives)*
George, rh Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr. Ian
Gidley, Sandra
Gill, Parmjit Singh
Goggins, Paul
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grogan, John
Hain, rh Peter
Hall, Mike *(Weaver Vale)*
Hamilton, Fabian *(Leeds NE)*
Hancock, Mike
Hanson, David
Harris, Dr. Evan *(Oxford W & Abingdon)*
Harris, Tom *(Glasgow Cathcart)*
Havard, Dai *(Merthyr Tydfil & Rhymney)*
Healey, John
Henderson, Doug *(Newcastle N)*
Henderson, Ivan *(Harwich)*
Hendrick, Mark
Hepburn, Stephen
Heppell, John
Hesford, Stephen
Heyes, David
Hill, Keith *(Streatham)*
Hinchliffe, David
Holmes, Paul
Hood, Jimmy *(Clydesdale)*
Hoon, rh Geoffrey
Hope, Phil *(Corby)*
Hopkins, Kelvin
Howarth, rh Alan *(Newport E)*
Howarth, George *(Knowsley N & Sefton E)*
Hoyle, Lindsay
Hughes, Beverley *(Stretford & Urmston)*
Hughes, Kevin *(Doncaster N)*
Hurst, Alan *(Braintree)*
Hutton, rh John
Iddon, Dr. Brian
Illsley, Eric
Jackson, Glenda *(Hampstead & Highgate)*
Jackson, Helen *(Hillsborough)*
Jenkins, Brian
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Jon Owen *(Cardiff C)*
Jones, Lynne *(Selly Oak)*
Jones, Nigel *(Cheltenham)*
Keeble, Ms Sally
Keen, Alan *(Feltham)*
Kelly, Ruth *(Bolton W)*
Kennedy, Jane *(Wavertree)*
Khabra, Piara S.
Kidney, David
Kilfoyle, Peter
King, Andy *(Rugby)*
Knight, Jim *(S Dorset)*
Ladyman, Dr. Stephen
Lammy, David
Lawrence, Mrs Jackie
Laxton, Bob *(Derby N)*
Lepper, David
Leslie, Christopher
Levitt, Tom *(High Peak)*
Lewis, Terry *(Worsley)*
Liddell, rh Mrs Helen
Linton, Martin
Lloyd, Tony *(Manchester C)*
Love, Andrew
McAvoy, Thomas
McCabe, Stephen
McCartney, rh Ian
McDonagh, Siobhain
MacDonald, Calum
MacDougall, John
McFall, rh John
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
Mackinlay, Andrew
McNamara, Kevin
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
McWalter, Tony
McWilliam, John
Mahmood, Khalid
Mallaber, Judy
Mann, John *(Bassetlaw)*
Marsden, Gordon *(Blackpool S)*
Marshall, David *(Glasgow Shettleston)*
Martlew, Eric
Meacher, rh Michael
Michael, rh Alun
Milburn, rh Alan
Miliband, David
Miller, Andrew
Moffatt, Laura
Mole, Chris
Moran, Margaret
Morgan, Julie
Morley, Elliot
Mudie, George
Munn, Ms Meg
Murphy, rh Paul *(Torfaen)*
Naysmith, Dr. Doug
Norris, Dan *(Wansdyke)*
O'Brien, Bill *(Normanton)*
O'Hara, Edward
Olner, Bill
Osborne, Sandra *(Ayr)*
Owen, Albert
Palmer, Dr. Nick
Pearham, Linda
Pickthall, Colin
Pike, Peter *(Burnley)*
Plaskitt, James
Pollard, Kerry
Pond, Chris *(Gravesham)*
Pope, Greg *(Hyndburn)*
Pound, Stephen
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Prescott, rh John
Primarolo, rh Dawn
Prosser, Gwyn
Pugh, Dr. John
Purchase, Ken
Purnell, James
Quin, rh Joyce
Quinn, Lawrie
Rammell, Bill
Rapson, Syd *(Portsmouth N)*
Reed, Andy *(Loughborough)*
Reid, rh Dr. John *(Hamilton N & Bellshill)*
Rendel, David
Robinson, Geoffrey *(Coventry NW)*
Roche, Mrs Barbara
Rooney, Terry
Ross, Ernie *(Dundee W)*
Ruddock, Joan
Russell, Bob *(Colchester)*

Russell, Ms Christine *(City of Chester)*
Sutton, Martin
Sanders, Adrian
Sarwar, Mohammad
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Sheridan, Jim
Shipley, Ms Debra
Short, rh Clare
Simpson, Alan *(Nottingham S)*
Skinner, Dennis
Smith, rh Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, rh Chris *(Islington S & Finsbury)*
Smith, Geraldine *(Morecambe & Lunesdale)*
Smith, Jacqui *(Redditch)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Spellar, rh John
Squire, Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stewart, David *(Inverness E & Lochaber)*
Stewart, Ian *(Eccles)*
Stoate, Dr Howard
Straw, rh Jack
Stringer, Graham
Stuart, Ms Gisela
Stunell, Andrew
Tami, Mark *(Alyn)*
Taylor, rh Ann *(Dewsbury)*
Taylor, Dan *(Stockton S)*
Taylor, David *(NW Leics)*
Teather, Sarah
Thomas, Gareth *(Harrow W)*
Tipping, Paddy
Tonge, Dr Jenny
Touhig, Don *(Islwyn)*
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Brighton, Kemptown)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Tynan, Bill *(Hamilton S)*
Walley, Ms Joan
Ward, Claire
Wareing, Robert N
Watson, Tom *(W Bromwich E)*
Watts, David
White, Brian
Whitehead, Dr Alan
Williams, rh Alan *(Swansea W)*
Williams, Betty *(Conwy)*
Willis, Phil
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wood, Mike *(Batley)*
Woodward, Shaun
Woolas, Phil
Wright, Anthony D *(Gt Yarmouth)*
Wright, David *(Telford)*
Wyatt, Derek

Tellers for the Ayes:
Vernon Coaker and Gillian Merron

NOES

Ainsworth, Peter *(E Surrey)*
Arbuthnot, rh James
Atkinson, Peter *(Hexham)*
Baldry, Tony
Baron, John *(Billericay)*
Beggs, Roy *(E Antrim)*
Beith, rh A. J
Bellingham, Henry
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Boswell, Tim
Brady, Graham
Brazier, Julian
Browning, Mrs Angela
Burnett, John
Burns, Simon
Burnside, David
Burt, Alistair
Butterfill, Sir John
Cameron, David
Campbell, Gregory *(E Lond'y)*
Campbell, rh Sir Menzies *(NE Fife)*
Cash, William
Chapman, Sir Sydney *(Chipping Barnet)*
Clappison, James
Conway, Derek
Cormack, Sir Patrick
Cran, James *(Beverley)*
Curry, rh David
Davies, Quentin *(Grantham & Stamford)*
Djanogly, Jonathan
Dodds, Nigel
Donaldson, Jeffrey M
Dorrell, rh Stephen
Doughty, Sue
Duncan, Alan *(Rutland)*
Fabricant, Michael
Field, Mark *(Cities of London & Westminster)*
Fisher, Mark
Flight, Howard
Flook, Adrian
Forth, rh Eric
Francois, Mark
Gale, Roger *(N Thanet)*
Gibb, Nick *(Bognor Regis)*
Gillan, Mrs Cheryl
Goodman, Paul
Gray, James *(N Wilts)*
Grayling, Chris
Green, Damian *(Ashford)*
Green, Matthew *(Ludlow)*
Greenway, John
Gummer, rh John
Hague, rh William
Hammond, Philip
Hawkins, Nick
Heald, Oliver
Heath, David
Heathcoat-Amory, rh David
Hendry, Charles
Hermon, Lady
Hoey, Kate *(Vauxhall)*
Hogg, rh Douglas
Horam, John *(Orpington)*
Howard, rh Michael
Howarth, Gerald *(Aldershot)*
Hughes, Simon *(Southwark N)*
Hunter, Andrew
Jack, rh Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Johnson, Boris *(Henley)*
Keetch, Paul
Kennedy, rh Charles *(Ross Skye & Inverness)*
Key, Robert *(Salisbury)*
Kirkbride, Miss Julie
Knight, rh Greg *(E Yorkshire)*
Laing, Mrs Eleanor
Lamb, Norman
Lansley, Andrew
Lewis, David *(Yeovil)*
Leigh, Edward
Letwin, rh Oliver
Lewis, Dr. Julian *(New Forest E)*
Liddell-Grainger, Ian
Lidington, David
Lilley, rh Peter
Llwyd, Elfyn
Loughton, Tim
Luff, Peter *(M-Worcs)*
McIntosh, Miss Anne
Mackay, rh Andrew
Maclean, rh David
McLoughlin, Patrick
Malins, Humfrey
Maples, John
Mates, Michael
Mitchell, Andrew *(Sutton Coldfield)*
Moss, Malcolm
Murrison, Dr. Andrew
Norman, Archie
O'Brien, Stephen *(Eddisbury)*
Opik, Lembit
Osborne, George *(Tatton)*
Ottaway, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Portillo, rh Michael
Price, Adam *(E Carmarthen & Dinefwr)*
Prisk, Mark *(Hertford)*
Robathan, Andrew
Robertson, Hugh *(Faversham & M-Kent)*
Robertson, Laurence *(Tewk'b'ry)*
Rosindell, Andrew
Ruffley, David
Sayeed, Jonathan
Sheerman, Barry
Simmonds, Mark
Smith, Sir Robert *(W Ab'd'ns & Kincardine)*
Smyth, Rev. Martin *(Belfast S)*
Spelman, Mrs Caroline
Spicer, Sir Michael
Spink, Bob *(Castle Point)*
Spring, Richard
Stanley, rh Sir John
Steen, Anthony
Streeter, Gary
Swayne, Desmond
Syms, Robert
Taylor, John *(Solihull)*
Taylor, Matthew *(Truro)*
Taylor, Dr. Richard *(Wyre F)*
Taylor, Sir Teddy
Thomas, Simon *(Ceredigion)*
Trend, Michael
Trimble, rh David
Turner, Andrew *(Isle of Wight)*
Tyler, Paul *(N Cornwall)*
Tyrie, Andrew
Viggers, Peter
Walter, Robert
Waterson, Nigel
Watkinson, Angela
Webb, Steve *(Northavon)*
Whittingdale, John
Widdecombe, rh Miss Ann
Wiggin, Bill
Wilkinson, John
Willetts, David
Williams, Hywel *(Caernarfon)*
Williams, Roger *(Brecon)*
Winterton, Ann *(Congleton)*
Winterton, Sir Nicholas *(Macclesfield)*
Yeo, Tim *(S Suffolk)*
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Noes:
Gregory Barker and Mr. Hugo Swire

Question accordingly agreed to.

Question put, That the amendment be made:—

The House divided: Ayes 174, Noes 303.

Division No. 247] **[3:10 pm**

AYES

Ainsworth, Peter *(E Surrey)*
Ancram, rh Michael
Arbuthnot, rh James
Baldry, Tony
Barker, Gregory
Baron, John *(Billericay)*
Beggs, Roy *(E Antrim)*
Beith, rh A. J
Bellingham, Henry
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Boswell, Tim
Bottomley, rh Virginia *(SW Surrey)*
Brady, Graham
Brazier, Julian
Browning, Mrs Angela
Burnett, John
Burns, Simon
Burnside, David
Burt, Alistair
Butterfill, Sir John
Cable, Dr. Vincent
Cameron, David
Campbell, Gregory *(E Lond'y)*
Campbell, rh Sir Menzies *(NE Fife)*
Cash, William

Chapman, Sir Sydney *(Chipping Barnet)*
Clappison, James
Clarke, rh Kenneth *(Rushcliffe)*
Collins, Tim
Conway, Derek
Cormack, Sir Patrick
Cran, James *(Beverley)*
Curry, rh David
Davies, rh Denzil *(Llanelli)*
Davies, Quentin *(Grantham & Stamford)*
Djanogly, Jonathan
Dodds, Nigel
Donaldson, Jeffrey M.
Dorrell, rh Stephen
Doughty, Sue
Fabricant, Michael
Field, Mark *(Cities of London & Westminster)*
Fisher, Mark
Flight, Howard
Flook, Adrian
Forth, rh Eric
Foster, Don *(Bath)*
Francois, Mark
Gale, Roger *(N Thanet)*
Gibb, Nick *(Bognor Regis)*
Gidley, Sandra
Gillan, Mrs Cheryl
Goodman, Paul
Gray, James *(N Wilts)*
Green, Damian *(Ashford)*
Green, Matthew *(Ludlow)*
Greenway, John
Gummer, rh John
Hague, rh William
Hammond, Philip
Harris, Dr. Evan *(Oxford W & Abingdon)*
Harvey, Nick
Hawkins, Nick
Heald, Oliver
Heath, David
Heathcoat-Amory, rh David
Hendry, Charles
Hermon, Lady
Hoey, Kate *(Vauxhall)*
Hogg, rh Douglas
Horam, John *(Orpington)*
Howard, rh Michael
Howarth, Gerald *(Aldershot)*
Hughes, Simon *(Southwark N)*
Hunter, Andrew
Jack, rh Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Johnson, Boris *(Henley)*
Jones, Nigel *(Cheltenham)*
Keetch, Paul
Kennedy, rh Charles *(Ross Skye & Inverness)*
Key, Robert *(Salisbury)*
Kirkbride, Miss Julie
Knight, rh Greg *(E Yorkshire)*
Laing, Mrs Eleanor
Lamb, Norman
Lansley, Andrew
Laws, David *(Yeovil)*
Leigh, Edward
Letwin, rh Oliver
Lewis, Dr. Julian *(New Forest E)*
Liddell-Grainger, Ian
Lidington, David
Lilley, rh Peter
Llwyd, Elfyn
Loughton, Tim
McIntosh, Miss Anne
Mackay, rh Andrew
Maclean, rh David
McLoughlin, Patrick
Malins, Humfrey
Maples, John
Mates, Michael
Mitchell, Andrew *(Sutton Coldfield)*
Mitchell, Austin *(Gt Grimsby)*
Moore, Michael
Moss, Malcolm
Murrison, Dr. Andrew
Norman, Archie
O'Brien, Stephen *(Eddisbury)*
Opik, Lembit
Osborne, George *(Tatton)*
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Portillo, rh Michael
Price, Adam *(E Carmarthen & Dinefwr)*
Prisk, Mark *(Hertford)*
Robathan, Andrew
Robertson, Hugh *(Faversham & M-Kent)*
Robertson, Laurence *(Tewk'b'ry)*
Rosindell, Andrew
Ruffley, David
Sayeed, Jonathan
Sheerman, Barry
Simmonds, Mark
Simpson, Keith *(M-Norfolk)*
Smith, Sir Robert *(W Ab'd'ns & Kincardine)*
Smyth, Rev. Martin *(Belfast S)*
Spelman, Mrs Caroline
Spicer, Sir Michael
Spink, Bob *(Castle Point)*
Spring, Richard
Stanley, rh Sir John
Steen, Anthony
Streeter, Gary
Swayne, Desmond
Swire, Hugo *(E Devon)*
Syms, Robert
Taylor, John *(Solihull)*
Taylor, Matthew *(Truro)*
Taylor, Dr. Richard *(Wyre F)*
Taylor, Sir Teddy
Thomas, Simon *(Ceredigion)*
Tredinnick, David
Trend, Michael
Trimble, rh David
Turner, Andrew *(Isle of Wight)*
Tyler, Paul *(N Cornwall)*
Tyrie, Andrew
Viggers, Peter
Walter, Robert
Waterson, Nigel
Watkinson, Angela
Webb, Steve *(Northavon)*
Whittingdale, John
Widdecombe, rh Miss Ann
Wiggin, Bill
Wilkinson, John
Willetts, David
Williams, Hywel *(Caernarfon)*
Williams, Roger *(Brecon)*
Willis, Phil
Wilshire, David
Winterton, Ann *(Congleton)*
Winterton, Sir Nicholas *(Macclesfield)*
Yeo, Tim *(S Suffolk)*
Young, rh Sir George

Tellers for the Ayes:
Mr. Peter Luff and
Mr. Peter Atkinson

NOES

Abbott, Ms Diane
Adams, Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Bob *(Cov'try NE)*
Allan, Richard
Allen, Graham
Anderson, rh Donald *(Swansea E)*
Anderson, Janet *(Rossendale & Darwen)*
Armstrong, rh Ms Hilary
Atherton, Ms Candy
Bailey, Adrian
Baker, Norman
Banks, Tony
Barnes, Harry
Barrett, John
Barron, rh Kevin
Battle, John
Bayley, Hugh
Beard, Nigel
Beckett, rh Margaret
Bell, Sir Stuart
Bennett, Andrew
Berry, Roger
Best, Harold
Betts, Clive
Blackman, Liz
Blizzard, Bob
Boateng, rh Paul
Bradley, rh Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brake, Tom *(Carshalton)*
Brennan, Kevin
Brooke, Mrs Annette L.
Brown, rh Nicholas *(Newcastle E Wallsend)*
Bryant, Chris
Burnham, Andy
Burstow, Paul
Byrne, Liam *(B'ham Hodge H)*
Caborn, rh Richard
Cairns, David
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell, Ronnie *(Blyth V)*
Caplin, Ivor
Carmichael, Alistair
Casale, Roger
Caton, Martin
Cawsey, Ian *(Brigg)*
Challen, Colin
Chapman, Ben *(Wirral S)*
Chaytor, David
Chidgey, David
Clark, Mrs Helen *(Peterborough)*
Clark, Dr. Lynda *(Edinburgh Pentlands)*
Clark, Paul *(Gillingham)*
Clarke, rh Tom *(Coatbridge & Chryston)*
Clarke, Tony *(Northampton S)*
Clelland, David
Coffey, Ms Ann
Connarty, Michael
Corbyn, Jeremy
Corston, Jean
Cox, Tom *(Tooting)*
Cranston, Ross
Crausby, David
Cruddas, Jon
Cryer, Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, rh Dr. Jack *(Copeland)*
Cunningham, Jim *(Coventry S)*
Cunningham, Tony *(Workington)*
Curtis-Thomas, Mrs Claire
Davey, Edward *(Kingston)*
Davey, Valerie *(Bristol W)*
David, Wayne
Davidson, Ian
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Dhanda, Parmjit
Dobson, rh Frank
Doran, Frank
Dowd, Jim *(Lewisham W)*
Drown, Ms Julia
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Farrelly, Paul
Fitzpatrick, Jim
Fitzsimons, Mrs Lorna
Flint, Caroline
Foster, rh Derek
Foster, Michael *(Worcester)*
Gapes, Mike *(Ilford S)*
Gardiner, Barry
George, Andrew *(St. Ives)*
George, rh Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr. Ian
Gill, Parmjit Singh
Gilroy, Linda
Goggins, Paul
Griffiths, Nigel *(Edinburgh S)*
Grogan, John
Hain, rh Peter
Hall, Mike *(Weaver Vale)*
Hamilton, Fabian *(Leeds NE)*
Hancock, Mike
Hanson, David
Harris, Tom *(Glasgow Cathcart)*
Havard, Dai *(Merthyr Tydfil & Rhymney)*
Healey, John
Henderson, Doug *(Newcastle N)*
Henderson, Ivan *(Harwich)*
Hendrick, Mark
Hepburn, Stephen
Heppell, John
Hesford, Stephen
Heyes, David
Hill, Keith *(Streatham)*
Hinchliffe, David
Holmes, Paul
Hood, Jimmy *(Clydesdale)*
Hoon, rh Geoffrey
Hope, Phil *(Corby)*
Hopkins, Kelvin
Howarth, rh Alan *(Newport E)*
Howarth, George *(Knowsley N & Sefton E)*

Hoyle, Lindsay
Hughes, Beverley *(Stretford & Urmston)*
Hughes, Kevin *(Doncaster N)*
Hurst, Alan *(Braintree)*
Hutton, rh John
Illsley, Eric
Jackson, Glenda *(Hampstead & Highgate)*
Jackson, Helen *(Hillsborough)*
Jenkins, Brian
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Jon Owen *(Cardiff C)*
Jones, Lynne *(Selly Oak)*
Joyce, Eric *(Falkirk W)*
Keen, Alan *(Feltham)*
Kelly, Ruth *(Bolton W)*
Kennedy, Jane *(Wavertree)*
Khabra, Piara S.
Kidney, David
Kilfoyle, Peter
King, Andy *(Rugby)*
Knight, Jim *(S Dorset)*
Ladyman, Dr. Stephen
Lammy, David
Lawrence, Mrs Jackie
Laxton, Bob *(Derby N)*
Lepper, David
Leslie, Christopher
Levitt, Tom *(High Peak)*
Lewis, Terry *(Worsley)*
Liddell, rh Mrs Helen
Linton, Martin
Lloyd, Tony *(Manchester C)*
Love, Andrew
McAvoy, Thomas
McCabe, Stephen
McCartney, rh Ian
McDonagh, Siobhain
MacDonald, Calum
MacDougall, John
McFall, rh John
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
Mackinlay, Andrew
McNamara, Kevin
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
McWalter, Tony
McWilliam, John
Mahmood, Khalid
Mallaber, Judy
Mann, John *(Bassetlaw)*
Marsden, Gordon *(Blackpool S)*
Marshall, David *(Glasgow Shettleston)*
Marshall-Andrews, Robert
Martlew, Eric
Meacher, rh Michael
Michael, rh Alun
Milburn, rh Alan
Miliband, David
Miller, Andrew
Moffatt, Laura
Mole, Chris
Moran, Margaret
Morgan, Julie
Morley, Elliot
Mudie, George
Munn, Ms Meg
Murphy, rh Paul *(Torfaen)*
Naysmith, Dr. Doug
Norris, Dan *(Wansdyke)*
O'Brien, Bill *(Normanton)*
O'Hara, Edward
Olner, Bill
Osborne, Sandra *(Ayr)*
Owen, Albert
Palmer, Dr. Nick
Perham, Linda
Pickthall, Colin
Pike, Peter *(Burnley)*
Plaskitt, James
Pollard, Kerry
Pond, Chris *(Gravesham)*
Pope, Greg *(Hyndburn)*
Pound, Stephen
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Prescott, rh John
Primarolo, rh Dawn
Prosser, Gwyn
Pugh, Dr. John
Purchase, Ken
Purnell, James
Quin, rh Joyce
Quinn, Lawrie
Rammell, Bill
Rapson, Syd *(Portsmouth N)*
Raynsford, rh Nick
Reed, Andy *(Loughborough)*
Reid, rh Dr. John *(Hamilton N & Bellshill)*
Rendel, David
Robinson, Geoffrey *(Coventry NW)*
Roche, Mrs Barbara
Rooney, Terry
Ross, Ernie *(Dundee W)*
Ruddock, Joan
Russell, Bob *(Colchester)*
Russell, Ms Christine *(City of Chester)*
Salter, Martin
Sanders, Adrian
Sarwar, Mohammad
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Sheridan, Jim
Shipley, Ms Debra
Short, rh Clare
Simpson, Alan *(Nottingham S)*
Skinner, Dennis
Smith, rh Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, rh Chris *(Islington S & Finsbury)*
Smith, Geraldine *(Morecambe & Lunesdale)*
Smith, Jacqui *(Redditch)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Soley, Clive
Spellar, rh John
Squire, Rachel
Starkey, Dr. Phyllis
Steinberg, Gerry
Stewart, David *(Inverness E & Lochaber)*
Stoate, Dr. Howard
Straw, rh Jack
Stringer, Graham
Stuart, Ms Gisela
Stunell, Andrew
Tami, Mark *(Alyn)*
Taylor, rh Ann *(Dewsbury)*
Taylor, Dan *(Stockton S)*
Taylor, David *(NW Leics)*
Teather, Sarah
Thomas, Gareth *(Harrow W)*
Tipping, Paddy
Tonge, Dr. Jenny
Touhig, Don *(Islwyn)*
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverhampton SE)*
Turner, Dr. Desmond *(Brighton Kemptown)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Tynan, Bill *(Hamilton S)*
Walley, Ms Joan
Ward, Claire
Wareing, Robert N.
Watson, Tom *(W Bromwich E)*
Watts, David
White, Brian
Whitehead, Dr. Alan
Williams, rh Alan *(Swansea W)*
Williams, Betty *(Conwy)*
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wood, Mike *(Batley)*
Woodward, Shaun
Woolas, Phil
Wright, Anthony D. *(Gt Yarmouth)*
Wright, David *(Telford)*
Wyatt, Derek

Tellers for the Noes: Gillian Merron and Vernon Coaker

Question accordingly negatived.

Amendment proposed: amendment (n), in paragraph 2(2), leave out from 'any' to 'under' and insert 'Motions'.—*[Mr. Heald.]*

Question put, That the amendment be made:—

The House divided: Ayes 170, Noes 297.

Division No. 248] **[3:22 pm**

AYES

Ainsworth, Peter *(E Surrey)*
Ancram, rh Michael
Arbuthnot, rh James
Baldry, Tony
Barker, Gregory
Baron, John *(Billericay)*
Beggs, Roy *(E Antrim)*
Beith, rh A. J.
Bellingham, Henry
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Boswell, Tim
Bottomley, rh Virginia *(SW Surrey)*
Brady, Graham
Brazier, Julian
Brooke, Mrs Annette L.
Browning, Mrs Angela
Burnett, John
Burns, Simon
Burnside, David
Burt, Alistair
Butterfill, Sir John
Cable, Dr. Vincent
Cameron, David
Campbell, Gregory *(E Lond'y)*
Campbell, rh Sir Menzies *(NE Fife)*
Cash, William
Chapman, Sir Sydney *(Chipping Barnet)*
Clappison, James
Clarke, rh Kenneth *(Rushcliffe)*
Collins, Tim
Conway, Derek
Cormack, Sir Patrick
Cran, James *(Beverley)*
Curry, rh David
Davies, Quentin *(Grantham & Stamford)*
Djanogly, Jonathan
Dodds, Nigel
Donaldson, Jeffrey M.
Dorrell, rh Stephen
Doughty, Sue
Fabricant, Michael
Field, Mark *(Cities of London & Westminster)*
Flight, Howard
Flook, Adrian
Forth, rh Eric
Foster, Don *(Bath)*
Francois, Mark
Gale, Roger *(N Thanet)*
Gibb, Nick *(Bognor Regis)*
Gidley, Sandra
Gill, Parmjit Singh
Gillan, Mrs Cheryl
Goodman, Paul
Gray, James *(N Wilts)*
Green, Damian *(Ashford)*
Green, Matthew *(Ludlow)*
Greenway, John
Gummer, rh John
Hague, rh William
Hammond, Philip
Harvey, Nick
Hawkins, Nick
Hayes, John *(S Holland)*
Heald, Oliver
Heath, David
Heathcoat-Amory, rh David
Hendry, Charles
Hermon, Lady
Hoey, Kate *(Vauxhall)*
Horam, John *(Orpington)*
Howard, rh Michael
Howarth, Gerald *(Aldershot)*
Hunter, Andrew
Jack, rh Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Johnson, Boris *(Henley)*
Jones, Nigel *(Cheltenham)*
Keetch, Paul
Key, Robert *(Salisbury)*
Kirkbride, Miss Julie
Knight, rh Greg *(E Yorkshire)*
Laing, Mrs Eleanor

Lamb, Norman
Lansley, Andrew
Laws, David *(Yeovil)*
Leigh, Edward
Letwin, rh Oliver
Lewis, Dr. Julian *(New Forest E)*
Liddell-Grainger, Ian
Lidington, David
Lilley, rh Peter
Llwyd, Elfyn
Loughton, Tim
Luff, Peter *(M-Worcs)*
McIntosh, Miss Anne
Mackay, rh Andrew
Maclean, rh David
McLoughlin, Patrick
Malins, Humfrey
Maples, John
Mates, Michael
Mitchell, Andrew *(Sutton Coldfield)*
Mitchell, Austin *(Gt Grimsby)*
Moore, Michael
Moss, Malcolm
Murrison, Dr. Andrew
Norman, Archie
O'Brien, Stephen *(Eddisbury)*
Öpik, Lembit
Osborne, George *(Tatton)*
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Portillo, rh Michael
Price, Adam *(E Carmarthen & Dinefwr)*
Prisk, Mark *(Hertford)*
Pugh, Dr. John
Robathan, Andrew
Robertson, Hugh *(Faversham & M-Kent)*
Robertson, Laurence *(Tewk'b'ry)*
Rosindell, Andrew
Ruffley, David
Sayeed, Jonathan
Sheerman, Barry
Simmonds, Mark
Simpson, Keith *(M-Norfolk)*
Smith, Sir Robert *(W Ab'd'ns & Kincardine)*
Smyth, Rev. Martin *(Belfast S)*
Spelman, Mrs Caroline
Spicer, Sir Michael
Spink, Bob *(Castle Point)*
Spring, Richard
Stanley, rh Sir John
Steen, Anthony
Streeter, Gary
Swayne, Desmond
Syms, Robert
Taylor, John *(Solihull)*
Taylor, Matthew *(Truro)*
Taylor, Dr. Richard *(Wyre F)*
Taylor, Sir Teddy
Teather, Sarah
Thomas, Simon *(Ceredigion)*
Trend, Michael
Trimble, rh David
Turner, Andrew *(Isle of Wight)*
Tyler, Paul *(N Cornwall)*
Tyrie, Andrew
Viggers, Peter
Walter, Robert
Waterson, Nigel
Watkinson, Angela
Webb, Steve *(Northavon)*
Whittingdale, John
Widdecombe, rh Miss Ann
Wiggin, Bill
Wilkinson, John
Williams, Hywel *(Caernarfon)*
Williams, Roger *(Brecon)*
Wilshire, David
Winterton, Ann *(Congleton)*
Winterton, Sir Nicholas *(Macclesfield)*
Yeo, Tim *(S Suffolk)*
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Ayes:
Mr. Peter Atkinson and Mr. Hugo Swire

NOES

Abbott, Ms Diane
Adams, Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Bob *(Cov'try NE)*
Allan, Richard
Allen, Graham
Anderson, rh Donald *(Swansea E)*
Anderson, Janet *(Rossendale & Darwen)*
Armstrong, rh Ms Hilary
Atherton, Ms Candy
Bailey, Adrian
Baker, Norman
Banks, Tony
Barnes, Harry
Barrett, John
Barron, rh Kevin
Battle, John
Bayley, Hugh
Beard, Nigel
Beckett, rh Margaret
Bell, Sir Stuart
Bennett, Andrew
Berry, Roger
Best, Harold
Betts, Clive
Blackman, Liz
Blizzard, Bob
Boateng, rh Paul
Bradley, rh Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brake, Tom *(Carshalton)*
Brennan, Kevin
Brown, rh Nicholas *(Newcastle E Wallsend)*
Bryant, Chris
Burnham, Andy
Burstow, Paul
Byrne, Liam *(B'ham Hodge H)*
Caborn, rh Richard
Cairns, David
Campbell, Alan *(Tynemouth)*
Campbell, Ronnie *(Blyth V)*
Caplin, Ivor
Carmichael, Alistair
Casale, Roger
Cawsey, Ian *(Brigg)*
Challen, Colin
Chapman, Ben *(Wirral S)*
Chaytor, David
Chidgey, David
Clark, Mrs Helen *(Peterborough)*
Clark, Dr. Lynda *(Edinburgh Pentlands)*
Clark, Paul *(Gillingham)*
Clarke, rh Tom *(Coatbridge & Chryston)*
Clarke, Tony *(Northampton S)*
Clelland, David
Coffey, Ms Ann
Connarty, Michael
Corbyn, Jeremy
Corston, Jean
Cox, Tom *(Tooting)*
Cranston, Ross
Crausby, David
Cruddas, Jon
Cryer, Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, rh Dr. Jack *(Copeland)*
Cunningham, Jim *(Coventry S)*
Cunningham, Tony *(Workington)*
Curtis-Thomas, Mrs Claire
Davey, Edward *(Kingston)*
Davey, Valerie *(Bristol W)*
David, Wayne
Davidson, Ian
Davies, rh Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Dhanda, Parmjit
Dobson, rh Frank
Doran, Frank
Dowd, Jim *(Lewisham W)*
Drown, Ms Julia
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Farrelly, Paul
Fitzpatrick, Jim
Fitzsimons, Mrs Lorna
Flint, Caroline
Foster, rh Derek
Foster, Michael *(Worcester)*
Gapes, Mike *(Ilford S)*
Gardiner, Barry
George, Andrew *(St. Ives)*
George, rh Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr. Ian
Gilroy, Linda
Goggins, Paul
Griffiths, Nigel *(Edinburgh S)*
Grogan, John
Hain, rh Peter
Hall, Mike *(Weaver Vale)*
Hamilton, Fabian *(Leeds NE)*
Hancock, Mike
Hanson, David
Harris, Tom *(Glasgow Cathcart)*
Havard, Dai *(Merthyr Tydfil & Rhymney)*
Healey, John
Henderson, Doug *(Newcastle N)*
Henderson, Ivan *(Harwich)*
Hendrick, Mark
Hepburn, Stephen
Heppell, John
Hesford, Stephen
Heyes, David
Hill, Keith *(Streatham)*
Hinchliffe, David
Holmes, Paul
Hood, Jimmy *(Clydesdale)*
Hoon, rh Geoffrey
Hope, Phil *(Corby)*
Hopkins, Kelvin
Howarth, George *(Knowsley N & Sefton E)*
Hoyle, Lindsay
Hughes, Beverley *(Stretford & Urmston)*
Hughes, Kevin *(Doncaster N)*
Hurst, Alan *(Braintree)*
Hutton, rh John
Illsley, Eric
Jackson, Glenda *(Hampstead & Highgate)*
Jackson, Helen *(Hallsborough)*
Jenkins, Brian
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Jon Owen *(Cardiff C)*
Jones, Lynne *(Selly Oak)*
Joyce, Eric *(Falkirk W)*
Kaufman, rh Sir Gerald
Keen, Alan *(Feltham)*
Kelly, Ruth *(Bolton W)*
Kennedy, Jane *(Wavertree)*
Khabra, Piara S.
Kidney, David
Kilfoyle, Peter
King, Andy *(Rugby)*
King, Ms Oona *(Bethnal Green & Bow)*
Knight, Jim *(S Dorset)*
Ladyman, Dr. Stephen
Lammy, David
Lawrence, Mrs Jackie
Laxton, Bob *(Derby N)*
Lepper, David
Leslie, Christopher
Levitt, Tom *(High Peak)*
Lewis, Terry *(Worsley)*
Liddell, rh Mrs Helen
Linton, Martin
Lloyd, Tony *(Manchester C)*
Love, Andrew
McAvoy, Thomas
McCabe, Stephen
McCartney, rh Ian
McDonagh, Siobhain
MacDonald, Calum
MacDougall, John
McFall, rh John
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
Mackinlay, Andrew
McNamara, Kevin
McNulty, Tony
Mactaggart, Fiona
McWalter, Tony
McWilliam, John
Mahmood, Khalid
Mallaber, Judy
Mann, John *(Bassetlaw)*
Marsden, Gordon *(Blackpool S)*
Marshall, David *(Glasgow Shettleston)*
Marshall-Andrews, Robert
Martlew, Eric
Meacher, rh Michael
Meale, Alan *(Mansfield)*
Merron, Gillian
Michael, rh Alun
Milburn, rh Alan
Miliband, David
Miller, Andrew
Moffatt, Laura

Mole, Chris
Moran, Margaret
Morgan, Julie
Morley, Elliot
Mudie, George
Munn, Ms Meg
Murphy, rh Paul *(Torfaen)*
Naysmith, Dr. Doug
O'Brien, Bill *(Normanton)*
O'Hara, Edward
Olner, Bill
Osborne, Sandra *(Ayr)*
Owen, Albert
Palmer, Dr. Nick
Perham, Linda
Pickthall, Colin
Pike, Peter *(Burnley)*
Plaskitt, James
Pollard, Kerry
Pond, Chris *(Gravesham)*
Pope, Greg *(Hyndburn)*
Pound, Stephen
Prentice, Gordon *(Pendle)*
Prescott, rh John
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Ken
Purnell, James
Quin, rh Joyce
Quinn, Lawrie
Rammell, Bill
Rapson, Syd *(Portsmouth N)*
Raynsford, rh Nick
Reed, Andy *(Loughborough)*
Reid, rh Dr. John *(Hamilton N & Bellshill)*
Rendel, David
Robinson, Geoffrey *(Coventry NW)*
Roche, Mrs Barbara
Ross, Ernie *(Dundee W)*
Ruddock, Joan
Russell, Bob *(Colchester)*
Russell, Ms Christine *(City of Chester)*
Salter, Martin
Sanders, Adrian
Sarwar, Mohammad
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Sheridan, Jim
Shipley, Ms Debra
Short, rh Clare
Simpson, Alan *(Nottingham S)*
Skinner, Dennis
Smith, rh Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, rh Chris *(Islington S & Finsbury)*
Smith, Geraldine *(Morecambe & Lunesdale)*
Smith, Jacqui *(Redditch)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Soley, Clive
Spellar, rh John
Squire, Rachel
Starkey, Dr. Phyllis
Steinberg, Gerry
Stewart, David *(Inverness E & Lochaber)*
Stoate, Dr. Howard
Straw, rh Jack
Stringer, Graham
Stuart, Ms Gisela
Stunell, Andrew
Tami, Mark *(Alyn)*
Taylor, rh Ann *(Dewsbury)*
Taylor, Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Thomas, Gareth *(Harrow W)*
Tipping, Paddy
Tonge, Dr. Jenny
Touhig, Don *(Islwyn)*
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr. Desmond *(Brighton Kemptown)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Tynan, Bill *(Hamilton S)*
Walley, Ms Joan
Ward, Claire
Wareing, Robert N.
Watson, Tom *(W Bromwich E)*
Watts, David
White, Brian
Whitehead, Dr. Alan
Williams, rh Alan *(Swansea W)*
Williams, Betty *(Conwy)*
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wood, Mike *(Batley)*
Woodward, Shaun
Woolas, Phil
Wright, Anthony D. *(Gt Yarmouth)*
Wright, David *(Telford)*
Wyatt, Derek

Tellers for the Noes:
Vernon Coaker and
Ms Bridget Prentice

Question accordingly negatived.

Main Question put:—

The House divided: Ayes 309, Noes 157.

Division No. 249] **[3:36 pm**

AYES

Abbott, Ms Diane
Adams, Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Bob *(Cov'try NE)*
Allan, Richard
Allen, Graham
Anderson, rh Donald *(Swansea E)*
Anderson, Janet *(Rossendale & Darwen)*
Armstrong, rh Ms Hilary
Atherton, Ms Candy
Bailey, Adrian
Baker, Norman
Banks, Tony
Barnes, Harry
Barrett, John
Barron, rh Kevin
Battle, John
Bayley, Hugh
Beard, Nigel
Beckett, rh Margaret
Bell, Sir Stuart
Bennett, Andrew
Berry, Roger
Best, Harold
Betts, Clive
Blackman, Liz
Blizzard, Bob
Boateng, rh Paul
Bradley, rh Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brake, Tom *(Carshalton)*
Brennan, Kevin
Brooke, Mrs Annette L.
Brown, rh Nicholas *(Newcastle E Wallsend)*
Bryant, Chris
Burnham, Andy
Burstow, Paul
Byrne, Liam *(B'ham Hodge H)*
Cable, Dr. Vincent
Cabom, rh Richard
Cairns, David
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell, Ronnie *(Blyth V)*
Caplin, Ivor
Carmichael, Alistair
Casale, Roger
Caton, Martin
Cawsey, Ian *(Brigg)*
Challen, Colin
Chapman, Ben *(Wirral S)*
Chaytor, David
Chidgey, David
Clark, Mrs Helen *(Peterborough)*
Clark, Dr. Lynda *(Edinburgh Pentlands)*
Clark, Paul *(Gillingham)*
Clarke, rh Tom *(Coatbridge & Chryston)*
Clarke, Tony *(Northampton S)*
Clelland, David
Coaker, Vernon
Coffey, Ms Ann
Connarty, Michael
Corbyn, Jeremy
Corston, Jean
Cox, Tom *(Tooting)*
Cranston, Ross
Crausby, David
Cruddas, Jon
Cryer, Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, rh Dr. Jack *(Copeland)*
Cunningham, Jim *(Coventry S)*
Cunningham, Tony *(Workington)*
Curtis-Thomas, Mrs Claire
Davey, Edward *(Kingston)*
Davey, Valerie *(Bristol W)*
David, Wayne
Davidson, Ian
Davies, rh Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Dhanda, Parmjit
Dobson, rh Frank
Doran, Frank
Dowd, Jim *(Lewisham W)*
Drown, Ms Julia
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Farrelly, Paul
Fitzpatrick, Jim
Fitzsimons, Mrs Lorna
Flint, Caroline
Foster, rh Derek
Foster, Don *(Bath)*
Foster, Michael *(Worcester)*
Gapes, Mike *(Ilford S)*
Gardiner, Barry
George, Andrew *(St. Ives)*
George, rh Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr. Ian
Gidley, Sandra
Gill, Parmjit Singh
Gilroy, Linda
Goggins, Paul
Griffiths, Nigel *(Edinburgh S)*
Grogan, John
Hain, rh Peter
Hall, Mike *(Weaver Vale)*
Hamilton, Fabian *(Leeds NE)*
Hancock, Mike
Hanson, David
Harris, Tom *(Glasgow Cathcart)*
Havard, Dai *(Merthyr Tydfil & Rhymney)*
Healey, John
Henderson, Doug *(Newcastle N)*
Henderson, Ivan *(Harwich)*
Hendrick, Mark
Hepburn, Stephen
Heppell, John
Hesford, Stephen
Heyes, David
Hill, Keith *(Streatham)*
Hinchliffe, David
Holmes, Paul
Hood, Jimmy *(Clydesdale)*
Hoon, rh Geoffrey
Hope, Phil *(Corby)*
Hopkins, Kelvin
Howarth, George *(Knowsley N & Sefton E)*
Hoyle, Lindsay
Hughes, Beverley *(Stretford & Urmston)*
Hughes, Kevin *(Doncaster N)*
Hurst, Alan *(Braintree)*
Hutton, rh John
Illsley, Eric
Jackson, Helen *(Hillsborough)*
Jenkins, Brian
Johnson, Alan *(Hull W)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Jon Owen *(Cardiff C)*
Jones, Lynne *(Selly Oak)*
Jones, Nigel *(Cheltenham)*
Joyce, Eric *(Falkirk W)*
Kaufman, rh Sir Gerald
Keen, Alan *(Feltham)*
Kelly, Ruth *(Bolton W)*
Kennedy, Jane *(Wavertree)*
Khabra, Piara S.
Kidney, David
Kilfoyle, Peter
King, Andy *(Rugby)*
King, Ms Oona *(Bethnal Green & Bow)*
Knight, Jim *(S Dorset)*
Ladyman, Dr. Stephen

Lammy, David
Lawrence, Mrs Jackie
Laws, David *(Yeovil)*
Laxton, Bob *(Derby N)*
Lepper, David
Leslie, Christopher
Levitt, Tom *(High Peak)*
Lewis, Terry *(Worsley)*
Liddell, rh Mrs Helen
Linton, Martin
Lloyd, Tony *(Manchester C)*
Love, Andrew
McAvoy, Thomas
McCabe, Stephen
McCartney, rh Ian
McDonagh, Siobhain
MacDonald, Calum
MacDougall, John
McFall, rh John
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
Mackinlay, Andrew
McNamara, Kevin
McNulty, Tony
Mactaggart, Fiona
McWalter, Tony
McWilliam, John
Mahmood, Khalid
Mallaber, Judy
Mann, John *(Bassetlaw)*
Marsden, Gordon *(Blackpool S)*
Marshall, David *(Glasgow Shettleston)*
Martlew, Eric
Meacher, rh Michael
Meale, Alan *(Mansfield)*
Michael, rh Alun
Milburn, rh Alan
Miliband, David
Miller, Andrew
Moffatt, Laura
Mole, Chris
Moran, Margaret
Morgan, Julie
Morley, Elliot
Mudie, George
Munn, Ms Meg
Murphy, rh Paul *(Torfaen)*
Naysmith, Dr. Doug
Norris, Dan *(Wansdyke)*
O'Brien, Bill *(Normanton)*
O'Hara, Edward
Olner, Bill
Osborne, Sandra *(Ayr)*
Owen, Albert
Palmer, Dr. Nick
Perham, Linda
Pickthall, Colin
Pike, Peter *(Burnley)*
Plaskitt, James
Pollard, Kerry
Pond, Chris *(Gravesham)*
Pope, Greg *(Hyndburn)*
Pound, Stephen
Prentice, Gordon *(Pendle)*
Prescott, rh John
Primarolo, rh Dawn
Prosser, Gwyn
Pugh, Dr. John
Purchase, Ken
Purnell, James
Quin, rh Joyce
Quinn, Lawrie
Rammell, Bill
Rapson, Syd *(Portsmouth N)*
Raynsford, rh Nick
Reed, Andy *(Loughborough)*
Reid, rh Dr. John *(Hamilton N & Bellshill)*
Rendel, David
Robinson, Geoffrey *(Coventry NW)*
Roche, Mrs Barbara
Ross, Ernie *(Dundee W)*
Ruddock, Joan
Russell, Bob *(Colchester)*
Russell, Ms Christine *(City of Chester)*
Salter, Martin
Sanders, Adrian
Sarwar, Mohammad
Sawford, Phil
Shaw, Jonathan
Sheridan, Jim
Shipley, Ms Debra
Short, rh Clare
Simpson, Alan *(Nottingham S)*
Skinner, Dennis
Smith, rh Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, rh Chris *(Islington S & Finsbury)*
Smith, Geraldine *(Morecambe & Lunesdale)*
Smith, Jacqui *(Redditch)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Soley, Clive
Spellar, rh John
Squire, Rachel
Starkey, Dr. Phyllis
Steinberg, Gerry
Stewart, David *(Inverness E & Lochaber)*
Stoate, Dr. Howard
Straw, rh Jack
Stringer, Graham
Stuart, Ms Gisela
Stunell, Andrew
Tami, Mark *(Alyn)*
Taylor, rh Ann *(Dewsbury)*
Taylor, Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Teather, Sarah
Thomas, Gareth *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Tonge, Dr. Jenny
Touhig, Don *(Islwyn)*
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr. Desmond *(Brighton Kemptown)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Tynan, Bill *(Hamilton S)*
Walley, Ms Joan
Ward, Claire
Wareing, Robert N.
Watson, Tom *(W Bromwich E)*
Watts, David
Webb, Steve *(Northavon)*
White, Brian
Whitehead, Dr. Alan
Williams, rh Alan *(Swansea W)*
Williams, Betty *(Conwy)*
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wood, Mike *(Batley)*
Woodward, Shaun
Woolas, Phil
Wright, Anthony D. *(Gt Yarmouth)*
Wright, David *(Telford)*
Wyatt, Derek

Tellers for the Ayes:
Gillian Merron and
Ms Bridget Prentice

NOES

Ainsworth, Peter *(E Surrey)*
Ancram, rh Michael
Arbuthnot, rh James
Atkinson, Peter *(Hexham)*
Baldry, Tony
Baron, John *(Billericay)*
Beggs, Roy *(E Antrim)*
Beith, rh A. J.
Bellingham, Henry
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Boswell, Tim
Bottomley, rh Virginia *(SW Surrey)*
Brady, Graham
Brazier, Julian
Browning, Mrs Angela
Burnett, John
Burns, Simon
Burnside, David
Burt, Alistair
Butterfill, Sir John
Cameron, David
Campbell, Gregory *(E Lond'y)*
Campbell, rh Sir Menzies *(NE Fife)*
Cash, William
Chapman, Sir Sydney *(Chipping Barnet)*
Clappison, James
Clarke, rh Kenneth *(Rushcliffe)*
Clifton-Brown, Geoffrey
Collins, Tim
Conway, Derek
Cormack, Sir Patrick
Cran, James *(Beverley)*
Curry, rh David
Davies, Quentin *(Grantham & Stamford)*
Djanogly, Jonathan
Dodds, Nigel
Donaldson, Jeffrey M.
Dorrell, rh Stephen
Doughty, Sue
Fabricant, Michael
Field, Mark *(Cities of London & Westminster)*
Flight, Howard
Flook, Adrian
Forth, rh Eric
Francois, Mark
Gale, Roger *(N Thanet)*
Gibb, Nick *(Bognor Regis)*
Gillan, Mrs Cheryl
Goodman, Paul
Gray, James *(N Wilts)*
Grayling, Chris
Green, Damian *(Ashford)*
Green, Matthew *(Ludlow)*
Greenway, John
Gummer, rh John
Hague, rh William
Hammond, Philip
Harvey, Nick
Hawkins, Nick
Hayes, John *(S Holland)*
Heald, Oliver
Heath, David
Heathcoat-Amory, rh David
Hendry, Charles
Hermon, Lady
Hoey, Kate *(Vauxhall)*
Hogg, rh Douglas
Horam, John *(Orpington)*
Howard, rh Michael
Howarth, Gerald *(Aldershot)*
Hughes, Simon *(Southwark N)*
Hunter, Andrew
Jack, rh Michael
Jackson, Robert *(Wantage)*
Johnson, Boris *(Henley)*
Keetch, Paul
Kennedy, rh Charles *(Ross Skye & Inverness)*
Key, Robert *(Salisbury)*
Kirkbride, Miss Julie
Knight, rh Greg *(E Yorkshire)*
Laing, Mrs Eleanor
Lamb, Norman
Lansley, Andrew
Leigh, Edward
Lewis, Dr. Julian *(New Forest E)*
Liddell-Grainger, Ian
Lidington, David
Lilley, rh Peter
Llwyd, Elfyn
Loughton, Tim
Luff, Peter *(M-Worcs)*
McIntosh, Miss Anne
Mackay, rh Andrew
McLoughlin, Patrick
Malins, Humfrey
Maples, John
Mates, Michael
Mitchell, Andrew *(Sutton Coldfield)*
Moore, Michael
Moss, Malcolm
Murrison, Dr. Andrew
Norman, Archie
O'Brien, Stephen *(Eddisbury)*
Opik, Lembit
Osborne, George *(Tatton)*
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Portillo, rh Michael
Price, Adam *(E Carmarthen & Dinefwr)*
Prisk, Mark *(Hertford)*
Redwood, rh John
Robathan, Andrew
Robertson, Hugh *(Faversham & M-Kent)*
Robertson, Laurence *(Tewk'b'ry)*
Rosindell, Andrew
Sayeed, Jonathan
Sheerman, Barry
Simpson, Keith *(M-Norfolk)*
Smith, Sir Robert *(W Ab'd'ns & Kincardine)*
Smyth, Rev. Martin *(Belfast S)*
Spelman, Mrs Caroline
Spicer, Sir Michael

Spink, Bob *(Castle Point)*	Waterson, Nigel
Stanley, rh Sir John	Watkinson, Angela
Steen, Anthony	Whittingdale, John
Streeter, Gary	Wiggin, Bill
Swayne, Desmond	Wilkinson, John
Swire, Hugo *(E Devon)*	Williams, Hywel *(Caernarfon)*
Syms, Robert	Williams, Roger *(Brecon)*
Taylor, John *(Solihull)*	Wilshire, David
Taylor, Matthew *(Truro)*	Winterton, Ann *(Congleton)*
Taylor, Dr. Richard *(Wyre F)*	Winterton, Sir Nicholas *(Macclesfield)*
Thomas, Simon *(Ceredigion)*	Yeo, Tim *(S Suffolk)*
Trend, Michael	Young, rh Sir George
Trimble, rh David	Younger-Ross, Richard
Turner, Andrew *(Isle of Wight)*	
Tyler, Paul *(N Cornwall)*	**Tellers for the Noes:**
Tyrie, Andrew	**Mr. David Ruffley and**
Viggers, Peter	**Gregory Barker**
Walter, Robert	

Question accordingly agreed to.

Resolved,

That the following provisions shall have effect in relation to the Hunting Bill—

1. Proceedings on Second Reading shall be brought to a conclusion, unless already concluded, five hours after the commencement of proceedings on the Motion for this Order.

2. At the conclusion of proceedings on Second Reading—

(1) the Bill shall be treated as having been committed to a Committee of the whole House and as having been reported from the Committee without amendment, and

(2) the House shall proceed to consider any Motion standing in the name of a Minister of the Crown under section 2(4) of the Parliament Act 1911 for a suggested amendment to the Bill.

3. Proceedings on that Motion shall be brought to a conclusion, unless already concluded, three hours after their commencement (for which purpose the Speaker shall put only the Question on any amendment of the Motion selected by him and the Question on the Motion).

4. Proceedings on Third Reading—

(1) may be taken immediately after the conclusion of proceedings on the Motion mentioned in paragraphs 2(2) and 3, and

(2) shall be brought to a conclusion half an hour after their commencement.

5. No motion may be made to recommit the Bill.

6. In relation to the proceedings mentioned in paragraphs 1 to 4 above—

(1) Standing Order No. 15(1) shall apply,

(2) the proceedings shall not be interrupted under any Standing Order relating to the sittings of the House,

(3) the Orders of the House of 28th June 2001 and 6th November 2003 relating to deferred Divisions shall not apply,

(4) the proceedings shall not be interrupted by a Motion for the adjournment of the House under Standing Order No. 24 (and any such Motion shall stand over until the conclusion of such of the proceedings mentioned in paragraphs 1 to 4 as are to be taken at the sitting concerned),

(5) no dilatory motion may be made except by a Minister of the Crown,

(6) the Question on any dilatory motion made by a Minister of the Crown shall be put forthwith, and

(7) if the House is adjourned or the sitting is suspended during the course of the proceedings, no notice shall be required of a Motion made by a Minister of the Crown at the next sitting of the House varying or supplementing the provisions of this Order.

7. The Question on any Motion varying or supplementing the provisions of this Order (whether by making provision about Lords messages or otherwise) shall be put forthwith.

Orders of the Day

Hunting Bill

Order for Second Reading read.

3.47 pm

The Minister for Rural Affairs and Local Environmental Quality (Alun Michael): I beg to move, That the Bill be now read a Second time.

This Bill is identical to the Bill to which this House gave a Third Reading on 9 July 2003. There will be a separate debate on the motion for the suggested amendment to defer commencement, so I shall not refer further to that issue at this stage.

The House of Lords did not complete its proceedings on the Bill before the end of the previous Session, although it had the time to do so. The Government are now bringing the Bill back to enable this House, if it so chooses, to insist on the Bill and, if it is again rejected by the House of Lords, to pass it under the Parliament Act.

Mr. Douglas Hogg (Sleaford and North Hykeham) (Con): In the programme motion debate, the right hon. Gentleman made an observation on two or three occasions that he may wish to amplify: he invited the other place to engage seriously on the Bill. That can be interpreted in at least two ways. Will he help us as to what exactly he meant? Did he mean only that we should accept the amendment in his name on the motion to be debated hereafter? Alternatively, was he inviting the House of Lords to table those considered amendments to the Bill that it deems to be right?

Alun Michael: I shall come to some of the things that the House of Lords might do in a moment. Throughout the proceedings on the last occasion, I consistently made the point that it was the job of the House of Lords, as a revising Chamber, to engage with the Bill that was sent to it by this place, to suggest amendments and to send it back. It is a matter of great regret that it failed to do that on the last occasion. It was wrong for it to do that, and it has provoked the likelihood, or the probability, of the use of the Parliament Act. It is no use trying to blame the majority in this House.

Lembit Öpik (Montgomeryshire) (LD): Does the Minister accept that there is another possible interpretation? Could it not be that their Lordships were so unhappy about the inadequacies of the Bill with which they had to deal that they sought to improve it? Surely, even if the Minister has a different view, he will accept that the upper House was entitled to suggest changes that it believed would make the Bill fairer and more workable. It was not a matter of principle on which the upper House offended the lower House; it was a matter of judgment involving the quality of a Bill that it was trying to improve.

Alun Michael: The House of Lords was perfectly entitled to try to improve the Bill, but it did not do so. All that it did was delay it.

Mr. James Gray (North Wiltshire) (Con): Does the Minister not accept that in the 12 hours for which the

House of Lords was allowed to debate the Bill, and in the 28 amendments that it was allowed to debate out of 171 that had been tabled, its purpose was to turn the Bill back into something very similar to that originally proposed by him? That is what it was trying to do. It was trying to make the Minister's Bill come true, not the one wrecked by his hon. Friend the Member for West Ham (Mr. Banks).

Alun Michael: The hon. Gentleman is quite wrong. The House of Lords could have put back the provisions that this House had rejected. Indeed, numerous amendments were tabled that purported to return the clauses that were omitted when this House decided against the registration system and the tribunal system, but the Lords who tabled those amendments showed no sign of engaging with the real purpose of the registration provisions, let alone the clearly expressed concerns of a large majority in this House.

In the event, the House of Lords discussed the Bill for two full days in Committee. During that time, it crawled through eight of the 60-odd groups of amendments that had been tabled. In those debates, it voted to render the Bill completely toothless, made the main offence impossible to prove, introduced a bias in favour of permitting hunting to continue and completely removed all controls over hare-coursing events. It then proceeded not to use the time available, and to send those amendments, draconian as they were, back to this House.

Mr. David Cameron (Witney) (Con): If on this occasion the House of Lords turns the Bill back into a measure for regulated hunting, pretty much along the lines originally suggested by the Minister, will he support it?

Alun Michael: It is not for me to decide; it is in the hands of the House of Commons. I simply say this: let us see the House of Lords behave democratically, and respond to the Bill that we sent it. Then we will take what it says seriously, and it will be for us to debate any proposition that it sends back to us.

Mr. Cameron: The Minister is an individual. Presumably he has free will. He can make up his own mind. I am asking a question for him to answer, as a Minister and as a Member of Parliament, on a free vote. If the Bill came back as a measure for regulated hunting, would he support it?

Alun Michael: If the House of Lords sends back amendments that make sense and help to create good legislation, I will look at them—as an individual. Let it do that, and then we shall see what it has done.

I want to make three points about the operation of the Parliament Act. First, it is a matter for this House and Mr. Speaker to determine. Secondly, the key, indeed the only, purpose of the Act is to ensure that, in the event of a dispute between the two Houses, the will of this House—the elected Chamber—prevails. That is a simple proposition. We have procedures allowing for delay, for improvement and for reconciliation between the views of the two Chambers, but in the end, especially if there is obstruction, the constitutional principle is clear: the will of this elected Chamber must prevail. The Acts do not place a limit on when this House shall insist on its will, or on the measures involved. That is the point of judgment that we have been debating today. It is worth noting, however, that the royal commission on reform of the House of Lords did not propose any such changes either.

My third point is that no Bill that has been subject to the Parliament Act in the past has been given a Committee stage the second time round. That did not even happen with the home rule and Welsh disestablishment Bills in 1913. Many of the red herrings that have been cast around in earlier debates should be put aside. What Members should do now is address the contents of the Bill itself, which is precisely the same as the Bill that was before the House last year.

Mr. James Paice (South-East Cambridgeshire) (Con): Will the Minister give an undertaking that if the House of Lords does what he urges and addresses the contents of the Bill that this House will send it later today, we shall be given an opportunity to consider whatever changes the Lords will have made? Or is he taking unto himself the decision on whether that should happen, and saying that eventually the Government will effectively decide whether to Parliament-Act the Bill or not?

Alun Michael: If the Lords amends the Bill and sends it back to us, I will approach their amendments with an open mind and consider whether they are serious ones. On the last occasion, their lordships passed amendments that were not serious but dissimulative, and they failed to send the Bill back to this House. It is they who, on the basis of the record, have to prove that they are behaving reasonably.

Let me make one thing clear at the outset: this is a matter on which Members have a free vote, so it is entirely a House of Commons decision. I will be making the Government's position on the Bill clear, but on hunting the Government have always allowed Members a free vote. I shall briefly remind the House how we reached the current position on an issue that has taken up an enormous amount of parliamentary time over the years.

Mr. Andrew Robathan (Blaby) (Con): How can the right hon. Gentleman say, on the front of the Bill, that in his view

"the provisions of the Hunting Bill are compatible with the Convention"

on human rights, given that the Joint Committee on Human Rights found that they are not?

Alun Michael: The Joint Committee did not say that, as I have already made clear, and if the hon. Gentleman had been with us during an earlier debate he would have heard me deal with that point. He should read the Joint Committee's report rather than misrepresent it. I am sure that it was unintentional, but his comments were a misrepresentation.

As I said, an enormous amount of parliamentary time has been spent on this issue over the years. Labour's 2001 election manifesto stated:

"The House of Commons elected in 1997 made clear its wish to ban foxhunting. The House of Lords took a different view (and reform has been blocked). Such issues are rightly a matter for a

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free vote and we will give the new House of Commons an early opportunity to express its view. We will then enable Parliament to reach a conclusion on this issue. If the issue continues to be blocked we will look at how the issue can be resolved."

Of course, it is in an effort to resolve the issue that we are bringing the Bill back to the House today. It is important that we do so, as promised, during this Parliament.

Mr. David Chidgey (Eastleigh) (LD): A moment ago—

Bob Spink (Castle Point) (Con): On a point of order, Madam Deputy Speaker. The situation in Parliament square is getting out of control, people are being injured and things are very ugly indeed. The riot police are in action, police on horses are engaged, 2 ft police batons are drawn and are being brought down on people's heads and backs, and I have seen injured people. Can you approach the powers that be to see whether the House, even at this stage, can find a way to delay this debate to a better time—*[Interruption.]*

Madam Deputy Speaker (Sylvia Heal): Order.

Bob Spink: Can this debate be delayed to a better time, so that our procedures can be better served and we can improve public safety and deliver democracy?

Mr. Andrew Miller (Ellesmere Port and Neston) (Lab): Further to that point of order, Madam Deputy Speaker. Would it not be outrageous if we allowed the democratic process to be disrupted by a handful of people who are unrepresentative of the people of this country?

Madam Deputy Speaker: As far as the disturbances taking place outside this House are concerned, I have no doubt that Mr. Speaker will in due course receive a report from the authorities on what exactly is happening. On the second point, I am bound by the Order of the House and this debate will proceed. We have limited time, so I hope that it will be spent discussing the Bill and its Second Reading.

Alun Michael: I am grateful to you, Madam Deputy Speaker. I ask Opposition Members to think very carefully indeed about the words that they use in this Chamber. I have for a long time counselled the leaders of the Countryside Alliance to persuade its members to appreciate that it is for Parliament to take a decision on a matter such as this, and that the law should be obeyed. Parliament should be obeyed, and I urge all Opposition Members—some have made this point and agree with me—to make it clear that they in no way encourage or condone violence or illegal behaviour, however strong the feelings might be of people on either side of this debate.

Mr. Gray: I agree completely with the Minister and condemn without any hesitation any disgraceful actions that might be taken by anyone in Parliament square or anywhere else. Of course we must obey the law, and my party and I would be the first to condemn any such activities.

Alun Michael: I am grateful to the hon. Gentleman for making his position so plain, especially as I know that when feelings run high—he himself has strong views—people can be tempted into other directions. He made an important point.

Before the point of order, I was in the process of giving way to the hon. Member for Eastleigh (Mr. Chidgey).

Mr. Chidgey: The Minister made the point that an inordinate amount of time had been spent debating this issue over the past few years. Perhaps he could help me, and many of my constituents who have raised this question. What important legislation, vital to this country's interests, has been delayed or abandoned because of the amount of time we have spent—in this Parliament alone—debating this issue?

Alun Michael: We as a Government have been pulled both ways on this, because we think that the issue must be dealt with but we do not want other important measures to be delayed or interrupted. That is why we have taken this approach. Once the House of Commons had made up its mind, we sought to use the minimum of time today, to speed the legislation to the House of Lords and ask that House to take it seriously and amend it if their lordships wish. We need to get on with it—

Linda Perham (Ilford, North) (Lab) *rose*—

Alun Michael: —just as I need to get on with my speech to allow others to speak. However, I shall give way briefly to my hon. Friend.

Linda Perham: On the importance of this issue and how long it is taking, there are lots of people out there, in cities as well as rural communities, who are deeply concerned. I had 300 letters in 1997 about this issue, and constituents across the political spectrum clearly care about animal cruelty, which is what we are talking about here today.

Alun Michael: My hon. Friend is quite right. I, too, have had a great deal of correspondence, on both sides of the debate. I have had many long letters that started by saying that we should not be spending time on this issue and then expressed the writer's views at great length. There is no inconsistency in that. The fact is that this is a minor matter compared with most of the issues that we deal with for our constituents, but it is a divisive issue on which people feel strongly, so it needs to be resolved, and that is why we gave an undertaking in our election manifesto to enable Parliament to reach a conclusion.

Mr. A. J. Beith (Berwick-upon-Tweed) (LD) *rose*—

Alun Michael: I shall give way to the right hon. Gentleman before trying to gallop through the rest of my speech to allow others to contribute.

Mr. Beith: The Minister says that it is a minor matter, but he must bear it in mind that it is not minor to those

whose livelihoods are affected and those who feel that their liberties are affected. It should not take up as much time as it has, but in their lives it is extremely important.

Alun Michael: Yes, indeed, as it is for many people who are affronted by the cruelty involved. Both sides feel passionately, as I just said, and feelings run high. Those who say that we should not spend time on this then go on to fill the Chamber and debate it at great length on both sides.

Lembit Öpik (Montgomeryshire) (LD) *rose—*

Alun Michael: I will give way one last time, and then I must gallop on.

Lembit Öpik: I am sure that it was a slip of the tongue, but the Minister referred to the "cruelty" involved in hunting with dogs. That is at the core of the debate. To date, I have understood that he has accepted that there is room for discussion about that. Presumably, he will now assure us that simply because his Bill has been usurped his views have not. I hope that he will confirm that he still feels that there was a case for having the two reasonableness tests.

Alun Michael: The hon. Gentleman should remember what I said in many of the debates that we have had together: I was convinced by all that I saw that most hunting, if not all, has little utility and involves more suffering than the alternative methods of dealing with the problem. There are exceptions, and I give the example of ratting, which we debated at great length in Committee. I proposed a system that would have allowed a tribunal to make a judgment on those cases in which people felt a case could be made. The House felt that that was not necessary because the matter was open and shut. I have to say that I think the number of cases that could have been made successfully was likely to have been extremely small, so the difference of opinion is a small one. That is the position that I have consistently set out since the Portcullis House hearings at which evidence was given.

In seeking a resolution of this matter, the Government have been very patient. The Burns inquiry looked objectively at the issues and I followed it up in this Parliament by bringing all parties together to look again at the scope for agreement. I launched a wide-ranging consultation process, which culminated in the public hearings held at Portcullis House in September 2002.

A lot of nonsense has been talked about the differences between the Bill that I introduced in December 2002 and the amended Bill passed by the House in July 2003. I have been able to deal with one of the alleged differences by responding to the hon. Member for Montgomeryshire (Lembit Öpik). This Bill, like the one I originally introduced, will make hunting a wild mammal with dogs an offence, subject to exceptions; and it will include exceptions for stalking and flushing out, ratting, rabbiting and a number of other items in schedule 1 to the current Bill. It will make it an offence knowingly to permit land or dogs to be used for hunting; it will make hare coursing events illegal and make the same provisions for penalties, search and seizure, forfeiture and application to the Crown.

The only difference is that my original Bill provided an additional provision that would have permitted hunting in strictly limited circumstances where the purpose was to meet a specific and real pest control need and where achieving that purpose would cause less suffering than other methods of pest control. A registration and tribunal system would have tested applications case by case.

In response, the House made its wishes very clear. New clause 11, moved by my hon. Friend the Member for West Ham (Mr. Banks) last June, was approved by 362 votes to 154—that is, 70 per cent. of those voting wanted a complete ban on fox hunting. Put another way, 55 per cent. of all Members of the House, taking account of all who abstained or were absent, voted for the Bill as it stands today.

I have compared that with the voting figures on the resolutions on 18 March 2002. On that occasion, with an even higher turnout, 58 per cent of Members of this House voted for a ban. The House has voted for a hunting ban with similar majorities on at least five occasions since 1997, all of which have been free votes. The House's views have been absolutely consistent.

Let me turn to the history of last year's Bill in the House of Lords. The House of Lords is a revising Chamber. Peers have a legitimate role in asking this House to think again about proposed legislation, even where this House has voted by such a large majority. Knowing the strongly held views in this House, their lordships had an opportunity to come up with proposals that might have encouraged second thoughts— to look for a way towards a less polarised situation. I have already pointed out the record of failure to produce proper amendments in the other place.

It has been suggested that the Government did not allow the Lords sufficient time in which to debate the Bill, so let us look at the facts again. The Government made two full days available, which was generous for a controversial Bill of this size—with some 17 clauses. The Government offered more time if the Bill could be taken in Grand Committee. Ludicrously slow progress was made on amendments in Committee and the Lords voted to adjourn the debate when they knew that more time was available.

In summary, both Houses have made their views known on this Bill perfectly clearly during debates in the last Session. This House plainly wants this Bill; the other place plainly does not. I still hope that peers will engage with the Hunting Bill. They will have adequate time to do so. If they fail to do so, the only way in which the matter can properly be resolved is for the will of this House to prevail under the provisions of the Parliament Acts.

Mr. Henry Bellingham (North-West Norfolk) (Con): The Minister is explaining what happened in the other place, but does he agree that, in the light of what he has said, it would be wrong to say that their lordships sabotaged the previous Bill or acted out of kilter with what was expected of them? They did their best to try to improve the Bill and it is quite wrong to say that they sabotaged it.

Alun Michael: It is the hon. Gentleman who used the word "sabotaged". I would not wish to be impolite to

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their lordships, but I have to say that that term lends itself to the description of events that took place on the last occasion. They did not seriously try to amend or improve the Bill before sending it back to us. They failed signally in their responsibility in that regard.

There have been some fairly abstruse legal arguments to the effect that the Parliament Act 1949 was improperly passed and that Acts passed under it are invalid. I would like to kill that one off as well. The Government's clear legal advice is that those arguments are incorrect. There is no question about the validity of the 1911 and the 1949 Acts and there is no reason for this House not to act in accordance with their terms. It is a matter for the House of Commons at the end of the day.

It was also alleged a few moments ago that the Bill is incompatible with the European convention on human rights. I have certified that it is compatible with the convention, on the basis of clear legal advice. Contrary to what has been claimed, during the last Session the Joint Committee on Human Rights did not take the view that the Bill generally raised questions of compatibility, but it rightly examined the effects of a ban on people's ability to carry out contracts that they had already entered into in respect of hunting. The Government have looked carefully at the technical legal arguments raised by the Committee, and take the view that there can be no enforceable contractual right to carry out hunting after it has been banned. In practice, therefore, there is no human rights issue.

It is therefore wrong to suggest that the Bill raises issues of human rights and the Government's view is clear—that any challenge to this bill on human rights grounds is likely to be unsuccessful. The fact that a challenge might be mounted in the courts is no reason not to use the Parliament Acts.

Mr. Geoffrey Clifton-Brown (Cotswold) (Con): I draw the House's attention to the serious point made by the right hon. Member for Berwick-upon-Tweed (Mr. Beith). I believe that there are more hunts in my constituency than in any other. A substantial number of jobs will be lost in my area and elsewhere. This Bill will put people out of work, and other people will lose their property. Does the Minister consider it right that it offers no compensation? Is that compatible with human rights legislation, which ensures that people have the freedom to enjoy their property?

Alun Michael: Yes, I do believe that it is right for this Bill not to offer compensation, and that there is no conflict with human rights legislation. Again, I have encouraged the Countryside Alliance to start thinking about the likelihood of legislation, and to prepare the ground with its members and with people involved in hunts. I have suggested that people should look at the business opportunities that will arise—for example, under the fallen stock scheme that the Government are introducing this autumn, and as a result of changing to drag hunting, among other things.

The Bill does not prevent people from using their property, but they will have to think sensibly about that. It is a pity that the leadership of the pro-hunting factions has been too narrow in its approach to this matter, and that it has failed to engage with the likelihood of legislation, even though the House has given sufficient warning. That is why, even at this stage, the Government are recommending further delay in commencement: we want to give time, after the Bill has reached the statute book, for common sense to be brought to bear. The pro-hunting leaders need to think about the employees to whom they have a responsibility.

I hope that the hon. Member for Cotswold (Mr. Clifton-Brown) will think again, as I am fed up with some of the unfounded allegations that are made. The Burns report and the evidence given in Portcullis House made it clear that the rural economy is generally vibrant, despite some weak points. There has been a greater increase in employment in rural areas than in urban areas.

The Minister for the Environment and Agri-environment (Mr. Elliot Morley): There are labour shortages in many rural areas.

Alun Michael: As my hon. Friend says, there are labour shortages in many rural areas. We will use the normal channels—the employment agencies, the Small Business Service and the regional development agencies—to help people and to advise them about how to make sure that they are gainfully employed in other activities. We are willing to care for the small numbers of people who will be affected by a hunting ban, but the matter should not be exaggerated.

Finally, it has been suggested that if the Bill is passed under the Parliament Acts, many people who passionately oppose it will feel justified in continuing to hunt in defiance of the law because it has been passed unfairly or improperly. That argument turns democracy on its head. The rightness or wrongness of a piece of legislation is always the subject of argument, and our parliamentary processes are the means by which these issues are argued through. The Parliament Acts are part of that process, and of the structure of our democracy. Yes, they must be used sparingly and only under provocation, but it is axiomatic that the will of the elected Chamber must prevail in the end.

In the democratic process, the role of the Opposition is important. The Conservative website states, in one place, that we should not spend time on hunting in the Chamber, but elsewhere says that the Conservative party would use parliamentary time to overturn a ban. There is no great consistency there. When the Opposition respond, I hope that we shall hear where the Conservative party stands and what it will do—if and when it ever forms a Government. Will the Tories change the law? Will they overturn a ban, or will they not? Will they encourage their colleagues in the House of Lords to engage with the Bill this time, because they did not do so on the previous two occasions? Will they encourage supporters of hunting to respect the law? I pay tribute to the hon. Member for North Wiltshire (Mr. Gray) for making his own position clear on that point a few moments ago, and a united message needs to go out from the House.

We have had many requests from rural communities, and from the National Farmers Union, to tackle the pernicious activities associated with illegal hare coursing. That can be done only if we give the police the

tools to do the job and change the basis of legal action from trespass, which is too limited to be able to deal with some of the people involved in this activity and in threats, intimidation and violence, to the activity of hare coursing itself. The Bill does both those things. We shall return to that point later, but it is not proposed that we delay commencement of that part of the Bill.

I see that some people have signed a declaration that they will defy the law if the Bill is passed. The leaders of the Countryside Alliance should stamp out such ideas. I understand the strong feelings that some people have about hunting, but I reject utterly any suggestion that defiance of the law would be justified because the law has been passed under the Parliament Acts. The passage of legislation through this House has to be respected. The Parliament Acts are an integral part of our constitutional arrangements, and the House is entitled to use them to pass the Hunting Bill, if that is the House's will.

Like many on my side of the House, I objected to a measure that really was unjust—the poll tax. I protested against it, but I disagreed passionately with those who advocated law-breaking or non-payment. Respect for the law and the decision of Parliament is bigger than any specific issue, including hunting. Indeed, it is bigger than any specific issue, even—perhaps especially—when feelings run as high as they do in this case. I commend the Hunting Bill to the House.

4.16 pm

Mr. James Gray (North Wiltshire) (Con): Before I start my substantive remarks, I must say that for the second time this afternoon I find myself agreeing with the Minister. I hunt. If this disgraceful little Bill is passed, I will not break the law, or hunt until such time as an incoming Conservative Government turn the law round, which, to clarify the point that the Minister raised, we are committed to do. We are committed to introducing a Government Bill in Government time to repeal this Bill, albeit, of course and as always, with a free vote on both the Front and Back Benches. One of the first things that we will do when we come into power next May will be to reverse this disgraceful little Bill. I am pleased to say that that will happen in good time for me to start hunting again the following season. Like the Minister, however, I would not condone the breaking of the law, in this context or in the context of protesting against the disgraceful activities that we are seeing in the House this afternoon.

The nation, and the world as a whole, will look at our procedures today with some amazement and horror. With the world in the state that it is in, with 1 million people waiting for treatment in the national health service, with Darfur—

Claire Ward (Watford) (Lab) *rose*—

Kali Mountford (Colne Valley) (Lab) *rose*—

Mr. Gray: I shall give way in a moment; I have just started making a few introductory remarks.

With the middle east and Iraq in turmoil, with Beslan and Darfur so much in our minds, people will not understand Labour's warped priorities and the Government's fixation with the sole issue of banning hunting with hounds. *[Interruption.]* The hon. Member for Watford (Claire Ward) is enthusiastic, so I shall happily give way to her.

Claire Ward: I am grateful. The hon. Gentleman rightly identified lots of pressing issues, on not just the domestic but the international scene. I am surprised, then, that he can sit those remarks alongside his remark a moment before that the very first priority of an incoming Conservative Government would be to use Government parliamentary time to reverse a ban. Surely a Conservative Government would not, as their first priority, spend time on reversing a hunting ban when they would have lots more to do.

Mr. Gray: The hon. Lady misquotes me. I did not say that our first priority would be to reverse a hunting ban; one of our first priorities were the precise words I used. It seems to us that, since the Labour party is using such an extreme parliamentary procedure to have its will and impose its Islingtonian outlook on life on the people of Britain, we owe it to the countryside and the people of Britain to use similar tactics to reverse the ban. That is why we will do it. The Labour party is so fixated on banning hunting with hounds that it seems to us only reasonable and fair to give the House of Commons the opportunity to reverse the ban. It will, of course, be a free vote for both Front and Back Benchers, and it will therefore be dependent on us having a significant majority. I have every confidence that we will do so.

Mr. Kevin McNamara (Hull, North) (Lab): The hon. Gentleman has just suggested that we should not spend time on this Bill, but the shadow Leader of the House said earlier that we should spend tomorrow on it as well—twice as much time. Where is the consistency in that?

Mr. Gray: The hon. Gentleman and one or two others have sought to make what are, frankly, rather silly points. We are talking about the many hundreds of days that have been spent on the issue of fox hunting since the Labour party came to power seven years ago. We are talking about the hundreds of hours of police time that will be spent seeking to enforce the ban, if it comes in. The Home Secretary was reported in the newspapers on Sunday as saying that he would stick 30,000 CCTV cameras on trees to deal with the matter. That would be an astonishing waste of police time. All the time that the Labour party has forced us to spend on hunting with hounds has been a disgraceful waste of parliamentary time.

Alun Michael: Will the hon. Gentleman acknowledge that the representative on this issue of the Association of Chief Police Officers has said clearly that his expectation is that the time taken in enforcing a ban on hunting would be roughly equivalent to the police time that currently has to be devoted to protests against hunting? The police will, of course, police fairly, as they do now when hunting is legal, if and when hunting becomes illegal.

Mr. Gray: If I may correct the Minister, I think I am right in saying that ACPO, in the form of Chief Superintendent Alastair McWhirter, has made it clear on several occasions that the police do not want a ban. *[Interruption.]* The Minister has made his point and we should get on—*[Interruption.]*

4.22 pm

Sitting suspended.

4.41 pm

On resuming—

David Winnick (Walsall, North) (Lab): On a point of order, Madam Deputy Speaker. We have witnessed the most disgraceful act of hooliganism in years directed against Members of this Chamber. It was a breach of privilege first and foremost. What steps will be taken to hold an investigation, which there must be, into that breach? For those thugs actually to come through the Chamber, despite all the security safeguards, is unknown, I am sure, since you have been here and, I imagine, since any other hon. Member has been here—indeed, such a breach was probably unknown throughout the 20th century. What investigation will take place? Will a report be made to the House, hopefully on Thursday morning?

Mr. Oliver Heald (North-East Hertfordshire) (Con): Further to that point of order, Madam Deputy Speaker. I am sure that hon. Members on both sides of the House condemn the activities that have just occurred. It is appalling that such an incident could occur and there will need to be the very fullest possible inquiry into it. A wide-ranging security review has been taking place in the House and there is great concern about security, yet despite that, six individuals were able to enter the Chamber. Will you ask Mr. Speaker to start a full inquiry immediately?

Sir Stuart Bell (Middlesbrough) (Lab): Further to that point of order, Madam Deputy Speaker. Is it not a fact that not since Charles I came to this House has there been such an invasion? Is it not appropriate that our security is not only enhanced but enhanced in such a way that such an event can never happen again?

Madam Deputy Speaker: I understand hon. Members' concern in view of the serious incident that has taken place, but equally I am aware that we are still discussing a very important issue. I should like to respond to the points of order and hope for the tolerance and understanding of other hon. Members who might have wanted to contribute to them.

Hon. Members will be aware that a very serious incident has taken place. Mr. Speaker will be receiving reports of it from the Serjeant at Arms and security staff at the Palace. I can assure you that that investigation is under way.

Mr. Andrew Mackay (Bracknell) (Con): On a separate point of order, Madam Deputy Speaker. Can you confirm that there is now injury time because we already have a curtailed debate—*[Interruption.]*

Madam Deputy Speaker: Order. Let me hear the point of order.

Mr. Mackay: Is it possible for you to rule that the period of suspension be added to the period of debate on Second Reading?

Mr. McNamara: Further to that point of order, Madam Deputy Speaker. If, in fact, injury time were to be added, it would show that those vagabonds—thugs—had defeated Parliament and forced us to amend a procedural motion that we have passed.

Madam Deputy Speaker: I am bound by the motion that the House passed, so there will be no additional time for the Second Reading debate. I ask hon. Members who wish to contribute in the time remaining to do so as briefly and concisely as possible. I call Mr. Gray.

Mr. Gray: May I, first, entirely endorse the remarks of my hon. Friend the shadow Leader of the House and others about the disgraceful incident in the House earlier? It was an absolute scandal, and whoever they were and whatever argument they were trying to make, they lost it by making that protest. I lose no time in entirely condemning it. I have to say that in my time I have had some pretty sharp reactions to my speeches, but never one quite like that. I have to wonder whether it was something that I said. *[Interruption.]*

Madam Deputy Speaker: Order. Will hon. Members who do not want to participate either by speaking or by listening to the contributions leave the Chamber so that we can continue?

Mr. Gray: It is astonishing, is it not, that we are here today discussing an issue about which as recently as Question Time on 22 April the Minister said:

> "In some of the big conversations in which I have taken part in rural areas, fox hunting has not come up as a major issue. People are concerned about big issues to do with employment, education, jobs and the economy."—[*Official Report*, 22 April 2004; Vol. 420, c. 431.]

The Minister must be aware that, in a poll conducted by NOP in April, 99 per cent. of Labour voters told the Government that they should concentrate on issues other than hunting. Even the hon. Member for West Ham (Mr. Banks), who feels so passionately about these matters, last year admitted:

> "It is not a matter of great significance in the great cosmos of events or indeed of great significance in animal welfare, but it has become totemic."

His point is that it has nothing to do with animal welfare; it has become totemic.

Only two weeks ago the Prime Minister identified seven key challenges facing Britain. He said, memorably, that he would put every policy to a test, and ask:

"Does it, in practical terms, advance and improve the lives of Britain's hard-working families?"

Will the Minister now tell us how a ban on hunting will help Britain's hard-working families? Is this not an astonishing Bill in the sense that, irrespective of which side of the argument one may be on, one has to admit that it will not significantly improve the life of a single human being? Not a citizen of the United Kingdom will benefit from the ban on fox hunting, and although, of course, some people would argue that foxes might benefit, I would not necessarily agree. This is a peripheral issue by anybody's standards. Most people would say that they do not care one way or the other. On the extremities of the argument, there are some passionately in favour and some passionately against, but most of our constituents are saying to us, "What on earth are you doing wasting time on an absurd and illiberal issue such as this?"

The leader in the *Evening Standard*, of all things, summed it up last week, when it said that the Prime Minister is using

"Labour's enormous Commons majority to torment a section of society—ordinary country folk—which they despise . . . There is something horrible, vindictive and cowardly about the Government's intolerant and ignorant attack on a small minority".

That is the *Evening Standard*—a London paper.

We ask ourselves why the Prime Minister, who is normally so good at dodging round issues, has chosen to stick his neck out on this one. Is he concerned about animal welfare? Is he concerned about foxes? No. He is concerned about one thing, and one thing only—party management. He is concerned about the fact that he has had a terminal split with his next-door neighbour, the Chancellor of the Exchequer, and that he is facing what can only be described as an extremely difficult party conference season. To buy off his rabid Back Benchers, he has chosen to do something in which he has no particular interest.

Claire Ward: Will the hon. Gentleman give way?

Mr. Gray: The hon. Lady is now on her second intervention, and I will happily give way to her a second time, but I should warn her that two is not enough.

Claire Ward: I can probably help the hon. Gentleman with a clear answer on why we are trying to get this legislation through. The reason we have a large majority is that people voted for us, and many of those who voted Labour in 1997 and 2001 wanted fox hunting banned. We are doing what the people who voted for us want to be done, because the overwhelming majority of Labour supporters want fox hunting banned. That is the simple answer to his question.

Mr. Gray: That is the dictatorship of the majority. The purpose of this House and of Parliament is not necessarily to drive through the will of the majority—or what the hon. Lady believes to be the majority, as the figures do not concur: 59 per cent. of all people say that they do not want fox hunting banned. But even if 59 per cent. of people were in favour of banning fox hunting, is that necessarily a reason to do it? Is she saying that if one can prove that more than 50 per cent. of people want us to do X, Y or Z, it is terribly important that we should do it? Surely most of what we do in this place is defending the rights of minorities—looking after people who cannot speak for themselves, those who are eccentric, those who are different from Labour Members of Parliament, and those who are unusual or difficult. That, not doing what the majority want, is our primary task. *[Interruption.]*

Madam Deputy Speaker: Order. Please may we have some order during this debate?

Mr. Gray *rose*—

Mr. John Bercow (Buckingham) (Con): Will my hon. Friend give way?

Mr. Gray: I give way to my hon. Friend.

Mr. Bercow: Speaking on behalf of the difficult, to whom my hon. Friend referred, may I put it to him that, in addition to the civil libertarian and countryside management arguments against a ban, it would also be regressive and discriminatory? Can he confirm that the effect of such a ban would be that, whereas wealthy people would simply go to Ireland or travel to parts of the continent to hunt, people of modest means would not be able to do so? It is a measure calculatedly directed against the poor who enjoy hunting.

Mr. Gray: My hon. Friend makes an interesting and important point in his customarily colourful way. He is right to say that all kinds of different people go hunting—

Dr. Desmond Turner (Brighton, Kemptown) (Lab): Will the hon. Gentleman give way?

Mr. Gray: I shall finish my point first, if I may. Predominantly, it is ordinary people who go hunting and they will be unable to go to France or Ireland. One of the most bizarre things about the report into the re-homing of dogs that was recently produced by the all-party group on animal welfare was that it suggested that a possible solution to the 26,000 hounds that will be excess to our requirements is to export them to overseas hunts. Some of the rich people whom my hon. Friend describes would benefit from that, but very few of the ordinary people who go hunting.

Miss Ann Widdecombe (Maidstone and The Weald) (Con): Will my hon. Friend give way?

Mr. Gray: If I may, I want to get on to the main part of my speech—*[Interruption.]*

Madam Deputy Speaker: Order.

Mr. Gray: My right hon. Friend has substantial support from Labour Members—

Miss Widdecombe: I am a minority of one.

Mr. Gray: As my right hon. Friend says, she is a minority of one, at least on our Benches, so I happily give way to her.

Miss Widdecombe: My hon. Friend has continually asserted, as have others, that this is about suppressing minorities. I put it to him that being in a minority is not an absolute defence for anything. If we regard what that minority does as sufficiently cruel, it does not matter whether it is a majority or a minority—it is a fit subject for legislation.

Mr. Gray: I refer my right hon. Friend to Lord Burns, who said with great clarity that there is nothing cruel about fox hunting. She would be right were she talking about bear baiting or other demonstrably cruel activities, where there might be a reason for ignoring the interests of the minority and dealing with it.

Because of the disgraceful intervention earlier on, and because of my relative generosity in taking interventions during my speech, we are now extremely short of time to discuss the Second Reading of this very important Bill. I therefore give notice that I will seek to limit the number of interventions that I take, and that I may have to gallop through some of the important points that I want to make.

The Secretary of State made it plain that she believes that an outright ban on hunting is unworkable. We agree and we should make it clear that we would be content with a licensing regime along the lines of that, albeit greatly changed, that the Minister proposed before his Back Benchers wrecked it. The Minister, in a letter to the Deputy Prime Minister on 14 May last year, stated:

"A complete ban . . . would be perceived as pursuing prejudice rather than targeting cruelty."

On other occasions, he said that

"a measured view should be taken of this issue"

and that

"The future of hunting with dogs should not be decided on personal taste, but on evidence; on the principles of whether or not it is more or less cruel than the alternative methods currently available."

Shooting is the main alternative method that is currently available. The Bill does not ban killing foxes, mink or deer. Most observers—including, I suspect, Labour observers—accept that at least the same number and probably more of those animals will be killed if hunting with dogs is banned. The debate is not therefore about whether they are killed or even how many are killed but about the means whereby they are killed.

David Taylor (North-West Leicestershire) (Lab/Co-op): Does the hon. Gentleman acknowledge that the best assessment of the number of foxes who die or are killed is approximately 250,000 and that 15,000—around 6 per cent.—are killed by the hunt? It cannot therefore be called an effective method of controlling the fox population. More foxes die in road accidents.

Mr. Gray: The hon. Gentleman makes a relatively sensible point, albeit an inaccurate one from a statistical standpoint. The figures are approximately 140,000 foxes in total, with around 40,000 being killed by organised hunting and the use of dogs. However, he is right that a relatively small percentage is killed by hunts. I shall make a counter-point: of the 40,000-odd foxes that are killed in organised fox hunting every year, the vast bulk are elderly or ill. They are mainly aged dog foxes because foxhounds are slow-moving animals, foxes are fast moving and therefore only the ill, the aged and the weak are killed using hounds. By contrast, if one is shooting, one is lamping and shoots whichever fox appears in the headlights. Shooting is an unselective method of killing foxes; fox hunting using dogs is selective. I appreciate that it is a debatable point, but, in our view, shooting, snaring, gassing or poisoning are much crueller methods than a simple killing using dogs.

David Burnside (South Antrim) (UUP): Further to the point about the number of foxes that will be killed before or after a ban, does the hon. Gentleman have any idea of how many more thousands of foxes will die following the ban? Anybody who knows the farming community will appreciate that if foxes are not controlled by hunts and the rural community, there will be a massive killing of foxes by shooting, snaring and many illegal methods.

Mr. Gray: The hon. Gentleman makes a good point. That happened when hunting was banned because of foot and mouth disease. Farmers had to kill an enormous number of foxes by shooting them. The National Farmers Union tells me that, last year, foxes killed 340,000 lambs. Surely a farmer will react to that by killing as many foxes as possible. We believe that the most humane and selective way of doing that is by using dogs.

Mr. Roger Williams (Brecon and Radnorshire) (LD): I have genuine concerns about the Government's favoured method of fox control, which is lamping. Given the tragedies that have happened this week and in the preceding months, would not it be a better idea for the Government to defer consideration of the measure until they had some idea of the number of people who would be killed and severely injured as a result of the Bill?

Mr. Gray: The hon. Gentleman refers to two episodes in which, tragically, people have been seriously injured or killed during lamping. Lamping occurs at night and it is therefore impossible to tell what eyes one is seeing and tragic accidents can happen. I stress that those two accidents were the exception, not the rule. A great deal of lamping goes on and accidents rarely occur. However, he makes the good point that, if lamping and shooting became the norm in the countryside, accidents are much more likely to occur. We must be aware of that risk.

The Minister has acknowledged in the Bill the efficacy of using dogs for killing certain types of mammals. The Bill exempts the use of dogs for killing rats and rabbits and the Minister has said that the use of dogs in those circumstances is particularly useful. Will he answer one question on this point? If dogs are allowed to kill rabbits but, under the Bill, are not allowed to kill hares, by what means are they going to decide which is which? Are they going to have to stop for a moment and say to themselves, "Hang on! Is that a rabbit? Is it a hare? Let's not get the wrong one." In any event, by admitting that dogs are most efficacious for killing rats and rabbits, the Minister has acknowledged that, in some circumstances,

the use of dogs might be the best way of dealing with vermin. Our contention is that they are the best means of dealing with foxes.

Mr. Bellingham: Will my hon. Friend consider this scenario? If the local pack of hounds in my constituency, the West Norfolk foxhounds, decided to rebrand itself as the West Norfolk rabbit hounds, it would be able to carry on hunting in a pack and killing rabbits. Is it any less cruel to kill a rabbit than to kill a hare or a fox? Can my hon. Friend explain this ridiculous contradiction?

Mr. Gray: My hon. Friend makes an extremely good point. We have not had the opportunity to discuss in Committee the question of intention in regard to hunting. We do not know who will be found guilty of hunting. If my hon. Friend's pack goes out after rabbits and accidentally kills a hare, by what mechanism will a judge decide whether that pack is guilty? These issues should have been decided in this place. We should not be leaving it to the courts and the judges to make up their minds on them.

Some people oppose all forms of killing, and I rather respect that. The Royal Society for the Prevention of Cruelty to Animals probably represents a good body of them, and I think that I am right in saying that the hon. Member for West Ham is a vegetarian who does not approve of leather shoes and does not like the killing of animals in any circumstances. He is very strongly opposed to shooting, and I suspect that he is opposed to fishing—

Mr. Tony Banks (West Ham) (Lab): No.

Mr. Gray: Perhaps not fishing. If he is not against fishing, he is different from his friends in the RSPCA, who have acknowledged that, in addition to hunting, they now intend to deal with shooting and fishing as well. Its chief executive, Jackie Ballard, memorably stated recently:

"Game shooting is horrid and nasty . . . the RSPCA will get around to try to end this."

I recently sent out a consultation paper on field sports to the RSPCA, among others, and its response stated:

"The RSPCA policy states that it is opposed to shooting for sport. Consequently, as an animal welfare organisation whose charitable objects include 'promoting kindness', that ethical viewpoint should be considered."

On fishing, it stated:

"The RSPCA believes that current practices in angling involve the infliction of pain"—

David Taylor: On a point of order, Madam Deputy Speaker. Could you advise us whether the hon. Gentleman's speech has deviated from the topic under discussion? He is going on about shooting and fishing, which are not covered by the Bill.

Madam Deputy Speaker: We must now make progress. We have a limited amount of time left and I advise all hon. Members to concentrate on the subject under discussion.

Mr. Gray: The point that I was making—clearly, I hope—was that the issue before us is not how animals are killed or how many are killed; it is about freedom and liberty. The truth is that, if the RSPCA can do this to us hunters, it can also do it to the shooters and fishers. It has made it absolutely plain that it is going to do so. It is dealing with hunting now; who comes next?

All that we country people want is to live and let live. The preservation of tolerance and freedom should be one of the most fundamental duties of this Parliament, and that is all we ask. The Prime Minister recently said that justice, freedom and tolerance—*[Interruption.]*

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. I am sorry to interrupt the hon. Gentleman, but the House really should listen to this debate in silence. A great many members of the public are expecting us to deal with this matter with dignity, however great the passions involved, and we should do that.

Mr. Gray: I fear that some hon. Members do not like what they are hearing.

All that the people of the countryside are seeking is to live and let live. All that we want is tolerance and freedom. We want to make up our own minds as to whether the use of dogs in the countryside is reasonable. We are grown-ups; we can decide these things for ourselves, according to our own conscience. We do not need the Labour party to lay down the law on the use of dogs, or on shooting, fishing, smoking in public places and a whole variety of other things. We want the ability to make up our own mind on these matters, using our conscience and our knowledge of the countryside.

Mr. Stephen O'Brien (Eddisbury) (Con): Will my hon. Friend give way?

Mr. Gray: I am seeking to wind up, if I may. I hope that my hon. Friend will forgive me.

My right hon. and learned Friend the Leader of the Opposition made it clear last week that we shall seek to repeal this legislation when we come to power, albeit with a free vote for both Front Benchers and Back Benchers. That will give lovers of freedom and tolerance and lovers of the countryside, of whatever political persuasion, a very clear message: if they want to save hunting, they can do that by using every ounce of muscle, straining every sinew and spending every pound that may be necessary to hound this illiberal and hated Labour Government from office.

The Minister is seeking to rush through this House a Bill that he has attacked in the most scathing terms, a Bill created by rebellious Back Benchers, which is neither a manifesto commitment nor mentioned in the Queen's Speech, nor compliant with the Human Rights Act. It is a Bill for which there is little real demand in the country, and its claimed animal welfare benefits are illusory to say the least. It is a legal mess, and will need huge amendment, which I hope that the other place will give it.

The threatened use of the Parliament Act under those conditions is a constitutional scandal of the worst kind, which brings Parliament into disrepute and makes the Minister and his party look both desperate and a laughing stock in the eyes of the public. This is an intolerant, ignorant and prejudiced Bill. It is an affront

[Mr. Gray]

to liberal democracy. It will stir the heart of every citizen who values liberty. The people of this country, and of the countryside, will neither tolerate nor forget it.

Several hon. Members *rose—*

Mr. Deputy Speaker: Order. I must remind hon. Members of what is painfully obvious: little time is left. An eight-minute limit will apply to Back-Bench speeches from now on.

5.6 pm

Sir Gerald Kaufman (Manchester, Gorton) (Lab): I was interested to hear the hon. Member for North Wiltshire (Mr. Gray) telling the Minister that it was his Bill. That is the most significant aspect of the legislation that we are debating this evening: 34 years after I came into the House, with a succession of private Members' Bills seeking to ban hunting with dogs, we have for the first time—this is an historic moment—a Government Bill to ban hunting with dogs.

The hon. Member for North Wiltshire completely misunderstands the Parliament Act. To us, it is a very important sign of advance that this is a Government Bill, but the Parliament Act has nothing to do with whether a Bill is sponsored by the Government. Put simply, it is a measure that says that, in the end, the will of the House of Commons must prevail. Were it still a private Member's Bill, as introduced by my hon. Friend the Member for Worcester (Mr. Foster), the Parliament Act would have the right to prevail.

I offer the House two explanations, one of which relates to amendment (b), which I have tabled to the Government's suggested amendments. If the amendment in the name of my hon. Friend the Member for West Ham (Mr. Banks) is carried, my amendment would fall anyway. In any case, I would not move it, as I believe that what is important about today is that the majority of the House of Commons comes together in favour of an outright ban on hunting with dogs.

The other personal explanation is that at sundown tonight—7.3 pm—the Jewish new year begins, so I shall take part in proceedings up to the time when I must get to the synagogue, but I must leave in time to do that. I hope that the House of Commons will accept that. That means, of course, that I shall be able to vote for the Second Reading of the Bill.

We have had all sorts of arguments over these 34 years and longer—my hon. Friend the Member for Hull, North (Mr. McNamara) was a pioneer with the attempt to ban hare coursing, and this must be a great day for him. What is clear, and what belies the hon. Member for North Wiltshire's argument, is that during all the 34 years in which I have attempted to bring about this ban, there has never been a campaign to ban shooting or fishing. Therefore, the idea that this is the thin end of some wedge is not accurate, and it is wrong, false and misleading to propagate it.

Gregory Barker (Bexhill and Battle) (Con): Will the right hon. Gentleman give way?

Sir Gerald Kaufman: Time is limited and I would prefer to proceed.

This campaign is comparable to a campaign that took up the first 35 years of the 19th century: the campaign to ban bull baiting. It took this House 35 years to achieve that, and it will have taken 34 years of my parliamentary experience to achieve this. For that, I am willing to accept a slight delay, much though I would have preferred it not to happen.

Throughout the progress of this legislation, we have heard all kinds of bogus arguments about its effects. While I respect Opposition Members who support the Bill, predominantly the Labour party wants it and a number of Conservatives do not. I find it extraordinary that a party that threw a quarter of a million miners out of work—with no Countryside Alliance to march in support of them, and with none of the compensation for which Members ask now—can say that some kind of vengeful act is involved in legislation that will deprive just a few hundred people of direct employment at a time when the country has the highest employment and the lowest unemployment for 30 years. That is absurd, as is the argument about the dogs.

Everyone who knows about hunting knows that any dog in a hunting pack has a limited life. As soon as that dog no longer serves its purpose as part of a hunting pack, it is shot dead by these animal-loving huntsmen and huntswomen. The idea that somehow the Bill will produce a kind of canine carnage is ridiculous. It is the huntspeople who breed these dogs for one purpose and one purpose only, and who, when that purpose has been fulfilled, dispose of them in an utterly callous way—so let us not hear the animal welfare argument.

What we are approaching today is the fulfilment of two Labour party manifesto pledges, which will have been fulfilled only after two Parliaments and—if this amendment is accepted—another half-Parliament. No one can say that Parliament has been rushed into this. No one can say that this ban will have been implemented without the fullest, most elongated debate that I can remember taking place on any issue during the 34 years for which I have served the House.

For me, this is a great day. This is a vote against cruelty, callousness and the hunting and, literally, hounding of animals for sport and pleasure. That is wrong, and at last we are going to stop it.

5.13 pm

Andrew George (St. Ives) (LD): I am aware of the time and will do my best to keep my remarks short.

I am sorry that we have to be back here again to rehearse arguments that we have already had. In this debate, however, we need to consider whether any additional, indisputable wisdom has emanated from another place—whether we have been advised that we may have missed something in a previous debate that might be helpful to us.

Reading the report of the debate in the other place, I see a great deal of opinion dressed up as fact. There is, for instance, the justification for hunting. Lord Renton said:

> "Sometimes I have seen foxes in the prime of life being chased with what looked to me like a grin on their face."

I thought it was just the anti-hunters who were supposed to be anthropomorphic. Lord Renton went on:

"I do not think that they minded being chased."—[*Official Report, House of Lords*, 28 October 2003; Vol. 654, c. 149.]

There is one justification from their lordships.

Here is another justification, from Baroness Strange:

"I went coursing often as a child. Unlike my noble Friend Lord Faulkner, I have never been unlucky enough to see a hare killed. However, I admired how the hares ran and very much admired the dogs."—[*Official Report, House of Lords*, 28 October 2003; Vol. 654, c. 203.]

I can imagine how admirable that is. Look at that hare running. How admirable—it is running for its life.

In addition to looking for justification for hunting from their lordships, I have tried to establish whether they understand our primary motivation in reaching the conclusions that we have reached. They say that

"all . . . scientific evidence has been abandoned in a capitulation to zealotry and class prejudice."

Apparently, we believe

"the fantasy that the fox is a cuddly and harmless little furry animal".

We are also told:

"We know all too well that for many Members in the other place, it is primarily a manifestation of class envy and dislike of toffs dressed up and on horseback."—[*Official Report, House of Lords*, 16 September 2003; Vol. 652, c. 783–825.]

And a bishop offered a rather un-Christian view when he accused MPs who support a ban of having a mental disorder. That was the nature of the debate in the other place.

The issue of liberty has been raised on a number of occasions. I come from the countryside and I have to question the position of those who say that they are on a march representing the countryside, and that the countryside supports hunting. In some areas, perhaps a majority do; in others, perhaps that is the minority view. It is not for me to judge, but I have listened to the arguments.

We have heard about the problems, challenges and pressures that this Bill will clearly create for the minority who enjoy hunting, but there are other minorities in rural areas, one of which is displeased by hunting. The Lords have told us that, as many have said today, liberty is the primary concern, but it is not just those who enjoy hunting who have the right to liberty—yet one gets the impression from reading their lordships' views that no one else matters.

Sometimes, liberties clash. There is the clash between those who derive pleasure from hunting and those who derive displeasure. What about the liberties of those who were born and brought up in the countryside, who know country ways—who know about foxes and other wildlife—and are proud of their parish and landscape, but who are offended by fox hunting whenever hunts come to their area? Are their liberties also taken into account? Of course, it is not just a question of liberties in relation to land. Often, those who own the land feel that it is up to them to decide what happens on it. Many of those who live in the countryside do not own much land, but they are entitled to have a view and to have their feelings about how the countryside should be managed taken into account. *[Interruption.]* Despite what Members might say from a sedentary position, those who own the land are merely custodians of it in the longer run.

Mr. Adrian Flook (Taunton) (Con): The hon. Gentleman talks about liberty. Would he care to comment on the constituent of mine who feels that he is helping liberty to flourish in Iraq by serving with 40 Commando? This gentleman has served our country valiantly trying to safeguard liberty, but when he returns he will discover that he is unable to participate in the hunting that he has pursued all his life. Does the hon. Gentleman think that fair?

Andrew George: Regardless of whether someone serving their country supports hunting, the fact is that the House—democracy—will ultimately decide whether the Bill should be enacted. I am sure that many who serve our country do not support fox hunting. Are we to listen only to the hon. Gentleman's constituent or to others who want to defend the liberties of those who are displeased by hunting in their parish?

Mr. Beith: As a Liberal, I am a bit worried by my hon. Friend's use of the word "displeased". I am displeased by lots of things, but I do not feel morally entitled to use the law to ban them. I need a stronger argument. I need to be convinced that there is serious cruelty that would be avoided by a ban. I am certainly not convinced by any of the alternative methods. Surely he is not erecting displeasure as a reason for sending other people to prison.

Andrew George: Some people who live in the countryside take pleasure from hunting and others are offended by it. A message is being sent out about how their community is represented, and suggesting to young people that this is a proper and acceptable way of behaving. My right hon. Friend is perfectly right to say that there is an argument for defending the liberties of one group over those of another, and I am not saying that a person's wish not to have hunting in their area is a pre-eminent freedom over that of those who want to have their pleasure from hunting, but we have to make the judgment on the arguments here.

It has been said that those who go hunting will be criminalised by the Bill. Many speakers in another place supported that argument. The fact is not that the Bill will criminalise people who enjoy hunting, but that those people who choose to break the law will criminalise themselves. Many of the 50,000 or so people who have signed a petition saying that they will break the law and continue hunting are responsible people—some of those in another place implied that they might be prepared to go so far—but what message does that send to animal rights activists? Does it not offer support for all those who wish to break the law in their own cause?

We have to weigh up the issues and come to our own conclusions, but the House has already spent hundreds of hours on this and come to its decision, with clear majorities, and it is time to send a clear message to the other place that it must accept the democratic will of the democratic and pre-eminent Chamber.

5.23 pm

Mr. Kevin McNamara (Hull, North) (Lab): I declare an interest, in that I have for many years been a vice-president and patron of the League Against Cruel Sports, which I congratulate on having protested against the cruelty of hunting with dogs and many other barbarities long before many other organisations. I welcome on board the RSPCA, which did not support us when we first started our campaign, as well as the International Fund for Animal Welfare and others.

This is the end of my parliamentary career. When I started it in the 1960s, we began our campaign against hunting, and I am pleased that the matter will now be resolved once and for all. I take this opportunity to pay a compliment to those colleagues, some dead, some in the House of Lords—perhaps it is the same thing—who played a part, including Eric Heffer, John Ellis, Lord Corbett and others. In very difficult times, they first pushed on hare coursing and then got the whole country behind them in opposing hunting with dogs in any shape or form.

It has been said that all this has been done to appease Back Benchers. If so, I am glad that the Government are doing it and I hope that it will be regarded as a precedent that they will follow on many future occasions. Far more important is the fact that passing the Bill will help to restore people's faith in Parliament. When the Bill presented by my hon. Friend the Member for Worcester (Mr. Foster) was not given extra time by the Government, people said that Parliament had a chance and that the Government funked it. People did not understand the subtleties of the Government's argument. They felt that they had supported the Government on this issue in the important election of 1997 and had been betrayed. Since the intention to bring in the Parliament Act to pass this measure was announced, many of the phone calls and letters that I have received have posed the question, "Do they really mean it?" Let us hope that the Government really mean it, because that will help to restore the country's faith in the work of Parliament.

I want to make two fairly brief points. First, it is often said that we do not understand what is going on. Those who have attended hare coursing meetings, as I did in the east of England with my late colleague Arnold Shaw more than 30 years ago, have seen hares torn to pieces by hounds and heard them screaming. "Collateral damage", I understand, is the phrase used for the points earned by the greyhounds—it is cruel, harsh and evil.

Secondly, I want to draw a contrast. In that particular case, hounds are trained for their speed, whereas in fox hunting, as we have heard today, they are trained for their stamina. It is not a question of quick and easy pest control or getting rid of the fox by a sharp swift hound going in and carrying out its job. It is a question of the sport entailed. That is the distinction. It is not a class distinction between town and countryside; it is a question of understanding how we use or abuse animals.

Unlike my hon. Friend the Member for West Ham (Mr. Banks), I am not a vegetarian. I am not opposed to using some animals in experiments, if necessary, to develop drugs to protect and enhance the life of humankind, though I have severe reservations about the way in which some drug companies go about it. As a principle, I am not against that, but I am against gratuitous cruelty, the ending of which is what the Bill is all about. I congratulate the Government on doing a very good job on this matter this time.

5.28 pm

Mr. James Paice (South-East Cambridgeshire) (Con): Let me start by saying that I wholly condemn violence from wherever and whomever it comes. I also condemn anyone who seeks to disrupt the proceedings in this Chamber. I want to make it absolutely clear that my party and I take that view. I do not believe that those who have disrupted our proceedings this afternoon are any more representative of hunt supporters than the violent end of those who seek to oppose hunting are representative of hunt opponents.

I believe that this is a sad day for this country, not just because of hunting, but because of issues that are more fundamental. I refer to the fundamental and historic virtues of tolerance and respect for minorities. The debate is the consequence of the Government's determination to contradict the clear evidence of their own advisers through the Burns inquiry and the Portcullis House hearings.

For generations, Labour MPs have urged us in this place, often quite rightly, to respect the rights, freedoms, cultures and even sexual practices of different races and religions. Here, however, they want to go much further. We are a tolerant country. We accept in our society people with many conflicting views who carry out different activities, some of which we may not like. It is not a crime to live in Britain and to plot the overthrow of the Government of another country. We allow the freedom of speech of those who try to overthrow even our own democracy. We permit peaceful demonstrations by countless minorities, however much they disrupt the normal life of other people. Those are all features of a just, tolerant and pluralistic society, of which we should be proud and which we should seek to maintain. However, this Bill is totally contrary to those values. It will criminalise the activities of a small number of people who, in every other aspect of life, are valued members of our community. They include doctors, nurses, teachers, firemen, business people, farmers and many others.

Whatever public opinion may be, in the history of this House there have been many occasions when hon. Members quite rightly have stood back and viewed an issue objectively, and when they have said that the House must not necessarily respond to public opinion and be pressurised by it. One of the starkest examples of that was the question of capital punishment. For decades after its abolition, there was no doubt about where public opinion lay, despite repeated votes in the House that such punishment should not take place.

The consequences of this Bill are quite clear. In numerical terms, it will not save the life of a single animal, and that brings me to a crucial point: the distinction between the welfare of an individual animal and that of the species. The desire to protect one animal from one form of death is understandable, but the Bill will damage the welfare of the species. That was demonstrated over and again in the evidence given to the Burns inquiry, and in the conclusions that the inquiry reached.

I come now to what I believe is the fundamental point to be made about this debate. Many people, both in the House and outside it, oppose hunting, and I readily accept that their number includes many of my constituents. As the hon. Member for Hull, North (Mr. McNamara) said a few moments ago, those people believe hunting to be cruel, and they consider it wrong for people to gain pleasure from what is perceived to be cruel.

That is a perfectly honourable position, but I want to make two points to counter it. First, if it is the alleged cruelty of hunting that attracts its followers, they will often be sorely disappointed, because the reality is that few hunt followers ever see the kill, and the vast majority of those involved in a hunt are hundreds of yards behind when the hounds catch up with the fox.

Secondly, and more importantly, the evidence given to the Government and the conclusions of the Burns inquiry make it clear that there will be no overall reduction in animal suffering, nor in the cruelty that some people believe takes place. That brings us to the fundamental question: should this House decide what may give people pleasure, if that does no damage to others and if it is not to their detriment? Should we decide what is good for people's souls? I believe that we should not.

If there were clear evidence that banning hunting would markedly reduce animal suffering, the Bill would be justified, but there is no such evidence. No animal will be saved and no human being will gain from a ban. We will be sacrificing the fundamental values of freedom, choice, liberty and tolerance that generations of our predecessors in this House have nurtured and cherished.

If we diminish those values on this issue, who knows what will be next? Whose freedoms will next be diminished? I urge the House to pause before it turns against a minority just because it disagrees with it.

5.33 pm

The Minister for the Environment and Agri-environment (Mr. Elliot Morley): I begin by welcoming the very firm comments that Opposition Members have made about the need to respect the rule of law and the democratic process, including the democratic processes of this House. The hon. Member for St. Ives (Andrew George) made some important points about people who think that they can pick and choose when it comes to obeying the law.

In the debate, hon. Members have said that there are more pressing issues on which to legislate, and that this is not an issue for Parliament. It has been stated that a ban would set supporters of the sport against its opponents, that sufficient laws already exist to prevent abuse and that minority rights must be considered along with the sport's social value. It was even stated that hunted animals derive pleasure from the activity—although similar remarks were made when the abolition of bull baiting was debated in this House in the 1800s. It seems that the arguments about blood sports have been aired not just in the lifetime of this Parliament, but for nearly 200 years.

David Winnick: Will my hon. Friend give way?

Mr. Morley: If my hon. Friend will forgive me, I shall not as I have agreed to cut my reply to just five minutes to allow maximum participation for hon. Members.

I want to make points on two important issues: minorities and democracy. I concede that the rights of minorities are important, and that majority views are not always correct. I would still oppose hunting with hounds if I were in a minority, but I do not believe that I am in this country. As the right hon. Member for Maidstone and The Weald (Miss Widdecombe) said, it is not rational always to take into account minority views, whatever they are, without being able to override them depending on the situation at the time, the views of society and attitudes that change over time. On occasion, a judgment must be made. This is a moral issue, as is reflected in the fact that we have a free vote.

It is nonsense to suggest that this is an attack on rural society, or that every single person who lives in the country cares passionately for hunting or supports it. We need to take into account the fact that there are people in the countryside who have raised strong views against it, as my hon. Friends have stated. As far as democracy is concerned, this was a manifesto commitment, and it reflects the will of the House in a number of votes with very substantial majorities. The issue has, of course, been debated since 1945.

I pay tribute to my hon. Friends the Members for Hull, North (Mr. McNamara) and for Worcester (Mr. Foster), and my right hon. Friend the Member for Dumbarton (Mr. McFall), who have campaigned for a long time on the issue. Not least, I pay tribute to my right hon. Friend the Minister for the countryside, who has been incredibly patient and has tried to bring both sides together to ensure that everybody had the opportunity to make their points.

It is nonsense to say of this debate that views have not been taken into account on the many issues. When we talk about minorities, I should say that there are people such as Eric Ashby, who suffered terribly in relation to the activities of fox hunts, and who was a minority in the area. He was awarded an MBE for his work with wildlife, and I am only sorry that he is not alive today to see this moment, for which he campaigned all his life.

This issue has been debated many times. Nothing new has been raised today. This is about the kind of society we live in. What we have seen outside the House as people have attacked and abused the police and abused the democratic history of this House demonstrates that it is true that a minority of people—I would not claim that they speak for all hunt supporters—care little for animals and little for people today.

We have heard about affronts. If there has been an affront, it is the affront that the Parliament Acts have had to be used because an unrepresentative, unelected and unaccountable House of Lords is clearly prepared to ignore the results of a free vote of the elected House on a manifesto commitment by an elected Government. If there is an affront, it is an affront that it has taken until four years into the 21st century to end an activity that comes down to inflicting prolonged pain and stress on animals for no other reason than the entertainment of their tormentors.

[Mr. Morley]

This debate has gone on long enough. The people have spoken. Now is the time to act.

Question put, That the Bill be read a Second time:—

The House divided: Ayes 356, Noes 166.

Division No. 250] **[5:38 pm**

AYES

Abbott, Ms Diane
Adams, Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Bob *(Cov'try NE)*
Alexander, Douglas
Allan, Richard
Allen, Graham
Amess, David
Anderson, rh Donald *(Swansea E)*
Anderson, Janet *(Rossendale & Darwen)*
Armstrong, rh Ms Hilary
Atherton, Ms Candy
Atkins, Charlotte
Atkinson, David *(Bour'mth E)*
Bailey, Adrian
Baird, Vera
Baker, Norman
Banks, Tony
Barnes, Harry
Barrett, John
Barron, rh Kevin
Battle, John
Bayley, Hugh
Beard, Nigel
Beckett, rh Margaret
Bell, Sir Stuart
Benn, rh Hilary
Bennett, Andrew
Berry, Roger
Best, Harold
Betts, Clive
Blackman, Liz
Blizzard, Bob
Bosteng, rh Paul
Bradley, rh Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brake, Tom *(Carshalton)*
Brennan, Kevin
Brooke, Mrs Annette L.
Brown, rh Nicholas *(Newcastle E Wallsend)*
Browne, Desmond
Bryant, Chris
Burgon, Colin
Burnham, Andy
Burstow, Paul
Byrne, Liam *(B'ham Hodge H)*
Cable, Dr. Vincent
Caborn, rh Richard
Cairns, David
Calton, Mrs Patsy
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell, Ronnie *(Blyth V)*
Caplin, Ivor
Carmichael, Alistair
Casale, Roger
Caton, Martin
Cawsey, Ian *(Brigg)*
Challen, Colin
Chapman, Ben *(Wirral S)*
Chaytor, David
Chidgey, David
Clark, Mrs Helen *(Peterborough)*
Clark, Dr. Lynda *(Edinburgh Pentlands)*
Clark, Paul *(Gillingham)*
Clarke, rh Tom *(Coatbridge & Chryston)*
Clarke, Tony *(Northampton S)*
Clelland, David
Coaker, Vernon
Coffey, Ms Ann
Connarty, Michael
Cooper, Yvette
Corbyn, Jeremy
Corston, Jean
Cotter, Brian
Cox, Tom *(Tooting)*
Cranston, Ross
Crausby, David
Cruddas, Jon
Cryer, Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, rh Dr. Jack *(Copeland)*
Cunningham, Jim *(Coventry S)*
Cunningham, Tony *(Workington)*
Curtis-Thomas, Mrs Claire
Davey, Edward *(Kingston)*
Davey, Valerie *(Bristol W)*
David, Wayne
Davidson, Ian
Davies, rh Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Dhanda, Parmjit
Dobbin, Jim *(Heywood)*
Dobson, rh Frank
Doran, Frank
Dowd, Jim *(Lewisham W)*
Drown, Ms Julia
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Farrelly, Paul
Field, rh Frank *(Birkenhead)*
Fitzpatrick, Jim
Fitzsimons, Mrs Lorna
Flint, Caroline
Follett, Barbara
Foster, rh Derek
Foster, Don *(Bath)*
Foster, Michael *(Worcester)*
Foster, Michael Jabez *(Hastings & Rye)*
Gale, Roger *(N Thanet)*
Gapes, Mike *(Ilford S)*
Gardiner, Barry
George, Andrew *(St. Ives)*
Gerrard, Neil
Gibson, Dr. Ian
Gidley, Sandra
Gill, Parmjit Singh
Gilroy, Linda
Goggins, Paul
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grogan, John
Hain, rh Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hancock, Mike
Hanson, David
Harman, rh Ms Harriet
Harris, Tom *(Glasgow Cathcart)*
Havard, Dai *(Merthyr Tydfil & Rhymney)*
Healey, John
Henderson, Doug *(Newcastle N)*
Henderson, Ivan *(Harwich)*
Hendrick, Mark
Hepburn, Stephen
Heppell, John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, Keith *(Streatham)*
Hinchliffe, David
Hodge, Margaret
Holmes, Paul
Hood, Jimmy *(Clydesdale)*
Hope, Phil *(Corby)*
Hopkins, Kelvin
Howarth, rh Alan *(Newport E)*
Howarth, George *(Knowsley N & Sefton E)*
Hoyle, Lindsay
Hughes, Beverley *(Stretford & Urmston)*
Hughes, Kevin *(Doncaster N)*
Hughes, Simon *(Southwark N)*
Hurst, Alan *(Braintree)*
Hutton, rh John
Iddon, Dr. Brian
Illsley, Eric
Jackson, Glenda *(Hampstead & Highgate)*
Jackson, Helen *(Hillsborough)*
Jenkins, Brian
Johnson, Alan *(Hull W)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Jon Owen *(Cardiff C)*
Jones, Lynne *(Selly Oak)*
Jones, Nigel *(Cheltenham)*
Jowell, rh Tessa
Joyce, Eric *(Falkirk W)*
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keen, Alan *(Feltham)*
Kelly, Ruth *(Bolton W)*
Kennedy, rh Charles *(Ross Skye & Inverness)*
Kennedy, Jane *(Wavertree)*
Khabra, Piara S.
Kidney, David
Kilfoyle, Peter
King, Andy *(Rugby)*
King, Ms Oona *(Bethnal Green & Bow)*
Knight, Jim *(S Dorset)*
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, David
Lawrence, Mrs Jackie
Laws, David *(Yeovil)*
Laxton, Bob *(Derby N)*
Lepper, David
Leslie, Christopher
Levitt, Tom *(High Peak)*
Lewis, Terry *(Worsley)*
Liddell, rh Mrs Helen
Linton, Martin
Lloyd, Tony *(Manchester C)*
Love, Andrew
McAvoy, Thomas
McCabe, Stephen
McCartney, rh Ian
McDonagh, Siobhain
MacDonald, Calum
McDonnell, John
MacDougall, John
McFall, rh John
McGuire, Mrs Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
Mackinlay, Andrew
McNamara, Kevin
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
McWalter, Tony
McWilliam, John
Mahmood, Khalid
Mallaber, Judy
Mann, John *(Bassetlaw)*
Marsden, Gordon *(Blackpool S)*
Marshall, David *(Glasgow Shettleston)*
Marshall-Andrews, Robert
Martlew, Eric
Meacher, rh Michael
Meale, Alan *(Mansfield)*
Merron, Gillian
Michael, rh Alun
Milburn, rh Alan
Miliband, David
Miller, Andrew
Mitchell, Austin *(Gt Grimsby)*
Moffatt, Laura
Mole, Chris
Moran, Margaret
Morgan, Julie
Morley, Elliot
Morris, rh Estelle
Mountford, Kali
Mudie, George
Munn, Ms Meg
Murphy, Denis *(Wansbeck)*
Murphy, rh Paul *(Torfaen)*
Naysmith, Dr. Doug
Norris, Dan *(Wansdyke)*
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
O'Hara, Edward
Olner, Bill
O'Neill, Martin
Osborne, Sandra *(Ayr)*
Owen, Albert
Palmer, Dr. Nick
Perham, Linda
Picking, Anne
Pickthall, Colin
Pike, Peter *(Burnley)*
Plaskitt, James
Pollard, Kerry
Pond, Chris *(Gravesham)*
Pope, Greg *(Hyndburn)*
Pound, Stephen
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*

Prescott, rh John
Primarolo, rh Dawn
Prosser, Gwyn
Pugh, Dr. John
Purchase, Ken
Purnell, James
Quin, rh Joyce
Quinn, Lawrie
Rammell, Bill
Rapson, Syd *(Portsmouth N)*
Raynsford, rh Nick
Reed, Andy *(Loughborough)*
Rendel, David
Robinson, Geoffrey *(Coventry NW)*
Roche, Mrs Barbara
Rooney, Terry
Ross, Ernie *(Dundee W)*
Ruddock, Joan
Russell, Bob *(Colchester)*
Russell, Ms Christine *(City of Chester)*
Salter, Martin
Sanders, Adrian
Sarwar, Mohammad
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Sheridan, Jim
Shipley, Ms Debra
Short, rh Clare
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, rh Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, rh Chris *(Islington S & Finsbury)*
Smith, Geraldine *(Morecambe & Lunesdale)*
Smith, Jacqui *(Redditch)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Soley, Clive
Spellar, rh John
Squire, Rachel
Starkey, Dr. Phyllis
Steinberg, Gerry
Stewart, David *(Inverness E & Lochaber)*
Stewart, Ian *(Eccles)*
Stoate, Dr. Howard
Stringer, Graham
Stuart, Ms Gisela
Stunell, Andrew
Tami, Mark *(Alyn)*
Taylor, rh Ann *(Dewsbury)*
Taylor, Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Taylor, John *(Solihull)*
Taylor, Matthew *(Truro)*
Taylor, Sir Teddy
Teather, Sarah
Thomas, Gareth *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Tonge, Dr. Jenny
Touhig, Don *(Islwyn)*
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr. Desmond *(Brighton Kemptown)*
Turner, Neil *(Wigan)*
Twigg, Stephen *(Enfield)*
Tynan, Bill *(Hamilton S)*
Vaz, Keith *(Leicester E)*
Walley, Ms Joan
Ward, Claire
Wareing, Robert N.
Watts, David
Webb, Steve *(Northavon)*
White, Brian
Whitehead, Dr. Alan
Widdecombe, rh Miss Ann
Williams, rh Alan *(Swansea W)*
Williams, Betty *(Conwy)*
Willis, Phil
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wood, Mike *(Batley)*
Woodward, Shaun
Woolas, Phil
Wright, Anthony D. *(Gt Yarmouth)*
Wright, David *(Telford)*
Wyatt, Derek

Tellers for the Ayes:
Mr. Tom Watson and Derek Twigg

NOES

Ainsworth, Peter *(E Surrey)*
Ancram, rh Michael
Arbuthnot, rh James
Atkinson, Peter *(Hexham)*
Baldry, Tony
Barker, Gregory
Beggs, Roy *(E Antrim)*
Beith, rh A. J.
Bellingham, Henry
Bercow, John
Beresford, Sir Paul
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, rh Virginia *(SW Surrey)*
Brady, Graham
Brazier, Julian
Browning, Mrs Angela
Burnett, John
Burns, Simon
Burnside, David
Burt, Alistair
Butterfill, Sir John
Cameron, David
Campbell, rh Sir Menzies *(NE Fife)*
Cash, William
Chapman, Sir Sydney *(Chipping Barnet)*
Chope, Christopher
Clappison, James
Clarke, rh Kenneth *(Rushcliffe)*
Clifton-Brown, Geoffrey
Collins, Tim
Conway, Derek
Cormack, Sir Patrick
Cran, James *(Beverley)*
Curry, rh David
Davies, Quentin *(Grantham & Stamford)*
Davis, rh David *(Haltemprice & Howden)*
Djanogly, Jonathan
Dorrell, rh Stephen
Doughty, Sue
Duncan, Alan *(Rutland)*
Duncan Smith, rh Iain
Evans, Nigel
Fabricant, Michael
Field, Mark *(Cities of London & Westminster)*
Fisher, Mark
Flight, Howard
Flook, Adrian
Forth, rh Eric
Fox, Dr. Liam
Francois, Mark
Gibb, Nick *(Bognor Regis)*
Gillan, Mrs Cheryl
Goodman, Paul
Gray, James *(N Wilts)*
Green, Damian *(Ashford)*
Green, Matthew *(Ludlow)*
Greenway, John
Gummer, rh John
Hague, rh William
Hammond, Philip
Harris, Dr. Evan *(Oxford W & Abingdon)*
Harvey, Nick
Hawkins, Nick
Hayes, John *(S Holland)*
Heald, Oliver
Heathcoat-Amory, rh David
Hendry, Charles
Hermon, Lady
Hoey, Kate *(Vauxhall)*
Hogg, rh Douglas
Horam, John *(Orpington)*
Howard, rh Michael
Howarth, Gerald *(Aldershot)*
Hunter, Andrew
Jack, rh Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Johnson, Boris *(Henley)*
Keetch, Paul
Key, Robert *(Salisbury)*
Kirkbride, Miss Julie
Knight, rh Greg *(E Yorkshire)*
Laing, Mrs Eleanor
Lamb, Norman
Lansley, Andrew
Leigh, Edward
Letwin, rh Oliver
Lewis, Dr. Julian *(New Forest E)*
Liddell-Grainger, Ian
Lidington, David
Lilley, rh Peter
Llwyd, Elfyn
Loughton, Tim
Luff, Peter *(M-Worcs)*
McIntosh, Miss Anne
Mackay, rh Andrew
Maclean, rh David
McLoughlin, Patrick
Malins, Humfrey
Maples, John
Mates, Michael
Mawhinney, rh Sir Brian
Mitchell, Andrew *(Sutton Coldfield)*
Moore, Michael
Moss, Malcolm
Murrison, Dr. Andrew
Norman, Archie
Oaten, Mark *(Winchester)*
O'Brien, Stephen *(Eddisbury)*
Öpik, Lembit
Osborne, George *(Tatton)*
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Portillo, rh Michael
Price, Adam *(E Carmarthen & Dinefwr)*
Prisk, Mark *(Hertford)*
Redwood, rh John
Robathan, Andrew
Robertson, Hugh *(Faversham & M-Kent)*
Robertson, Laurence *(Tewk'b'ry)*
Rosindell, Andrew
Ruffley, David
Sayeed, Jonathan
Sheerman, Barry
Simmonds, Mark
Simpson, Keith *(M-Norfolk)*
Smith, Sir Robert *(W Ab'd'ns & Kincardine)*
Soames, Nicholas
Spelman, Mrs Caroline
Spicer, Sir Michael
Spink, Bob *(Castle Point)*
Spring, Richard
Stanley, rh Sir John
Steen, Anthony
Streeter, Gary
Swayne, Desmond
Swire, Hugo *(E Devon)*
Syms, Robert
Taylor, Ian *(Esher)*
Taylor, Dr. Richard *(Wyre F)*
Thomas, Simon *(Ceredigion)*
Thurso, John
Tredinnick, David
Trend, Michael
Trimble, rh David
Turner, Andrew *(Isle of Wight)*
Tyler, Paul *(N Cornwall)*
Tyrie, Andrew
Viggers, Peter
Walter, Robert
Waterson, Nigel
Watkinson, Angela
Whittingdale, John
Wilkinson, John
Willetts, David
Williams, Hywel *(Caernarfon)*
Williams, Roger *(Brecon)*
Wilshire, David
Winterton, Ann *(Congleton)*
Winterton, Sir Nicholas *(Macclesfield)*
Yeo, Tim *(S Suffolk)*
Young, rh Sir George

Tellers for the Noes:
Mr. Bill Wiggin and Mr. Crispin Blunt

Question accordingly agreed to.

The Bill, according to Order [this day], was treated as having been committed to a Committee of the whole House and as having been reported from the Committee without amendment.

Sir Patrick Cormack (South Staffordshire) (Con): On a point of order, Mr. Speaker. You will obviously understand that there is grave concern in all parts of the House at the unprecedented events that took place this afternoon, and I wonder whether you can tell the House anything about them now.

Mr. Speaker: I am gravely concerned about the situation, as indeed the whole House is. Immediately I received word that the incident had happened, I instructed the Serjeant at Arms to bring extra security into the House. Unfortunately, the Public Gallery has had to be cleared. What I intend to do is this: immediately after leaving the Chair, which will be at about quarter-past 6, I will have a meeting with Sir Michael Cummins, our Serjeant at Arms, and I will report back to the House as soon as I can.

Mr. Hogg: Further to that point of order, Mr. Speaker. May I ask whether it is part of your intention to reopen the Public Gallery if at all possible?

Mr. Speaker: It saddens me that no one is in the Public Gallery—I feel as strongly about that as the right hon. and learned Gentleman—but the safety of Members and the security of the House must be uppermost in my mind.

Ann Winterton (Congleton) (Con): Further to that point of order, Mr. Speaker. I share your concern about security in the House, but I wonder whether you and the authorities will consider the fact that the House has returned while much of it is like a building site and whether that was a wise decision, as that may well have played a part in the lapse of security this afternoon.

Mr. Speaker: The hon. Lady asks me to speculate. As I told her, I will have a meeting with the Serjeant at Arms as soon as I leave the Chair. I add that I have already had a meeting with him, and I will therefore report back to the House as soon as I can.

Sir Gerald Kaufman: Further to that point of order, Mr. Speaker. I am sorry to delay proceedings, but may I put to you what I think is in the minds of a considerable number of hon. Members on both sides of the House? First, I trust that, in dealing with the people who got on to the Floor of the House, it will not be treated as some trivial incident for which they can be interviewed and released. It is much more serious than that. Secondly, I take it that, during your investigation, you will seek to ascertain whether any staff of hon. Members or others—I am sure not staff of the House or Members—were involved in assisting those people in gaining entry.

Mr. Speaker: This is not a trivial matter, and I will not speculate on any connection with members of staff. After all, I am seeking a report from the Officer who is responsible for security, and my first priority then is to come back to the House.

Sir Stuart Bell: Further to that point of order, Mr. Speaker. Is it not a fact that the great difficulty that you, Sir, and Members have is in seeking to balance security needs with free and open access to the Palace of Westminster for our constituents and our citizens? Will you confirm that there is a deep review of security with the Metropolitan police and the security services? When the recommendations from that review are made, the House should speedily implement them and vote for the appropriate expenditure.

Mr. Speaker: I will not make mention of any security review, particularly at this stage.

Commons' suggested amendments, considered.

Mr. Speaker: I have imposed a limit of eight minutes per Back Bencher for the following business.

5.56 pm

Alun Michael: I beg to move,

That, pursuant to section 2(4) of the Parliament Act 1911, this House suggests to the Lords the following Amendment to the Hunting Bill—

Leave out Clause 15 and insert the following new Clause—

'Commencement

(1) The following provisions of this Act shall come into force at the end of the period of two years beginning with the date on which it is passed—

(a) sections 1 to 4,

(b) Part 2 in so far as it relates to sections 1 to 4,

(c) sections 11 to 14 in so far as they relate to sections 1 to 4,

(d) Schedule 1, and

(e) Schedules 2 and 3, except in so far as they change the law in relation to an activity to which section 5 applies.

(2) The following provisions of this Act shall come into force at the end of the period of three months beginning with the date on which it is passed—

(a) section 5,

(b) Part 2 in so far as it relates to section 5,

(c) sections 11 to 13 in so far as they relate to section 5, and

(d) Schedules 2 and 3 in so far as they change the law in relation to an activity to which section 5 applies.

It may be helpful if I indicate that I am happy to accept the sensible amendment that will be moved by my hon. Friend the Member for West Ham (Mr. Banks), and I encourage right hon. and hon. Members to vote for it and the substantive motion.

The motion will defer the commencement of the ban on hunting with dogs from the three months after Royal Assent currently in the Bill. The amendment would provide the specific date of 31 July 2006. The commencement of the ban on hare coursing will remain at three months. The motion is expressed as an amendment for the House to suggest to the other place because of the requirements of the Parliament Acts, and I shall return to that point shortly.

There are many persuasive reasons for deferring the commencement of the ban on hunting. In particular, it will give more time for those engaged in hunting to adjust to life after it. There are important animal welfare considerations for dogs and horses, as well as the wild animals that are hunted. The amendment would help by allowing time for hunters to put in place humane arrangements, such as dispersal and re-homing, for the dogs used in hunting. Such dogs are usually shot when they are no longer needed, but the extra time for implementation will ensure that there is even less reason for any suffering to be caused to them because of the ban. The Royal Society for the Prevention of Cruelty to

Animals has offered help with re-homing hounds—an offer for which I am very grateful—based on its experience of re-homing a considerable number of greyhounds every year.

The Burns committee estimated that, at the most, perhaps 6,000 to 8,000 jobs across England and Wales were linked to hunting, directly or indirectly, and that that was "almost invisible" in national economic terms, but the delay will have a number of consequences. It will allow businesses that are reliant on hunting more time to refocus and diversify, for example, into drag hunting or dealing with fallen stock. The horse industry in general is buoyant and provides many business opportunities. The delay will allow hunt employees more time to find new jobs. Given the success of the Government's economic strategy generally, jobs in most rural areas are readily available, as are opportunities for retraining. The delay will allow those who regard hunting as a method of pest control more time to put in place other pest control methods.

The Bill is likely to receive Royal Assent in November this year, so under the motion the ban on hunting will come into force during November 2006. My hon. Friend's amendment would substitute that with 31 July 2006. That alteration would not in any real way reduce the important benefits of deferral that I have just described. However, it will have the advantage of ensuring that the ban will come into force before the start of the main 2006–07 hunting season. It will mean that the winter of 2005–06 will be the last hunting season and that there will be no hunting after that. Among other things, it will prevent a further season of the cruelty of cub hunting in autumn 2006. Allowing hunting at the start of the 2006–07 season would divert the attention of hunts from the need to plan ahead and get on with the job of changing their arrangements after the 2005–06 season has finished. Those important considerations are why I am glad to support the amendment tabled by my hon. Friend.

Lady Hermon (North Down) (UUP): As someone who feels passionately about the welfare of greyhounds, I have listened as calmly and patiently as possible to the lengthy explanation of why the implementation of the ban on hunting will be delayed. However, the Minister made it clear that the ban on hare coursing will be immediate. What provisions and assistance—financial or otherwise—will be given to the owners of greyhounds that might have participated in hare coursing?

Alun Michael: I made it clear earlier, although the hon. Lady might not have heard that part of our discussions, that we do not believe that the same animal welfare concerns arise for dogs involved in hare coursing as for packs of hounds that are held by hunts, so the same considerations do not apply. I also strongly and clearly made the point that this country faces major problems due to illegal hare coursing and the fact that there is a need to change the basis of the prosecution of people who are involved in that activity, and its associated intimidation, violence and vandalism, from trespass to the activity of hare coursing itself. The trespass option does not give the police the tools to do their job, and we have made it clear that the measure is an important part of the Bill. That explains why the suggested amendment will not defer the commencement of the ban on hare coursing events, which will continue to come into effect three months after enactment.

Although hunting with dogs might make a contribution—however small—to pest control, hare coursing events have no such justification. Although some hares are killed, the purpose of the activity is to bet on the competitive performance of dogs. There is no suggestion whatever that a ban on hare coursing events will mean that any dogs will have to be destroyed or re-homed, and I do not know of any significant evidence that many rural people or businesses are economically reliant on hare coursing events.

David Burnside: Will the Minister enlighten the House by estimating how many more foxes he expects to survive during the delay to the ban on hunting with hounds? How many more foxes does he expect to be killed by other means of control during that period?

Alun Michael: Yet again, one must go back to questions that have been answered in the past. The number of foxes killed is irrelevant. The fact of the matter is that foxes are killed as pests. A fairly small number are killed by hunts, but more are killed by lamping and other methods. Additionally, a minute number of deer are killed by hunts while large numbers are killed by stalking and shooting, so deer hunting is a completely unnecessary activity. Whether the number of foxes killed goes up or down is irrelevant to the Bill.

An even more important consideration about hare coursing is the fact that the violence and intimidation associated with illegal coursing events causes a real and pressing problem in many parts of the countryside. We have received many representations asking us to take firm and speedy action to enable the police to tackle the evils associated with such activities. That can be done only if the nature of the relevant offences is changed from trespassing to the activity of hare coursing itself, which clause 5 will achieve. There can be no justification for any further delay to giving police the powers that they need to crack down on the criminals involved.

Today's events outside, and even inside, the Chamber have raised serious questions of law and order, so I repeat a plea to leaders of the Countryside Alliance and any other organisations concerned with these issues that I have made on many occasions. They should start preparing their supporters to obey the law and to consider alternatives, such as drag hunting and fallen stock dispersal. They should show the respect for the law that, in fairness, was displayed by the hon. Member for North Wiltshire (Mr. Gray) when he said that although he would seek to overturn any hunting ban that became law, he would do so while obeying the law and try to achieve that using the ballot box and the House's processes. I was pleased that he said that because he showed respect for the House. I challenge people such as the leaders of the Countryside Alliance to show that same respect for the law. They do no favours to their supporters by failing to give a similar lead or by appearing to encourage illegal activities, although I hope that they do not intend to do that.

David Winnick *rose—*

Mr. Gray *rose—*

Alun Michael: I shall give way to my hon. Friend the Member for Walsall, North (David Winnick) and then the hon. Member for North Wiltshire.

David Winnick: I entirely endorse what my right hon. Friend says. All of us—certainly me—have been involved in peaceful protest over the years, which is part of parliamentary democracy. Is he aware that some of the more hooligan elements of the demonstration are shouting out remarks such as, "We know where you live," while referring to him? Such intimidation is totally unacceptable, as is trying to deny the House of Commons the right to debate the matter and reach a conclusion. Surely we should expect the Countryside Alliance to dissociate itself from such hooligan and fascist elements.

Alun Michael: Indeed, I hope that the Countryside Alliance will do that because I know that decent people are involved in it, such as its chairman, John Jackson, whom I have known for a long time—he is an extremely decent men. I hope that other leading members will give him the assistance to dissociate the Countryside Alliance from such activities and to encourage its supporters to understand the strength of feeling on the other side of the debate as well as their strong views.

Mr. Gray: I cannot speak for the Countryside Alliance because it is a private organisation, although I am a member of it. It has made it clear many times in written submissions and through other forms that it entirely decries any activities that are not legal, lawful, peaceful or sensible. I hope that I can speak for its leaders by saying that they would certainly abhor the disgraceful scene in the Chamber earlier today and the small number of scuffles, which the police tell me are minor, involving people outside Parliament. I hope that the Countryside Alliance and I can speak together in saying that we entirely decry such behaviour.

Alun Michael: I am grateful to the hon. Gentleman for his intervention. I respect what he said and the tone in which he made his point.

Mr. Hugo Swire (East Devon) (Con): While we are on the subject of intimidation, the Minister will have seen from this morning's newspapers that Oxford university is asking for more help to combat the ever increasing problem of so-called animal rights activists. When will the Government take that problem more seriously? People throughout the country who work for Huntingdon Life Sciences and other organisations have been intimidated for years and their houses have been picketed, but the Government have yet to respond.

Alun Michael: The hon. Gentleman is right about the importance of tackling those people, but wrong that the Government have done nothing. As a former Home Office Minister, I know that the Government have taken the matter increasingly seriously. We have made it absolutely clear that such intimidation is unacceptable and that it represents nasty lawbreaking. People are trying to interfere with the processes that should be dealt with by the House rather than through such activities, as several people have said. There are ways in which people may make their protest known within the law and without undue intimidation, as many of us have done over the years. That is right in a democratic society, but such a society must make it clear that there is a limit to such activity.

Kevin Brennan (Cardiff, West) (Lab): Does my right hon. Friend agree that it is perhaps not surprising that we are witnessing such scenes given that last week the parliamentary sketch writer of the *Daily Mail*, who holds a pass for the House of Commons, recommended in his column that the homes and offices of hon. Members should be attacked?

Alun Michael: My hon. Friend makes a valid point. Journalists, too, must take responsibility for saying things that could appear to encourage or condone illegal activities, especially in comment columns. We must all be careful about what we say when we encourage people on matters that are associated with strong views.

Andrew George *rose—*

Mr. Speaker: Order. We are talking about commencement dates. Other matters should have been discussed on Second Reading. We must confine ourselves to commencement dates because we are debating a suggested amendment.

Andrew George: In respect of the commencement date and the reassuring comments by the hon. Member for North Wiltshire (Mr. Gray), is the Minister aware that on 5 September the Countryside Alliance apparently made a statement, reported on the BBC website—perhaps incorrectly—as:

"Fifty thousand people have signed a petition saying they would be prepared to break the law if a ban was introduced and they would be prepared to face the consequences"?

I appreciate that the hon. Gentleman dissociated himself from such action and it would help to have that clarified.

Alun Michael: It is not for me, any more than it is for the hon. Member for North Wiltshire, to clarify the views of the Countryside Alliance, but the hon. Member for St. Ives (Andrew George) makes an important point. By going for the delay in commencement, the motion provides, beyond all doubt, extra time for people to behave reasonably in accepting the will of the House. It is not an unimportant consideration. I regret the threats of illegal action and protest by some hunt supporters. I understand that some people have dissociated themselves from those views. The Government have condemned such threats and believe that most people involved are law abiding and are prepared to respect the will of Parliament. The extra time for implementation provided by the suggested amendment will make it even clearer that illegal actions and threats or intimidation are totally unjustified. If people want to continue their opposition to the Bill, they have the option of expressing their views through the ballot box. I hope that the leaders of the Countryside Alliance will make their position clear.

Gregory Barker: There is a long history of political protest in this country on both sides of the political equation. Does the Minister believe that there are any circumstances under which civil disobedience should be tolerated?

Alun Michael: It would not be right to extend the debate into philosophical issues of whether such action can ever be justified. I can say, however, that there is no such justification in relation to this Bill, especially if we allow the additional time suggested. I hope that the House of Lords will also give the suggestion serious consideration.

Miss Widdecombe: The Minister will be pleased to know that my intervention is about the time for implementation. He is making a persuasive case for a delay.

Gregory Barker: No, he is not.

Miss Widdecombe: My hon. Friend does not want a delay, but I accept that there is a persuasive case for one. However, there are two ways of approaching an 18-month delay. One is to use that time to re-home hounds, run down the activities and so on. The other is simply to treat it as a period of grace and to put off the day. What monitoring will be in place?

Alun Michael: The right hon. Lady makes an important point. I am asking people to prepare for the Bill's implementation during the period of delay. They should not, as she rightly points out, take it as an opportunity to put off the evil day and not to think about it. The Government would be prepared to engage with those who are willing to consider a more constructive future.

Mr. Hogg: The right hon. Gentleman advocates a delay, but that also gives the Government an opportunity to introduce a fully funded compensation scheme. Why will he not do that?

Alun Michael: I explained earlier when the right hon. Gentleman was not in the Chamber why we do not think a compensation scheme is necessary in any sense or in any way.

I said that I would comment further on the workings of this unusual procedure, by which the House may suggest an amendment to the other place. The Parliament Acts of 1911 and 1949 enable the will of this House to prevail in the face of disagreement between the two Houses. The procedure is available only if a reintroduced Bill is substantially unaltered, but section 2(4) of the 1911 Act provides that the Commons may suggest an amendment, which can be incorporated in a Bill, if it is accepted by the other place. If, in the face of the readiness of this House to use the Parliament Acts, the other place then agrees to the amended Bill, or agrees to amend the Bill, it can be enacted accordingly with the inclusion of the suggested amendment.

The procedure for proposing suggested amendments has been on the statute book for more than 90 years, but as far as I am aware, it has not previously been used. It is a matter for you, Mr. Speaker, to interpret the Parliament Acts and to determine when they apply to any measure.

Mr. Simon Thomas (Ceredigion) (PC): I am pleased that 90-year-old procedures can be used and look forward to an impeachment debate before too long.

On the period of commencement, we are likely to vote for 18 months. I accept how the figures stack up, but the other place will know that the Government originally had two years in mind. The Minister explained why he wants to accept 18 months. What he has not told us is why the Government initially wanted two years. What was their thinking behind that? It could not have been plucked out of thin air because that is not possible, is it? Why is 18 months better than two years?

Alun Michael: Very simply, two years seemed a reasonable period, but, having looked at the practicalities, it became clear that going to the shorter period would take us beyond the latest possible date for the next general election. That makes it clear that the ballot box and not some other means is the way to deal with objections. It also means that the ban comes in before the start of a new hunting season. So 18 months makes sense on a number of grounds. I have made it clear that we accepted the argument, after some discussion, and that I support the proposal.

I have also been asked what would happen if the other place accepts the suggested amendment but fails to pass the Bill or passes it with amendments that this House is unable to accept. My understanding from reading the 1911 Act is that the House could present the Bill for Royal Assent under the Parliament Act, but only with the existing three-month commencement provision. I would certainly defer to the ruling of Mr. Speaker, but that is my understanding in order to inform the thinking of the House. The only other way to change the date of commencement would be to introduce a one-clause Bill to that effect.

On this matter, as on so much else, I simply hope that common sense will triumph so that a hunting Bill, which this House has sought consistently over a number of years, will be put in place in an orderly way and democracy will prevail and be respected, even by those who did not want a ban enacted.

6.17 pm

Mr. Tony Banks (West Ham) (Lab): I beg to move amendment (d), in line 5, leave out from "force" to end of line 6 and insert "on 31st July 2006".

Mr. Speaker: With this, it will be convenient to consider the following amendments: (e), in line 6, leave out "two" and insert "four".

(f), in line 6, leave out "two" and insert "five".

(b), in line 6, leave out "two years" and insert "one year".

Mr. Banks: I declare my interest as a vice-president of the League Against Cruel Sports and pay tribute to my right hon. Friend the Minister for his work on the issue and his understanding of it. He has taken a load on himself. It is something of a poisoned chalice, but he has acquitted himself well.

[Mr. Banks]

I asked myself two questions in relation to amendment (d). First, is the issue important? Last week, we debated the proposed European constitution, which I think is vital. There were 20 Members in the Chamber and there was virtually nary a word about it in the media. Today, the House is packed to the rafters and the debate is running live in the media, with blanket coverage—so the facts seem to say that it is important.

Gregory Barker: Will the hon. Gentleman give way?

Mr. Banks: No.

Secondly, is it a class issue? Well, yes it is. It is a middle class, middle England issue. The profile of the average passionate anti-hunter is a white, middle class woman, living in the home counties or in a county town or village, who reads the *Daily Mail*. I have had more letters on this subject than any other hon. Member. It is not a case of urban guerrillas versus toffs. Some of my best friends are toffs. Indeed, I hope to become a toff myself one day.

I tabled amendment (d), and I realise that not all my colleagues who support the Bill are happy with it. I understand and share their feelings, so perhaps I can explain my motives and reasoning. I want a ban in place as much as anyone in the House, but I also want to guarantee that it will happen. The Government wanted a commencement date beyond any possible date for a general election and so tabled a two-year delay in implementation. In discussions with Ministers, as my right hon. Friend said, they decided to move their position.

Miss Widdecombe: I am grateful to my temporary hon. Friend for giving way. Many of us, despite having listened to the case for a delay, feel very uneasy about it. What support, or otherwise, for an 18-month delay has he received from the RSPCA and the International Fund for Animal Welfare?

Mr. Banks: None. I am explaining an issue that we have to resolve in the House, and I am asking the House to listen to my tactical reasons for tabling the amendment.

Ministers have now shifted their position. Their arguments, as I perceive them, are that a delay will lower the political temperature and allow the election to be used by those who are pro-hunting to express their views through their vote. That seems perfectly reasonable. If the electorate want a ban to remain in place, assuming that the Bill is passed, they should vote Labour or, indeed, Liberal Democrat. If they want a Government pledge to overturn the ban, they can work and vote for the Conservatives. It is as simple and straightforward as that, and on that I think the hon. Member for North Wiltshire (Mr. Gray) and I are in total agreement. Personally, I do not believe that hunting would, could or should determine the outcome of a general election one way or the other, but trust could, and regrettably the issue of hunting has been caught up as one of those "trust in the Government" cases.

Mr. Swire: The problem of trust, it seems to me, is that many people in the countryside simply do not trust the Government commitment to the countryside, hunting being one small part of that. Has the hon. Gentleman, at any stage in his capacity as vice-president of the League Against Cruel Sports, had discussions with anyone in the organisation about what will happen if hunting is banned? Will there be a move towards other sports, namely reared shooting and, in turn, fishing?

Mr. Banks: I have not had discussions about that because we are concentrating on this issue. *[Interruption.]* There will be organisations outside that want to ban fishing and shooting. It is their right to hold that view, and it is our right to have this debate and vote on the issue, if necessary. However, I can tell the hon. Gentleman that there is virtually no support in this House for a ban on shooting or angling. That being so, why do Conservative Members keep throwing the issue into the debate, as though somehow a ban on hunting is the thin end of the wedge? Organisations outside the House may think that it is; inside, I can tell them, there is no majority in favour of such a ban. Personally, I would support a ban on shooting—let me make that quite clear.

The Prime Minister wanted a two-year delay, and most Labour Members want the Bill as it stands or would, perhaps, accept a one-year delay, but we have compromised, so the Government cannot now say that those of us who want a ban have been unreasonable. Therefore, they cannot even think about delaying Third Reading or, for example, moving a motion on the Floor of the House that the Parliament Act not be used. The Parliament Act is not in the gift of the Government to use, but they certainly have a right, if they wish, to table for debate a motion to the effect that we do not use it. In that case, I would like to listen to the arguments and watch the outcome, but I know that Ministers are not even thinking about that.

If, as expected, the Lords rejects the Bill, we should ask it to consider the delaying proposal. If the House supports my amendment, we will lock the Government into an agreement and they will then willingly see the measure through. The political dilemma then becomes one for the Lords, not this House. The effect of my amendment on hunting would be to allow two more fox hunting seasons, two more deer hunting seasons, one more mink hunting season and two more hare hunting seasons. Hare coursing, of course, would finish early in 2005. I must say that the litany of slaughter that the delay implies does not fill me with joy, nor am I wholly satisfied, but I can just about live with my conscience knowing that a ban will be on the statute book, albeit later than we really wanted.

For what it is worth, my prediction is that even if we carry the Bill and amendment (d) today, the Lords will throw both out, and thus three months after the Bill receives Royal Assent a ban will come into effect—in February or March 2005. I say this seriously: any problems that arise from that will be the responsibility of the Lords alone. If, on the other hand—I doubt that this will happen but I hope that it does—this House and the Lords agree to amendment (d), the hunts will, as my right hon. Friend the Minister has said, have ample time to deal with their animals and change to other pursuits such as drag hunting. It will also mean that although the two Houses did not agree on the principle of the ban, they will have agreed on its implementation date.

On this amendment and on this issue I am asking the House, including some of my colleagues who have been a bit critical of me for tabling the amendment, to trust me—and, after all, why not? I am a Member of Parliament.

.25 pm

Mr. Gray: The stark, profound and terrible sense of betrayal felt by people in the countryside today will in no sense be assuaged by the Prime Minister's cynical, grubby attempt to bribe them by offering this 18-month stay of execution. The Minister is saying, "You're going to be executed, but don't worry, we'll put it off until next week." People in the countryside will pay no attention to that; nor will their hatred, sadness and anger be in any way assuaged by the grubby little political deal that the right hon. Gentleman is offering us.

We know why the Minister is offering the deal. It has nothing to do with animal welfare, with allowing hunts to wind down or with the 8,000 families who will be thrown into penury as a result of this disgraceful Bill. *[Laughter.]* Labour Members laugh. They think that it is funny that 8,000 employees will be thrown out of work as a result of the Bill. The countryside does not think that it is funny, and if Labour Members laugh at their plight, that will make people's anger and sadness worse, not better. I appeal to Labour Members' better side: they have won the debate and they are putting 8,000 people out of work. I ask them not to laugh about it and at least to have some sympathy for those people.

Mr. Morley: I do not think that hon. Members are laughing about the issue of people's employment. It does not help to exaggerate the situation, and if the hon. Gentleman reads the Burns report, which contains a good evaluation of the number of full-time equivalents employed by hunts, he will find that 8,000 is a gross exaggeration.

On the procedures for winding down hunts, I should say that there are many decent people involved in hunting who are already thinking about switching to drag hunting and other alternatives. At the moment, every obstacle is being put in their way. The right hon. Member for Maidstone and The Weald (Miss Widdecombe) made the good point that now the House has taken its decision, people should focus on the changes that can be made and the help that they can receive in making them.

Mr. Gray: The hon. Gentleman has not been involved in the debate over the past few years and he has not read the Burns report, so understandably he is unaware that Burns makes two very clear points. First, on the figure of full-time equivalents—

Mr. Morley: There are not 8,000 full-time equivalents.

Mr. Gray: The hon. Gentleman is chuntering from a sedentary position, but I allowed him to make a long intervention. From memory, I think that the figure given by Burns is 6,724 full and part-time jobs, equivalent to 8,000 full-time jobs. *[Interruption.]* Having won the argument and banned hunting, Labour Members might at least do us the decency of displaying sympathy for people who will be thrown on to the streets, whether there are 6,000 of them or 8,000. The Minister seeks to make a political point and to say that I have got my figures wrong, but many thousands of people will be put into penury as a result of the Bill, and surely a Labour Government could at least show some sympathy for them.

The Minister is also quite wrong about drag hunting. Almost the only clear conclusion that Lord Burns comes to is that in no circumstances could drag hunting be a substitute for fox hunting. He makes that 100 per cent. plain. This constant cry that somehow or other we will convert the 26,000 hounds that currently hunt foxes, deer and mink into drag hounds is a nonsense. I shall return to that point in a moment.

We believe this to be a political deal, and we want no part of it. We are certainly not going to be fooled by it. I also believe that if it was in the Prime Minister's mind to strike a political deal, he has made a significant political miscalculation. Although I entirely decry the scenes that we have seen today—I do not necessarily believe that pro-hunting people were responsible—I believe that the fury and anger of hunting people and their determination to overturn this disgraceful Bill will have a significant effect in marginal Labour seats in the forthcoming general election. The hon. Member for West Ham (Mr. Banks) is right that hunting will not be an issue in the general election—there are not many votes on either side, because most antis vote Labour and most pros vote Conservative. However, about 1 million people feel incredibly strongly about this issue, and they will target Labour seats with majorities of less than 3,000. I believe that what the Government have done today will have a very significant effect indeed on the general election for that reason. Many Members here will find that their constituencies are canvassed six, eight or 10 times by supporters of hunting, irrespective of what their political allegiances may be.

Mr. Banks: Almost to a person, Labour Members in marginal rural constituencies and with hunts in their constituencies want a ban at the earliest possible time. With regard to voting, the Countryside Alliance and those that generally support it would not vote for my right hon. Friend the Prime Minister or the Labour party if we brought back witch burning and public executions and handed out free cider while they were watching.

Mr. Gray: I am delighted for the hon. Gentleman and hope that his hon. Friends are as confident as he sounds. If he is right, that is fine. However, the picture will be extremely plain in the forthcoming general election: this Government have banned hunting; a Conservative Government will be committed to reintroduce hunting with a free vote on both sides of the House. The 1 million people who care passionately about hunting will not necessarily wish to discuss it during the general election campaign, but one thing is for sure—they will put their shoulders to the Conservative wheel to ensure that we throw out this illiberal Labour Government and bring in a free Conservative Government.

Mr. John Taylor (Solihull) (Con): On a point of order, Mr. Deputy Speaker. The whole House knows that we shall rise tomorrow. In the past 24 hours some very alarming news has reached Members concerning the

[Mr. John Taylor]

future and security of the motor industry in the west Midlands. Will you use your good offices to ask the Secretary of State to come to the Dispatch Box before the House rises so that Members with an interest in the midlands motor industry can put questions to her?

Mr. Deputy Speaker: There is still time for the hon. Gentleman to use the procedures available to him to seek to raise that matter. He could submit an application to Mr. Speaker that will no doubt receive his serious consideration.

David Winnick: I agree with that point of order.

Does the hon. Member for North Wiltshire (Mr. Gray) agree that if Members of Parliament refused to vote for what they believe in because they were frightened of losing their seats that would reflect very badly on the House as a whole? If my hon. Friends and I trembled at his words, we would have no integrity and would be abandoning what we believe to be right.

Mr. Gray: The hon. Gentleman speaks for himself. I suspect that listening carefully to what voters in one's constituency are thinking and doing is an extremely important part of democracy. He is right that some Members of Parliament will ignore their constituents and do something that they do not like, but they will have to face the consequences.

It is important to examine very carefully the precise justification that the Minister advanced for the 18-month delay. Of course, we welcome that as far as it goes, because we would rather have a ban in 18 months than in 12 months. However, it shows a complete ignorance of the way in which hunting works. The average hound has a working life of at least seven years, sometimes much longer—some can hunt until they are 10 or 15. The Minister said that it is disgraceful that some of these animals are destroyed at the end of their working lives. All large working dogs, including police alsatians, have a working life of about seven years. Many are rehomed, but by no means all. A great many large working dogs of all kinds, including farm dogs and police dogs, are put down humanely at the end of their working lives.

The rather bizarre report produced by the all-party group on animal welfare suggests that there are alternative uses for these dogs, of which there may be 30,000, 40,000 or 50,000 across England—26,000 fox hounds and a large number of other working dogs. What is going to happen to them? In the report, the RSPCA suggests that it might be possible to rehome them. Some of these dogs are extremely large—perhaps the height of the Table—and extremely powerful. They are used to living in kennels in the company of 80, 100 or 120 other hounds. The idea that they could be removed individually and rehomed in domestic circumstances is ludicrous, as anyone who has ever encountered a working fox hound from a kennel will know. It would be cruel to take it away and put it in someone's front lounge, and it is not a sensible option.

The report also suggests retraining the hounds for drag hunting. If a pack of hounds has been trained to chase the scent of a fox, a deer or a mink, it is impossible to imagine their somehow being retrained to hunt a bag of aniseed. Even if it were possible, what would happen when they were out on their day's drag hunting and came across a fox? Under the Bill, we do not know whether intent to kill a fox is the crime; indeed, we do not know what the offence of hunting is. One of the scandals of the way in which it has been handled is that there has been no definition of hunting or of who is doing it—is it the master, the whippers-in, people two fields away, or a passing tourist who happens to see what is going on? We do not know and the Bill does not tell us: the courts will have to examine that.

If, as the report suggests, fox hounds are to be reused, let us imagine that all 26,000 were reused as drag hounds—a ludicrous suggestion, but let us imagine it nevertheless. If they accidentally kill a fox, a deer or a mink in the course of their normal day's drag hunting, is that an offence? The Minister might like to enlighten us, because it is not clear from the Bill.

It is odd that the report ignores the submission by the British Veterinary Association, which knows what it is talking about and which concludes that it would not be possible to rehome or to retrain these animals and that the only way to deal with such a substantial number would be humanely to kill them at the end of their working lives.

There is no question but that the Bill will result in the deaths of perhaps 30,000, 40,000 or 50,000 dogs as soon as it comes in. I welcome the 18-month delay in the sense that action can be taken with regard to breeding, and it may be wound down. However, a great many young puppies—the new entry, as we call it—will have come in this summer and may have seven or 10 years ahead of them. When I was out autumn hunting last week, a 13-year-old hound was hunting. Those young hounds may have 13 years ahead of them, and the 18-month delay will have no effect on them.

The same applies to many horses. They can more easily be reused for hacking, but many lower-grade horses are kept exclusively for hunting. Almost certainly, the capital value of hunters will collapse as a result of the ban; that in itself has some welfare consequences.

Gregory Barker: Does my hon. Friend agree that not only low-grade horses but many thoroughbreds are unsuitable for hacking? I have a thoroughbred—a retired racehorse—[*Laughter.*] I do not know why that is funny. I happen to love horses—obviously Labour Members do not. I am lucky to have a retired racehorse, with which I hunt. He would not make a comfortable hack. When there is no use for horses like that, there may be no permanent use for them in riding schools.

Mr. Gray: My hon. Friend makes an important point. The Horse and Pony Taxation Committee, which I chaired until recently, and several other horse organisations that have no position on hunting, made it plain that a collapse in the value of horses will occur as a result of a ban. That will have some welfare consequences, although fewer than those for hounds.

David Taylor: I thank the hon. Gentleman for giving way on that point, although he declined to do so earlier when he turned 6,700 full and part-time people into the

equivalent of 8,000 full-time people. Perhaps he can explain the arithmetic of that to me in the bar afterwards.

On the economics that he is currently considering, does he accept that most assessors suggest that when equestrian activity is detached from the taint of hunting, more people will want to ride and be involved, and the number of jobs will therefore grow by more than the 600 or 700 direct jobs that may be lost when the hunts disappear?

Mr. Deputy Speaker: Order. I remind hon. Members that we are dealing with the amendment. I do not want us to stray too far back into the substance of the debate, albeit truncated, on Second Reading.

Mr. Gray: The hon. Gentleman suggests that there is some value in delaying the Bill's implementation because that will benefit the 6,000 to 8,000 people who will lose their jobs. He argues that that is somehow progressive. For clarity, I shall quote paragraph 18 of the Burns report, which states:

"We estimate that somewhere between 6,000 and 8,000 full-time equivalent jobs presently depend on hunting, although the number of people involved may be significantly higher."

I do not intend to get into a backwards-and-forwards discussion with the hon. Gentleman, because even if the figure were 50 people or 10 people it would be a matter of concern to the House. Many people will lose their livelihoods as a result of what has happened today.

Mr. Morley: Will the hon. Gentleman give way?

Mr. Gray: I shall give way in a second, but we should listen to Mr. Deputy Speaker's injunction and not go too far into the issue.

The hon. Member for North-West Leicestershire (David Taylor) argued that the horse industry would somehow grow as a result of a ban on hunting. No evidence exists to suggest that that would happen. The most recent DEFRA-commissioned report—the Henley report—mentioned the deleterious effect that the ban on hunting would have on the horse industry. There is no suggestion that a ban would increase the amount of horse riding for other purposes.

Mr. Morley: Will the hon. Gentleman give way?

Mr. Gray: Before the Minister intervenes, I want to make it plain that, although I am happy to take a brief intervention on the number of jobs, the significant point is that it will be a large number. If he stands up, cites some other paragraph in the Burns report and says that the figure is "only 5,700", that would be an irrelevant intervention. Whatever the figure—5,700, 6,700, 10,000 or 300—the number of people is significant. With that caveat, I am happy to give way.

Mr. Morley: The hon. Gentleman has pre-empted me; I have the figures. According to Burns's figures, hunts directly employ 710 people—I refer the hon. Gentleman to paragraph 3.37. Followers directly employ 1,497 people. I do not know how many of those people do other things. Of course, there are others—up to 5,000 is the figure provided—who have some connection with the hunt. That does not necessarily mean that all those people will lose their jobs. I do not play down the matter. There is an employment issue, and we should face up to it. However, it does not help to exaggerate the position. Far more people than those mentioned in the Burns report lost their jobs in the steel industry in my constituency alone.

Mr. Gray: I warned the Minister that I did not intend to enter into a backwards-and-forwards discussion on numbers because the figures are plain: many people will lose their livelihoods as a result of the Bill. However, the end of the Minister's intervention was interesting. He sought to make fun of my comments about numbers—we could argue about that; it is an interesting academic subject—but he finished by saying, "Anyhow, lots of jobs were lost in the steel industry." One or two other hon. Members said earlier, "You never said that about the miners when Thatcher threw them out." Revenge is therefore all right. I do not accept that.

We are discussing implementation of the measure and whether an 18-month delay will be useful. The many thousands of people—I suspect that it will be tens of thousands if we include saddlers, farriers and others who are involved—that the Bill affects will not be helped by the 18-month delay. That is the substantive point.

Andrew George: In some senses, the Minister's intervention helps the hon. Gentleman and me to make the case, which the Government previously rejected, for compensation. Both he and I believe that, if the measure is to be implemented, those who are affected should be compensated, just as other communities were helped through regeneration funds when there was a decline in the steel industry.

Mr. Gray: We were prevented from discussing compensation because of the House's inability to consider the measure in detail. We spoke about it at some length during the previous Bill's passage. The Government ignored it and the Minister for Rural Affairs and Local Environmental Quality told me across the Dispatch Box that those who lost their jobs could go to the jobcentre the same as anybody else. However, when the Government abolished fur farming—about which the Labour party took a similar principled stance to that on hunting—they introduced compensation for the fur farmers who lost their jobs. They should do the same in the case that we are considering, which we do not have an opportunity to discuss.

Mr. Swire: Will my hon. Friend give way?

Mr. Gray: If my hon. Friend will forgive me, I am genuinely trying to wind up my remarks. I have been on my feet for some time and I am keen for others to speak. However, I shall give way briefly.

Mr. Swire: Does my hon. Friend agree that it is time to nail the comparison with the decline in the steel industry and other industries—

Mr. Deputy Speaker: Order. We have moved further and further away from the amendment. I encourage

[Mr. Deputy Speaker]

hon. Members to come back to the terms of the motion and amendment; otherwise, there will certainly be no time to discuss all the matters that they wish to raise.

Mr. Gray: The measure affects not only the people who will lose their jobs but the farmers who will have 500,000 carcases, most of which currently go to hunts, a year to dispose of, the hunts, who will have the problem of what to do with their hounds, the fox population, which will explode as a direct result of the ban, and game shooting, poultry and sheep farming. It is interesting that, under the Bill as drafted, people are allowed to use terriers underground to save game shooting. That is considered acceptable. However, someone who uses terriers underground to save the 380,000 lambs a year that foxes kill will go to prison. Someone who uses terriers underground to save poultry farming, which suffers terrible depredations from foxes, will go to prison. Terriers may be used underground only to save game shooting. I welcome that, but it shows the absurdity of the detail of the Bill. The 18-month delay will not help.

The consequences of implementation in three months or 12 months—and immediate implementation for hare coursing, on which I shall not expand except to say that I do not agree with the Government's argument—are too horrible to contemplate from almost every perspective.

The Government's cynical offer of a delay is an insult to the intelligence of country people. We know why the Minister made the offer: to avoid too bad a backlash in the approaching general election. It has nothing to do with animal welfare. It will assuage neither our fury nor our determination by one whit. I urge hon. Members to accept the proposal for a delay of 18 months, but it would have been better to accept our five-year proposal, which would have taken good account of the animal welfare consequences of the delay.

Those who believe in freedom and tolerance and love the countryside will devote every ounce of their strength to removing the illiberal Labour Government who have ruined their lives in the sure and certain knowledge that an incoming Conservative Government will introduce a Bill to repeal the damaging, illiberal and disgraceful measure.

6.49 pm

Jean Corston (Bristol, East) (Lab): I am delighted that, once again, the House of Commons has voted by an overwhelming majority in favour of a Bill to ban hunting. I have been a lifelong opponent of hunting and my opposition was reinforced before Christmas last year when I saw a fox being torn apart by hounds of the Beaufort hunt just off the public highway.

I want to refer particularly to the human rights aspects of the commencement date, in support of the amendment tabled by my hon. Friend the Member for West Ham (Mr. Banks). Hon. Members will know that I chair the Joint Committee on Human Rights. As part of its scrutiny process, the Committee—which does not have a Government majority—has to put aside political views and be guided solely by legal advice on the compatibility of provisions proposed in legislation with the European convention on human rights and other international instruments.

In this regard, it is important to remember that article 1 of protocol No. 1 of the European convention, which we have incorporated into domestic law, states:

> "Every natural or legal person is entitled to the quiet enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law."

Let us face it—banning hunting does interfere with property rights, in terms of the use of private land and the ownership and management of hounds, for example. In the Government's correspondence with the Committee, the Government advanced two propositions. One was that a total prohibition of hunting amounted only to a control on property, rather than a deprivation of it. The Joint Committee on Human Rights agreed with that.

The Government went on to assert that a prohibition would result only in a control on the benefit of contracts relating to hunting. Such contracts include the employment contracts to which several hon. Members have referred, and contracts undertaken by people who provide goods and services. The Joint Committee on Human Rights disagreed with that proposition on contracts that had already been entered into, for a number of reasons. The first was that there was no history of progressive legislative restriction of hunting with dogs over a long period in this country. The second was that there had been no announcement by the Government that they intended to legislate in a particular way. The third was that a legitimate expectation cannot be lost because the Government are consulting on possible future legislation. After all, the first Bill offered three options, only one of which involved a complete ban. Fourthly, there was no certainty about the content of any future Bill, and, fifthly, there was no certainty that the Parliament Acts would be used if necessary.

One does not have to be an aficionado of "The Archers" to know that the people involved in hunting never believed that this day would come; one has only to go outside the House today. The Joint Committee on Human Rights therefore concluded that the Government had not publicly advanced such a clear policy of banning hunting that people should automatically lose the legitimate expectation that their contracts would be effective and enforceable. In short, we need to give notice. The question is: how long should that notice period be, and to what purposes should it be put?

Mr. Gerald Howarth (Aldershot) (Con): I am listening to the right hon. Lady's argument with great care. She mentioned earlier that one of the considerations involved was the public interest. Will she tell us how the public interest will be served by making criminals of ordinary, decent, law-abiding folk who wish quietly to participate in their country pursuits?

Jean Corston: There is nothing in this Bill that will turn anyone into a criminal. People will become criminals if they decide to disobey the law.

What would be a reasonable commencement date? What would be a reasonable period for people with contracts related to hunting to make alternative arrangements? The hunting season has started, and it is evident that people have made financial and

employment commitments to cover this season. I would suggest that it would be reasonable to allow this season to proceed and to allow one further hunting season. That would enable people—if they wish, and if they are sensible—to consider alternatives such as drag hunting. It would also enable the people employed in hunting, whatever their numbers, to look for other work, and enable those who provide goods and services to find other markets, as we are urging them to do.

Mr. Clifton-Brown: Will the right hon. Lady give way?

Jean Corston: No, I am sorry, I will not.

Whatever happens, there will be an election before 31 July 2006, which is the date referred to in the amendment tabled by my hon. Friend the Member for West Ham. The Countryside Alliance has said that 59 per cent. of people support hunting, but I have never accepted or believed that figure. The important thing is, however, that if the alliance thinks that the British people feel that it has right on its side, it will have the opportunity, as part of the democratic process at the general election, to advance that argument. It might succeed, although I doubt it very much. We shall see. It is up to the people outside today, the people who are used always to having the law on their side, to recognise the will of Parliament.

Gregory Barker: Will the right hon. Lady give way?

Jean Corston: No, I will not.

In my opinion, and according to most opinion polls, the majority of people in this country are opposed to hunting. Even if they were not, I am opposed to it—if the majority of people in this country were in favour of capital punishment, I would still be opposed to it—and I have to say what I think is right. I do not think that what I saw the Beaufort hunt hounds doing to that fox before Christmas last year has any place in a civilised society.

Mr. Hogg: On a point of order, Mr. Deputy Speaker. I am sorry to raise a matter that is slightly outside the scope of this debate, but it touches directly on the rights and duties of Members of Parliament. There is, as you know, a demonstration going on outside. Members of Parliament have a right to observe what is going on, partly to ensure that disproportionate force is not being used by the police and also to ensure that their constituents can be apprised of the facts.

I was seeking to walk from St. Stephen's entrance to Carriage Gates when I was stopped by a police sergeant. I asked him by what authority he had stopped me, and a discussion followed. He then cited the Sessional Orders and the commissioner's regulations. I do not believe that either of those entitles a policeman to stop a member of the public or a Member for Parliament proceeding along that highway. The police have no right to do anything that is not authorised by statute, by common law or by the regulations of this House. I was therefore prevented from doing something that I feel is my duty. I ask you to ask Mr. Speaker whether he will raise this matter directly with the commissioner. This has happened to me twice today, as well as on previous occasions. It is wrong in principle, and I believe that the police are overusing their powers. I hope that the Chair will look into this matter.

Incidentally, the sergeant in question was courteous. I took his name and he has mine, and I shall be writing to the commissioner, but I make no complaint about the way in which the sergeant handled himself. I am merely concerned that the way in which the rules are being interpreted is wrong.

Mr. Gerald Howarth: Further to that point of order, Mr. Deputy Speaker. May I also put on record the fact that I, too, had some difficulty with the police when seeking to get back here to vote during one of the earlier Divisions today? Furthermore, a number of other hon. Members, including the hon. Member for Great Grimsby (Mr. Mitchell), have had difficulties with police officers today. I sent an e-mail to the Serjeant at Arms yesterday asking him to ensure that the Metropolitan Police Commissioner made it clear to his officers that Members of Parliament should have access to the protesters outside and be able to get back to the House. I am sorry to say that, despite the Serjeant at Arms's reassurances that the police had been alerted to my request, it appears that, in too many instances, they had not. This is not a satisfactory state of affairs.

Several hon. Members *rose—*

Mr. Deputy Speaker: Order. I think that sufficient has been said on this matter, bearing in mind the overall time situation. The right hon. and learned Member for Sleaford and North Hykeham (Mr. Hogg) and the hon. Member for Aldershot (Mr. Howarth) have raised a serious matter, and I am sure that Mr. Speaker will seek to find out exactly what happened. On the one hand, this House obviously places extreme importance on its Sessional Orders and on freedom of access. At the same time, however, there was clearly a very difficult situation outside. The interpretation of our rights might, therefore, have been dealt with more narrowly than right hon. and hon. Members would find ideal, although I do not know the exact circumstances. The matter has been put on record, and Mr. Speaker will discuss it with the Serjeant at Arms and, if necessary, further afield, to check exactly what the situation is.

7 pm

Andrew George: I intend to be brief. On the date for the commencement of this legislation, the hon. Member for West Ham (Mr. Banks) knows well that I have signed his amendment and I encourage and support the principle that the Government have ultimately adopted in proposing to delay the implementation of this Bill. Clearly, that amendment recognises that it would be most appropriate for implementation of the Bill to be introduced during the close season for fox hunting. It would be inappropriate to implement it not long after cubbing has been completed and the winter season for fox hunting commenced, which would otherwise be the case.

I want to make two other points on the commencement date. The first, to which the hon. Member for North Wiltshire (Mr. Gray) referred obliquely, is in respect of the animal by-products order and the responsibility of Government and the agricultural sector to ensure that all fallen stock are disposed of within the regulation. As the Minister knows well, the Government have been wrestling with this issue for far longer than they would wish before

[Andrew George]

finally announcing the establishment of a national fallen stock collection scheme. I know that an announcement has been made, but many farmers are concerned about its effective implementation.

As the hon. Member for North Wiltshire pointed out correctly, a large number of those fallen stock are taken to hunt kennels, which provide a valuable service to the Government through the services that they provide to the agricultural sector. When the Minister winds up, or at some later stage of the debate, it would be helpful if he would clarify that the Government have a further 18 months in which to find alternatives or—

Mr. Morley: The hon. Gentleman makes a fair point. I was not planning to wind up in order to allow Members more time, but I will answer his point directly. A number of hunts have contracted within the fallen stock collection scheme. It is a contractual arrangement—a business—about which we are very relaxed. Whatever future decisions hunts make, if they wish to continue with that contract and provide that service, which provides employment now for hunt workers, they are free to do so.

Andrew George: I am grateful to the Minister for that clarification. He must anticipate that, as a result of the passing of this Bill, further adjustment will be needed among a large number of hunts if they do not intend to continue with kennels either through drag hunting or other means. I hope that the Government will work closely with those who currently provide that service through hunts to ensure that the agricultural sector is given that support.

The second point on the date of commencement, which was raised on Report and Third Reading last year by me and many other Members from all parties, is that a precipitous decision to implement such a measure would have a significant impact on small rural communities, even if it is on only a few of them. The case was therefore made for a compensation package, which was supported by Members on both sides of the House. That was refused, and although it has been debated obliquely today, I hope that the Minister and his Department, as they negotiate on how this measure is to be implemented, will reflect on whether their decision not to provide compensation is appropriate. If the Minister is right, and the numbers affected are small, the overall cost to taxpayers is also likely to be low. I therefore hope that careful consideration will be given to resolving those issues over the next 18 months, and that the decision not to apply a compensation package will be reviewed.

7.5 pm

David Winnick (Walsall, North) (Lab): My right hon. Friend the Member for Bristol, East (Jean Corston) said that she thought that the Countryside Alliance believed that it would never see this day. I understand that—there were times during the past 12 to 18 months when I thought that I, and those who wish to see hunting with dogs come to an end, would never see this day, too. There were times—I say this without hesitation—when it seemed that the Government were not going to act. That was the greatest fear in my mind. Obviously, Opposition Members, who take the opposite view, wish that that were the case.

My concern was that the Government considered that such a Bill would cause too much controversy, which to some extent it has, and that it would be an obstacle before the general election. That is why I and my hon. Friends, at business questions, Prime Minister's questions and Upstairs—giving no secrets away—at meetings of the parliamentary Labour party, urged that the Parliament Act should be used. If it is said that I was one of those whom the Prime Minister would want to please because of the stance on Iraq, that cannot apply to me because I fully supported him on that issue. Likewise, as I have indicated in an intervention, none of my hon. Friends who took an opposite view on Iraq will change their mind because of what is being done. Therefore, the conspiracy theories are just damn silly.

I could argue that there should be no further delay. Nevertheless, I support the amendment of my hon. Friend the Member for West Ham (Mr. Banks). Indeed, when it was known that the Government were going to delay implementation for two years and there were arguments as to whether we should press for one year, in those private conversations—which are not so private now that I mention them—I took the view that we should be more accommodating. When my hon. Friend proposed the amendment giving the date of 31 July 2006, that was fine by me. We are showing flexibility for all the reasons that have been advanced today.

Surely, the important point is that the country will have an opportunity to express its view. Were this being debated some two or three years before a general election, it could be argued that the public would not have such an opportunity for many years ahead. However, even if the election is in 2006—it is likely to be before that—the electorate will have an opportunity. If the Opposition are correct and there is such a feeling among people, apart from those who are protesting, that what we are doing is unreasonable and wrong, clearly we will suffer electorally. We live in a democracy. I do not know how many Members believe that we will suffer at the next election because of what we are doing today. Who knows? I do not happen to believe that we will.

There may well be those opposite who do not believe what I am about to say. I am very keen to be re-elected, but even if I thought that I would suffer at the next election I would take the same view. The same applied to my views on capital punishment and my support for legislation to outlaw discrimination on grounds of race and colour. That was not very popular, even among a number of people who normally voted Labour, but I took a stance—along with others; I am not just praising myself—and accepted the consequences at the general election.

Gregory Barker: Does the hon. Gentleman understand that good democracy is not simply the tyranny of a majority? If the principle that he expounds had been applied to Northern Ireland, we would never have seen the progress that we have seen over the past few years. That has been due to a recognition that

certain things must be based on a broadly consensual mood. Steps cannot be taken just because a certain section of the population is in the ascendant.

David Winnick: You would take me to task, Mr. Deputy Speaker, if I pursued the subject of Northern Ireland, in which I take a close interest. I see no possibility of comparison between the position of the majority and minority communities in Northern Ireland and what we are debating today. I think that that is totally irrelevant.

The issue, as I see it, is clear. Either the will of the elected Chamber will be upheld, or there will be a permanent veto by the House of Lords. There is no middle way: even the Prime Minister would not argue that there is a third way in this case. I see democracy as the right of a majority in the House of Commons to make decisions. Those decisions might be wrong. During my party's 18 years in opposition, I considered most of the decisions that were made to be wrong. It was, however, the right of the majority in the House to make them, and the electorate's right to decide accordingly at the appropriate time. It was not for the House of Lords to have a permanent veto.

Those who argue today that they are acting from the point of view of parliamentary democracy are, in effect, saying that we have no right to uphold a decision that was carried in the last and the present Parliaments, on a free vote by a substantial majority, if the House of Lords repeatedly says no. I do not agree with that interpretation of democracy. We have a right to have our decisions upheld. It is commendable that the Government have had the courage—or will have the courage, if the House of Lords refuses to change its mind—to invoke the Parliament Act. I think that that is the right decision and that most, if not all, Labour Members are very pleased about what the Government have done.

7.12 pm

Mr. Gerald Howarth (Aldershot) (Con): Today is 15 September. In our annual calendar, that is Battle of Britain day, held to celebrate the fleet of Royal Air Force pilots who stood between us and tyranny. If they fought for liberty 64 years ago we are fighting for liberty today, and against the tyranny of the majority. It is a squalid Bill, made even more squalid by the manner in which the Government have sought to introduce the timetable.

The Prime Minister clearly wanted a two-year delay because otherwise he would face the prospect of opposition in the countryside next year. That would have spoilt his plans for the general election. I am afraid that I have no time for the Minister. He has given in to his hon. Friend the Member for West Ham (Mr. Banks), not because his hon. Friend has found a unique point in the calendar that would be better than the precise date of two years hence, but because he knows that if his hon. Friend's amendment were put to the vote it would be carried. Once again, he has given in supinely to the mob force on the other side who wish to tyrannise a small group of people, to whom I shall refer again shortly.

I do not believe that this is an issue about employment. I used to represent a coal mining constituency not far from that of the hon. Member for Walsall, North (David Winnick), and I well know that people have lost their jobs in other areas of our national life. That is to be regretted. I believe, though, that this is an issue simply of liberty—of people's entitlement to pursue activities that they believe they should be able to pursue in a free society.

Last weekend, when I visited the constituency of the right hon. Member for Berwick-upon-Tweed (Mr. Beith) in Northumberland, I met members of the College Valley hunt. Some of them had been down to Trimdon to have words with the Prime Minister and give him some advice about this. The Prime Minister apparently told them that he was sympathetic, but could do nothing about it because he had to listen to his Back Benchers. What a pathetic cop-out by the Prime Minister. Does it not reveal what a weak man he is? This is a man who has got to listen to his Back Benchers on the important issue of hunting, but did he listen to his Back Benchers on the issue of Iraq? He certainly did not—he overrode them.

This Bill is the raw meat that the Prime Minister is giving to his Back Benchers The people who are to be sacrificed on the altar of Labour party unity to defend him against an increasingly disenchanted party are those in the most remote rural communities.

Mr. Peter Pike (Burnley) (Lab): The hon. Gentleman says that this is all about liberty. He has supported many measures in the House that have curbed certain people's freedoms, on which he and I might agree; but if the will of Parliament and Government so decides, in a civilised society the House of Commons must decide what people can and cannot do.

Mr. Howarth: Of course there are occasions on which we have to decide between competing freedoms. My point is that this measure is not based on the public interest. I challenged the right hon. Member for Bristol, East (Jean Corston) to say where the public interest lay in this ban, but she could give no answer. I also believe that the motives for the Bill are ill founded, whereas in the case of other issues I think there can be genuine differences in the interpretation of how liberty should be exercised.

I believe that this should be the place where the interests of minorities are protected, and that those who now seek to impose their views on rural communities should examine their consciences very deeply. On what grounds do they assert a superior moral authority to turn into criminals some of the most decent and law-abiding people in these islands? Is it because their activity represents a danger to other members of society? Emphatically not. Is it because they inflict intolerable suffering on animals, as my right hon. Friend the Member for Maidstone and The Weald (Miss Widdecombe) seems so misguidedly to assert?

Miss Widdecombe: Yes.

Mr. Howarth: Hardly, as many of them are the same people who 365 days a year, day and night and in all weathers, look after the animals in their charge and tend the countryside to make it a place to be enjoyed by the remaining 95 per cent. of the population.

Many members of my family in Scotland are sheep farmers in the borders. My late uncle was master of the Jed Forest hunt. These are people who are the greatest

[Mr. Howarth]

animal lovers in the country. How dare my right hon. Friend suggest that my uncle's judgment was somehow inferior to hers? I think she needs to examine her conscience.

Mr. Deputy Speaker: Order. I am sorry to interrupt the hon. Gentleman. I have given him considerable latitude. I understand the frustration of Members on both sides of the House who were denied an opportunity to speak on Second Reading, but I must uphold order. We are now dealing with a motion and an amendment, rather than with the substance of the Bill.

Mr. Howarth: As ever, Mr. Deputy Speaker, I am grateful for your guidance. I am merely trying to explain why I think it intolerable that the Government should behave in such an underhand fashion in seeking to extend the period of execution. In my view, that is not being done out of a desire to assist rural communities; it is being done out of a desire to minimise the disruption that might be caused during a period leading up to a general election next year. I think that the Government have failed to deal with the issue of cruelty, and I think it a shame that we have not had more opportunity to ask the hon. Member for West Ham whether he considers hunting with hounds more cruel than coarse fishing—which, on any scale of cruelty, I submit would appear to be more cruel.

The fact is that rural communities will be feeling tonight that they are under siege from a large majority, represented by Government Members, who have no feel for the countryside or their way of life. They have 18 months in which to prepare for a fundamental change. The hunt is part of the social glue that maintains the cohesion of communities in some of the most remote parts of England and Wales—communities for whom the hunt is the only social activity in dark winters. These people face the prospect of a central part of their way life being taken from them. It is grossly unfair that the majority should seek to inflict their views on the minority in this way.

We will all doubtless agree that the hallmark of a free society is tolerance towards those whose opinions one does not share. If this Bill goes through tonight, with or without this amendment, Britain will have surrendered its claim to be a bastion of the free society. The mob will have taken over and the Prime Minister will be party to the intolerable imposition of the tyranny of the majority on the minority.

7.21 pm

Miss Ann Widdecombe (Maidstone and The Weald) (Con): You will be delighted to hear, Mr. Deputy Speaker, that I shall confine my remarks entirely to the delay in implementation. I am not persuaded by the merits of an 18-month delay or the original two-year delay. I started off with a genuinely open mind. I listened very carefully to the Minister and initially I was impressed. The delay was about being kinder to the hounds, because it would provide more time to re-home them. It would also be fairer to organisations such as the RSPCA, which would have more time to re-home them.

Having listened very carefully to those arguments, I began to be persuaded. But when I asked the central question—which animal welfare organisations are in favour of such a delay?—the hon. Member for West Ham (Mr. Banks) said, "None". If there truly were compelling reasons of animal welfare, which I was prepared to entertain, for a delay of 18 months, it is inconceivable that animal welfare organisations—I am not talking about animal rights organisations—would not support such a delay.

The second reason for my not being persuaded concerns the crucial question—I raised it earlier—of how to ensure that the period of delay is used to run down hunts and make an orderly transition, rather than as a period of grace. It was clear from the answer given that although the Minister was seized of the point, there would be no monitoring of the situation.

Alun Michael: I am very grateful to the right hon. Lady for raising some serious points. I have discussed this issue with the animal welfare organisations. Understandably, bodies that have campaigned against hunting for many years cannot say that they are pleased with any delay, but they also pointed out that their main concern is that legislation be put in place. If MPs agree to such a delay, those organisations will accept it, move on and work with it, and emphasise the fact that legislation is coming.

On the second point, I have talked to organisations in areas in which there might be an impact on employment, for example. We are more than willing to meet people halfway and to help them—if they are willing to look at how they can re-order their activities for a period after a ban has come in. We are certainly willing to enter into that very positively.

Miss Widdecombe: I am sure that, where organisations are willing to make the change, the Government will be willing to help—at least, I sincerely hope so—but my question was rather different. It was: how do we ensure that the period is used to bring about change, and not simply as a prolongation of hunting? My hunch is that the first year of an 18-month delay will prove to be a period of grace. After all, if a hunt starts to run down—if kennel-hands find other jobs, horses are disposed of and hounds are not replaced—eventually, it will become a pretty ineffective hunt. I do not see hunts spinning that out over 18 months, so I am not entirely persuaded by that argument.

There is also the argument mounted by the hon. Member for West Ham and others, whereby a delay until July 2006 will take us beyond any possible date of an election, which will enable pro-hunting people to make their views known at the ballot box. However, we have had two elections at which the Labour party's position on this issue has been made extremely clear, so there have already been two opportunities to decide on that basis at the ballot box, if this issue was really considered the overriding one. I cannot see the sense in the Government's then saying, having got through two such elections and having implemented a manifesto promise to such an extent that even the Parliament Act is invoked, "Ah but—we'll have a referendum on the issue in the general election." That, too, is nonsense.

I suspect that the real reason in all this is that the Prime Minister does not want the embarrassment of this issue being high on the agenda, with hunts being run down and kennels being closed, just before he is likely to call—as opposed to being obliged to call—a general election.

I am sorry that I am picking on the hon. Member for West Ham today, because he has been a great comrade in arms during this battle, but I have to point out that I was finally unpersuaded of the argument for a delay when he said that, as a result of this pseudo-deal—he stopped just short of calling it a deal—we can guarantee that the Prime Minister and other Ministers will not suddenly move that the Parliament Act be not invoked after all. In fact, that is what this is all about. It is another deal between the Prime Minister and his Back Benchers. I see no reason why I should troop into the Lobby in support of that, so I remain deeply unpersuaded.

Alun Michael: There are all sorts of characterisations that one can offer of political discussion within and outside parties. The point is that organisations such as the Countryside Alliance have almost encouraged their members to think that there will never be a ban on hunting, or that it is somehow okay to carry on with such activities, even if legislation is passed. The real challenge is for us—by "us" I mean the House and my party—to point out that we are being reasonable, but that they must come halfway. They must persuade their members to accept the fact that legislation is being passed in this House by a large majority, stop talking about how terrible it all is—some dreadful rhetoric has been used—and get their members to listen to the debates in this House. That is a reasonable approach, and I seek to re-persuade the right hon. Lady—

Mr. Deputy Speaker: Order. I must point out to the Minister that we cannot have mini-speeches masquerading as interventions.

Miss Widdecombe: I am rather sorry that we will not be voting on the amendment standing in the name of the right hon. Member for Manchester, Gorton (Sir Gerald Kaufman), which proposed a year's delay. I could have accepted that as a reasonable period in which to do everything that the Minister is suggesting, such as demonstrating reasonableness and giving people time to adjust. A delay of 18 months is pretty cynical and politically driven, and I am not certain that I can vote in favour of it. That said, I shall listen carefully to any further arguments that are deployed.

The time has now come to bite the bullet. We have spent a very long time getting this ban, and it has been a long, hard fight. I had a great deal of sympathy for the hon. Member for Hull, North (Mr. McNamara) when he said today that he felt that in these, his last years in Parliament, he has brought something to fruition. I well remember, back in the days when we were in government, what was then called the "McNamara Bill". It was instrumental in testing parliamentary opinion, and in working towards the eventual commitment given by Labour Front Benchers.

Given that we have decided to do this, my wish is that we do it quickly. I could be persuaded that three months is too short a period, but 18 months is far too long.

7.29 pm

Mr. Peter Atkinson (Hexham) (Con): We have a first tonight, in that I agree with something that my right hon. Friend the Member for Maidstone and The Weald (Miss Widdecombe) said on this issue. She was right to say that the 18-month delay is a cynical move to take us beyond the next general election and prevent demonstrations from happening during the campaign. Another bit of marvellous spin from the Government—the suggestion that the delay was to give the hunting fraternity the opportunity to express their view at the ballot box—absolutely defies belief.

I am remiss in not having declared my entry in the Register of Members' Interests.

Another thing that struck me about the 18 months is that one particular sport was left out of the equation. Why do foxhounds and beagles need that winding-up period, but not the sport of coursing? I know what the Minister has said about illegal coursing, but that is a fig leaf, because coursing has precisely the same contracts and arrangements as fox and stag hunting and beagling.

The right hon. Member for Bristol, East (Jean Corston) was right to refer to human rights legislation. The Minister is shaking his head, but he should listen. One reason why the delay was perceived to be necessary was that, as the Joint Committee on Human Rights said, it would be unreasonable to wrap up hunting in three months, because there are contracts and so on.

Alun Michael: The Committee said no such thing, and I suggest that the hon. Gentleman look at what it did say. I have twice made the point—the trouble is that people are not here for the whole of the debate—that there is serious criminal activity associated with hare coursing. Illegal coursing is conducted simply on the basis of trespass, and we need to give the police the tools to do the job. None of the welfare and business considerations apply in relation to hare coursing. I have made that very clear.

Mr. Atkinson: The Minister makes it clear that he knows absolutely nothing about legal coursing. He is utterly wrong. Of course there is a problem with illegal coursing, but legal coursing is our oldest field sport and is organised and run under the rules of the National Coursing Club. To lump legal with illegal coursers is utterly wrong. The Government's proposals will be in breach of human rights legislation, and I sincerely hope that lawyers for the Countryside Alliance are poring over what the Minister said today.

Mr. Bellingham: Is my hon. Friend aware that there are coursing kennels in my constituency that employ about three people—large kennels—and all the people working there have contracts? Incidentally, because the coursing that takes place from those kennels is supervised and follows the rules, it prevents illegal coursing.

Mr. Atkinson: That is absolutely right. The whole point of organised coursing is that it is run carefully under the rules, and the estates and farms involved are protected from poaching. That is why the Game

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Conservancy Trust consistently finds that estates and farms where coursing take place have a higher hare population than others.

Lembit Öpik: Does the hon. Gentleman agree that the technical points that he is making seem to have been lost on those who are imposing this time limit? Similar problems occur in areas where hunting with dogs is the primary fox control method, because not only will new materials have to be used to control foxes but there will have to be fresh training and adaptation. Lord Burns himself said that fox hunting with dogs was the primary method of control in some areas.

Mr. Atkinson: I am trying to follow the hon. Gentleman, and I think that I agree with him.

Illegal coursing has long been a problem. The current laws that apply to it are quite draconian, involving the confiscation of vehicles and so on. They are not always enforced, and they are difficult to police. That is not an excuse, though, for saying that the ancient sport of legal coursing will be wiped out in three months' time, and the contracts with trainers and with merchants for feed, and the capital put into the kennels to train the coursing dogs, will be totally disregarded. If anything will be against the human rights legislation, that will be it, and the Minister may well face a challenge on it.

Mr. Andrew Robathan (Blaby) (Con): Is not the point that people will give up working for hunts if they have this 18-month rundown, and they will then no longer have a claim for compensation against this ghastly and illiberal legislation?

Mr. Atkinson: Precisely. If they are working as kennel hands or in the coursing training yards, they will be out of work in three months without compensation.

The Minister spoke about the number of deer being killed by hounds. Once again, he perpetuates a myth that has long surrounded stag hunting, not recognising that the stag is shot at the end, and not killed by the hounds. I want to be sure, before he wipes out stag hunting, that he at least knows what goes on in the sport.

The other fig leaf produced tonight was drag hunting—as if that was a substitute for the hunting that goes on now. My constituency has seven packs of hounds—it is precisely the kind of upland area with a high livestock population that my hon. Friend the Member for Aldershot (Mr. Howarth) mentioned. The proportion of people following those hounds on horseback is probably a third. Another third follow on foot or in vehicles, and the rest—largely farmers and their children—on quad bikes, which have become very popular. Drag hunting holds no interest for two thirds of the people who currently follow hounds.

Hunting is an equestrian sport, so it has to be laid out in a particular way. I have taken part in that, and I am sure that my hon. Friend the Member for North-West Norfolk (Mr. Bellingham) would also understand this. The drag must not run over crops. It is a difficult and complex job, and by no means could all those who currently hunt and the 26,000 hounds be accommodated. Normally, only a handful of hounds go on a drag hunt. Many of them are drafted from foxhound packs, which of course understand the scent of foxes, and they could well end up going after a fox. Drag hunting cannot replace the work of 26,000 hounds.

Even if we give them 18 months, it will be impossible for most hunts to acclimatise their hounds to living in a new, almost semi-domestic situation. Hounds have a strict pecking order, with lead hounds, like a wild pack of dogs. Hounds put in twos or threes become extremely disorientated and often do a lot of damage to their kennels through frustration, and they become extremely unhappy. That is why so many vets think that the kindest thing to do will be to hunt the hounds for the final 18 months and then have them put down—a point that my right hon. Friend the Member for Maidstone and The Weald has made.

This is a cynical Bill, the last knockings of the old Labour class prejudice. Nowadays, new Labour tries to cloak this as an animal welfare issue, but it is nothing of the sort: it is good, old-fashioned class prejudice.

7.39 pm

Mr. Michael Foster (Worcester) (Lab): I am delighted to follow the hon. Member for Hexham (Mr. Atkinson) and my general committee will be delighted to hear that I am now a member of old Labour. *[Interruption.]* I hear shouts of "Tory gain", but they were the same shouts that I heard before the 2001 election. I will face my electorate with a very clear conscience after taking this issue forward.

The hon. Gentleman referred to my right hon. Friend the Member for Bristol, East (Jean Corston), who spoke about the European Court of Human Rights and whether the Bill could face a challenge. She made it clear that, if the Government have given notice of intent with respect to a Bill, there could be no recourse to human rights legislation because those rights would not have been breached. The hon. Gentleman will remember that a ban on hare coursing was in the original Bill of a couple of years ago. That sent out a clear signal to everyone that, regardless of what happened to fox hunting, stag hunting and hare hunting, the Government had a clear intent that the activity of hare coursing would be banned. Due notice would have been given, which perhaps explains the hon. Gentleman's misunderstanding.

I shall be brief because the House has spent enough time on this issue. Frankly, I believe that Members on both sides of the House would agree that Parliament has more pressing matters to deal with. Those people, however, who say that Parliament has those more pressing matters to contend with should not be the same people who argue for extra days to debate this issue. That is utterly wrong, and it is disingenuous of those people to make that argument.

I speak in favour of the amendment tabled by my hon. Friend the Member for West Ham (Mr. Banks) and others, but I do so with a degree of reluctance because I would have preferred the matter to have been dealt with, done and dusted back in 1998, when my original private Member's Bill was talked out on Report. It would have been great to see the issues dealt with then, making today's long discussions redundant. When hunting is finally banned, as it will be under today's plans, I do not

believe for one moment that anyone would seriously want to bring it back. If we were starting afresh and had a problem with fox predation, we would never invent the sport of hunting with dogs.

Mr. Roger Gale (North Thanet) (Con): The hon. Gentleman referred to 1998, but he is as aware as I am that the Prime Minister promised publicly to end the hunting of wild animals with hounds by the end of the 1997 Parliament. He failed, and some of us are appalled that he and his colleagues are contemplating still further delay.

Mr. Foster: I cannot recall those exact words from the Prime Minister. I do not believe that he actually said that it would be dealt with by the end of the 1997 Parliament. The manifesto commitment said that we would have a free vote on the issue. I regret the delay and believe that we should have dealt with the issue long ago, but I support the idea of specifying a reasonable period of time before the Act commences, as laid down in the amendment. I do so because I believe that the House has a duty to help those whom we want to encourage to switch to alternatives such as drag hunting. We need to allow time for that process to happen.

I would like to explain how I envisage that happening. To switch to drag hunting, hunts would have to register with the Draghounds and Bloodhounds Association. To do that, they would have to register the land on which they intend to hunt. To do that, in turn, they would have to secure permission from the appropriate farmers or landowners, and I accept that that might take more than three months. So what time scale am I happy with? I think that a case for 12 months, as my right hon. Friend the Member for Manchester, Gorton (Sir Gerald Kaufman) suggested, could be argued. However, we should think about the hunting season for fox hunting, which tends to end in March. Although the resolution does not kick in until 31 July, the effect would be that the hunting season would end in March. The alternative that my right hon. Friend considered was ending perhaps at the end of November or the beginning of December—some three or four months before that. We are arguing about a period of only three or four months to ensure that all our considerations are dealt with.

Rather than have the sort of disgraceful scenes that we have seen taking place outside the House—and, unfortunately, inside the Chamber—if people want to take to the streets and to cause violence, it is worth encouraging them, if they are so concerned, to express their displeasure in the ballot box.

Miss Widdecombe: I thank the hon. Gentleman and take the opportunity to congratulate him on the huge part that he has played in bringing about today's result. Can he provide me with any evidence at all that this period—as long as 18 months or, if to March, a little shorter than that—will be used to run down hunts in an orderly and humane fashion rather than simply used as a period of grace?

Mr. Foster: I am grateful to the right hon. Lady for her question. I believe that the Countryside Alliance and their advisers have misled the vast majority of people engaged in hunting to the extent that they did not believe that Parliament was serious about dealing with this issue and bringing it to a conclusion. I honestly believe that they did not think that this day would come. This day has come, so there is a very clear signal from this day forward that hunts will make changes.

I know that the organiser of the Draghounds and Bloodhounds Association had some discussions with others during the period of my private Member's Bill to find out how hunts would convert. In fact, it was put to me that some of the more prestigious hunts in the country would be looking to act quite quickly so that they could grab the best pieces of land on which to hunt. The only other piece of evidence that I have—I am glad that the right hon. Lady asked her question—is an advert taken from this Saturday's Worcester *Evening News*. I do not believe for one minute that it will be the substitute that all hunts follow. Nevertheless, the Worcestershire hunt supporters club advertises a "Round Rushock Ride" on Sunday 26 September. It will start from Callimore farm, last for two and a half hours and be an approximately 12 mile pleasure ride with optional jumps. The entry fees for adult and junior riders are published. I am inclined to think that that is perhaps a snippet of evidence suggesting that hunts can have an alternative to what they currently do in chasing live quarries.

Gregory Barker: Anyone familiar with these sorts of events knows perfectly well that they are nothing like hunting and do not provide a substitute for it. They are something entirely different from hunting and the hon. Gentleman obviously has absolutely no idea what he is talking about.

Mr. Foster: I am most grateful for that contribution—as ever, very short on knowledge about what I have done to carry this issue forward. I went out with the Worcestershire hunt to see what it did and I found it most instructive to see how a hunt was organised. I was often put in a position where I was at the front of the field and I could see the fox running, despite its natural reaction to flee from its chasers, towards me. I recognised the skill in how the hunt was organised. As a lay person, one would have thought that the fox would try to escape any way it could, but by coincidence I was always there. On one occasion, the fox brushed past my leg—and those of the people accompanying me on the hunt. To show me how humane the hunt was, the fox went past my leg. Hunt supporters pretend that hunting as an activity is purely natural. I believe that that is a lie.

Miss Widdecombe *rose—*

Gregory Barker *rose—*

Mr. Foster: Let me explain the relevance of that point. If there is a switch to drag hunting and if a hunt is organised in such a way that people can enjoy the pleasure of the ride—hunt supporters tell me that that is what they want—they can still have an enjoyable day in the countryside. Hunt supporters also often say, "We are never there at the kill to see the end of the fox, so why on earth do we have to chase a live mammal?" There is no point in it, nor any need for it. I support the amendment in the name of my hon. Friend the Member for West Ham. It proposes a reasonable delay to smooth

[Mr. Foster]

the transition. It will ensure that we end, once and for all, this cruel spectacle of killing a wild mammal just for sport.

7.50 pm

Gregory Barker (Bexhill and Battle) (Con): I rise to speak with a great deal of sadness. The amendment to give a stay execution for 18 months to the noble sport of fox hunting signifies the reintroduction of a Bill that is vicious, illiberal and wholly unjustifiable.

The Bill is an affront to every citizen who values liberty and tolerance. I am certain that, when all the arguments have been laid to rest and historians look back at this time, no one will see the measure in the context of animal welfare. The last time this measure came before the House, I sat through interminable Committee sittings. No convincing animal welfare arguments were made that proved that fox hunting was demonstrably more cruel to foxes than any other form of control.

I have been involved in fox hunting, but I was involved in animal welfare organisations before I entered party politics. I know that it is cruel to shoot a fox and leave it to suffer, or to snare or gas a fox, but animal welfare forms no part of the nasty, vicious and illiberal argument put forward by Labour Members. The Bill is all about settling little scores. It is part of the little Labour shibboleth, and it represents the tick-box mentality of the brothers and sisters on that side of the House.

What has made today so unpleasant is the look of glee evident on so many Labour Members' faces. They do not give a cuss about the people in the countryside who are going to lose their jobs. They could not give a monkey's for the people who, ultimately, will lose their homes, or for the people who will lose the sport that they have followed for years, and the friendship that goes with it.

The Bill will cause real human misery. It may not be on a great scale, involving hundreds of thousands of people, but real distress will be caused to families and people who have known only one career and way of life. For many Labour Members, this is about getting one back for the miners. We have heard many nasty little jibes from Labour Members, who have said that the Bill pays the Opposition back for the miners. I think that we heard the Minister for Rural Affairs and Local Environmental Quality say, "Remember the steel workers." How nasty and backward looking is that?

Claire Ward: Will the hon. Gentleman give way?

Gregory Barker: No. The hon. Lady did not give way to anyone when she spoke.

Claire Ward: I have not spoken in this debate.

Gregory Barker: In that case, I beg the hon. Lady's pardon—although what I said was correct: she did not give way. However, I shall let her in when I have finished my point, and when she has finished laughing and cheering.

The spectacle of Labour Members welcoming this Bill with glee is stomach churning. Although I rose to speak with sadness, I can tell the House that that sadness will be translated into bitter anger in the outside world. People will look at how casually Labour Members have trodden and trampled on other people's way of life, and thrown away rights that have been enjoyed for centuries—all for the sake of finishing the job that their party began. The spectacle is horrible to behold.

Claire Ward: The hon. Gentleman has said that my Front-Bench colleagues are involved in some sort of payback for what happened to the miners. The Bill is not a payback: it is about doing the right thing. The point that Ministers made was that the Opposition, when they were in government and decided to close the pits, did not care two hoots about the livelihoods of thousands of people and families. We are trying to delay commencement so that we can talk to people about what is going to happen. That contrasts with what the hon. Gentleman's party did when it was in government.

Gregory Barker: I entered the House three years ago. The point that the hon. Lady makes is totally erroneous and wrong, but what the previous Conservative Government did had nothing to do with me. Their action does not inform my politics, but it is clear that there remains a huge amount of residual bigotry among Labour Members. The way in which they wallow in other people's distress is really unpleasant.

The Bill shows the Government's total disregard for evidence. Once again, they have ignored the experts and sacrificed both principle and evidence in favour of political expediency. This is government and legislation for the few—that is, the parliamentary Labour party—and not for the many.

As I said when I began, this debate will be remembered not for the 18-month delay or for the arguments about animal welfare but because it is a pernicious and sectarian piece of legislation that runs totally counter to how our country is developing. We live in an increasingly diverse and pluralistic society. More and more of our time and trouble in this House is devoted to making sure that the rights of minorities are protected. We go out of our way to try to understand the point of view of other people. We may have very little in common with them, or very little understanding of them, and we may even speak a different language and have a very different culture, but those people add to the diversity of our society. So why is the Labour party blind to the fact that a rich element of our island's culture is being obliterated?

The small minority involved in fox hunting has rights too. I understand that Labour Members may disapprove of fox hunting, and that they find it distasteful. However much their views may be based on incorrect facts or a lack of evidence, they are perfectly entitled to hold them, but they are not entitled to use their position in this House to criminalise hundreds of thousands of law-abiding people.

Yet that is what Labour Members are doing, and they are abusing the parliamentary process as they go about it. I am glad that we have a second Chamber to revise Government legislation. I sincerely hope that the House of Lords exercises its role properly, and that it sends this nasty, pernicious and sectarian Bill back to this House.

There has to be a check on the rule of the mob, and on the majority imposing its views on the minority. History will not judge this Bill on grounds of animal welfare or on how toffs dress up. It will judge it on the way in which Labour Members were prepared to be so intolerant, illiberal and bigoted. They want to impose their narrow little view of the world on a group of people about whom they could not really care less.

Mr. Tom Harris (Glasgow, Cathcart) (Lab): The hon. Gentleman says that he hopes that the other place will reject this measure once again. Does he consider this Chamber to be sovereign in this Parliament? How many times must this Chamber arrive at the same decision before he accepts that that decision represents the democratic will of hon. Members? Does he genuinely believe that the House of Lords has the right to reject time and time again any measure that he happens to disagree with?

Gregory Barker: That is exactly why the House of Lords is there. The hon. Gentleman talks about the will of this Chamber but, in this evening's vote on Second Reading, the majority in favour of the Bill was very small. That is the first time that that has happened. I was a Teller when the Bill was last considered by the House, and 319 hon. Members voted for a ban on that occasion. Today, most Members of the House of Commons either voted against the Bill, or abstained from voting, or absented themselves. In no way can that vote be summed up as representing the great will of Parliament.

The Parliament Acts were not invented to be used to force through the bigoted views of a minority in the House of Commons.

Mr. Bellingham: My hon. Friend has spoken about how hon. Members abstained or absented themselves, but is he aware that the Prime Minister—who was here for Prime Minister's Question Time—absented himself from all the Divisions? What does he make of that?

Gregory Barker: It is the cowardice and double-speak that we have come to expect—

Claire Ward: On a point of order, Mr. Deputy Speaker.

Mr. Deputy Speaker (Sir Michael Lord): Order. I think I heard what the hon. Gentleman said. Perhaps he would like to withdraw the word that he just used about the Prime Minister.

Gregory Barker: Which particular word, Mr. Deputy Speaker?

Mr. Deputy Speaker: Cowardice.

Gregory Barker: I shall happily withdraw "cowardice".

Mr. Robathan: Are we not allowed to say cowardice?

Miss Widdecombe: Try timidity.

Gregory Barker: Yes. Timidity and lack of courage might perhaps have been better choices of words on this occasion.

The test of courage comes when we are in the minority. The test of tolerance comes when we are in the majority. It is clear tonight that the majority in this House have proved themselves totally intolerant and illiberal. They will reap the whirlwind for it.

The test of the courage of the minority has only just begun. I know for certain that the minority who support and practise country sports will certainly continue to fight the ban every inch of the way. If Labour Members think that this is the last they have heard of it, they are very much mistaken.

8 pm

Claire Ward (Watford) (Lab): I feel some sense of comfort in contributing to this debate, because I can begin to see some light at the end of what has been a very dark tunnel for Members of Parliament and people throughout the country who want an end to fox hunting. We have spent many hours over my seven years as a Member of the House debating whether to ban fox hunting. For a range of reasons, and despite the clear will of the House, as demonstrated through numerous votes on numerous occasions, it has sometimes seemed that achieving a ban on fox hunting was almost beyond our grasp. Now, we have a chance to get the ban through.

I am astonished that the Conservative party and its Front-Bench spokesperson have indicated that were the Conservatives to form the Government after the next general election, one of their first priorities would be to legislate to reverse the ban on hunting. Frankly, it is time to move on. There is no doubt that our constituents consider many other issues to be important—health, education and many more areas to which they want this House to turn its attention. We must, finally, put an end to this.

Mr. Cameron: The hon. Lady mentions what an incoming Conservative Government will do, but does she recognise that it is a lot easier to undo legislation and allow people to do things than it is to make them criminal, which is why this Bill has taken so long and been so difficult?

Claire Ward: The hon. Gentleman can continue to believe in his dreamland that the Conservative party will form the next Government and be able to restore hunting, but I think that as time goes on it will be extremely difficult for any Government to reverse a ban on the idea that it is acceptable for people to chase across the country in pursuit of a fox as a form of sport and to watch it being torn apart by hounds. We live in a modern, 21st century country that should be looking at a range of other activities rather than a barbaric and unacceptable one.

We have heard a lot about minorities. Of course our job should be to take account of minority views, but not where those minority views are, in my opinion and in the opinion of many other Members, wrong and unacceptable. Nor should those minority views be held above the views of the majority. A clear majority of people in the country wish to see a ban on fox hunting.

Gregory Barker: In that case, what view does the hon. Lady take of al-Hamid?

Claire Ward: That is a quite separate issue, and I am sure that Mr. Deputy Speaker would rule me out of order for speaking about it on the procedural motion. Religious issues are very different, and they are not the issue here. We are talking about a sport in which people chase across the country as a form of Saturday or Sunday morning entertainment in order to see a fox being torn apart. I do not believe that that is acceptable, and that is clearly the view of this House.

I do not wish to spend huge amounts of my time going over the issues on hunting when the debate is clearly about the procedural implementation of legislation. My name is appended to amendment (b), which was tabled by my right hon. Friend the Member for Manchester, Gorton (Sir Gerald Kaufman), and I should have preferred the ban to be brought in much earlier than is being proposed. However, I accept that negotiations and discussions have taken place and that the Government have thought carefully about how to ensure some balance so that the hunting community can look at the issues—even if it has had seven years to recognise that a ban was very much on the cards. That community now has perhaps 18 months to consider what it is prepared to do to find alternative uses.

Miss Widdecombe: May I ask the hon. Lady, as I have asked several others who favour the extraordinary 18-month period, what the evidence is that that time will be used to run down hunts in an orderly and humane fashion rather than as a period of grace in which to do what the hon. Lady rightly describes as the unthinkable?

Claire Ward: I completely agree with the right hon. Lady's sentiments. If it were up to me and I were Prime Minister, I might have a different view tonight. However, I accept that we need to give the hunting community a reasonable period in which to find alternative employment, and in some cases alternative accommodation.

We recognise those needs, but the right hon. Lady has rightly identified issues that we need to continue to pursue during the 18 months. When we pass the Bill today, that should not be the end of the matter. We should encourage the Government to make sure that they encourage the hunting community not just to start to wind down but to make sure that the next season is the last for hunting. The hunting community has had the opportunity to consider this for the past seven years, and I am sorry that it has not done so. It has clearly been given poor advice and led very badly by the Countryside Alliance and other representatives within the hunting lobby. I hope that it will now recognise that once a ban is in place, we expect people to obey the law. It is not for them to determine otherwise or lead people to disobey the law.

I hope that people will have the opportunity to consider drag hunting and other forms of employment. After this afternoon's monstrous behaviour outside and inside the Chamber, I wonder whether they have the courage to address the real issues that face the hunting community. I hope that they do, but whatever we do tonight in voting for a delay of 18 months, or more or less, it is ultimately for the other place to decide whether to agree with us or to ensure that the Parliament Act must be used. That is what is at stake when the Bill goes to the other place.

I secretly hope—I am making it public now—that the other place votes against whatever I decide tonight in terms of the delay, because then the Bill will be introduced three months after its date of implementation. We are almost left to rely on those in the other place to do some business for us. If they should decide to support the position of the Government and of this House, they will allow a reasonable delay, and I would hope that people accept that the time for hunting has come to an end.

It is not time for us to continue to debate whether to ban hunting. It is time to ban hunting, and it is time for this House to move on to the many other important issues that our constituents want us to address. I look forward to seeing the ban on hunting.

8.10 pm

Mr. Roger Gale (North Thanet) (Con): The hon. Member for Watford (Claire Ward) said that the Countryside Alliance has had seven years to get used to the idea of a ban. As most hon. Members will know, I hold no brief for the Countryside Alliance. I am sure that many of its members are very nice people, but I do not happen to share their views. However, this Government have had seven years to honour their pledge, but now find it necessary—at the dog-end of a Session—to use the Parliament Acts, wholly improperly, to ram through legislation that could and should have been debated properly by this House. Having been in the House for 21 years, I regard that as a great abuse of the procedures of this House.

I shall, given the opportunity, vote against the proposal tabled by the hon. Member for West Ham (Mr. Banks)—I am sorry that he is not in his place at the moment. The future Lord Banks of Riverside tells us that he can live with his conscience. He could probably sleep with it, because it would not take up much room in the bed. I have voted, on every occasion I have had the opportunity to do so during my time in this House, to end the hunting of wild animals with dogs. I do not normally consider myself a class warrior, and that is not why I have voted in that way. I have done so because it is a wrong, cruel and outrageous practice whose time has expired. It needs to be consigned to the dustbin of history along with cock fighting, dog fighting and bear baiting. The issue is as simple as that.

When I went through the Lobby earlier this evening to vote for the Bill as it stands, imperfect as it is, I hoped that their lordships would have the opportunity to fine-tune it and deal with some of the very real issues relating to employment, the welfare of the dogs and other matters arising from the implementation of what will become an Act. I had hoped that the other place would be given that opportunity. When I went through the Lobby, the Government Whip on duty said, "There'll be another vote at about 9 o'clock, comrades." Well, comrades and brothers, let us see what Labour Members are made of. I voted in that Lobby for a ban, not a delay and certainly not for an 18-month delay that—as my right hon. Friend the Member for Maidstone and The Weald (Miss Widdecombe) clearly demonstrated—is nothing to do with animal welfare or reasonable implementation. A delay is not supported by any reputable animal welfare organisation. It is simply a cynical ploy, at the Prime Minister's behest, to kick this issue into touch until after the next general election.

When the Minister introduced the motion, he said that he supported the amendment tabled by the hon. Member for West Ham. The Minister said that the 18-month delay would see the measure introduced before the 2006 cubbing season. What about the 2005 cubbing season? I suppose, comrades, that that does not matter. Well, it does. The delay is a cynical ploy. Members of Parliament cannot say, "Lord, make me virtuous, but not yet." Either we do this or we do not. I shall vote against the delay and in doing so I shall vote for the Bill as it stood. I shall wait to see what everybody else in the House is made of.

8.14 pm

Mr. Ian Cawsey (Brigg and Goole) (Lab): I did not intend to speak at this point in the debate, but I wish to address some of the issues that have been raised. It is a great honour to follow the hon. Member for North Thanet (Mr. Gale) who, in all matters of animal welfare, I think of as my hon. Friend—if not a comrade. I also agree with the comments by the right hon. Member for Maidstone and The Weald (Miss Widdecombe) about whether a delay is right. It is a narrow point. The House has now made its decision on what should happen to hunting in general, and I shall focus on the issue of a delay.

I am the chairman of the Associate Parliamentary Group for Animal Welfare and, about a year ago, the Kennel Club wrote to me to say that it had no view one way or the other on the rights or wrongs of hunting and that it was a matter for Parliament to decide. However, it was worried about the dogs used in hunting. I met the Kennel Club and several other dog organisations, rehoming organisations and animal welfare groups, and we decided that I would recommend to APGAW that it commission a working group to look into that point. The working group met for the tail-end of last year and most of this year and finally published a report in the week before the summer recess.

People often refer to the APGAW report as though it were all the work of Members of Parliament, but—as the hon. Member for North Thanet will know—it is not unusual for the group to commission reports, and the contributors consist of people working in the relevant areas. The group that considered the welfare implications for the dogs of a ban on hunting was made up of Caroline Kisko, the secretary of the Kennel Club; Clarissa Baldwin, the chief executive of the Dogs Trust; Chris Laurence, head of veterinary services at the Dogs Trust; Dominic Rudd, the head of operational services at the RSPCA; and Dr. Rachel Casey, a vet and expert in dog behaviour and welfare from the University of Bristol.

We took much evidence from many groups and individuals over a long period. Dr. Casey and her colleagues at the University of Bristol spent much time visiting hunts. We received information from more than 30 hunts from various parts of the country that took part in different types of hunting and had different sizes of pack. It was a truly representative sample.

Mr. Michael Foster: Did the Countryside Alliance take part in the exercise?

Mr. Cawsey: It did, and it gave written and oral evidence. The Scottish Countryside Alliance also gave evidence, as did the Council of Hunting Associations and numerous groups representing the various breeds of dogs used in hunting.

We concluded that the wholesale destruction of dogs in the event of a ban could be avoided and our report contained six recommendations on what could be done, although it is not intended to be an exhaustive list. Some dogs could be kept for breeding and show purposes. The Kennel Club made the point strongly that the Masters of Foxhounds Association holds the pedigree information for those dogs, and that if it were to release it that could move a number of dogs into that side of the dog world. The Kennel Club has helpfully offered to meet the association and to offer discounts to allow progress to be made on that option.

Several hon. Members have mentioned drag hunting. We met representatives of drag hunting, who agreed that it had possibilities. It was also pointed out that when there was a voluntary ban on hunting during the foot and mouth crisis, hunts found alternative activities for their packs and continued to exercise them. Hunts also managed to keep hunt followers together. Of course, there have been media reports that people involved in hunting are already meeting to discuss what they can do—as they have in Scotland, where hunting with dogs is already banned. Other people may choose to retain the packs for other uses. One of my hon. Friends on the Treasury Bench spoke about fallen stock services, which would be a commercial decision.

Rehoming is controversial. The hon. Member for Hexham (Mr. Atkinson) spoke about some of the difficulties involved in that. We met people who have undertaken it, however. More to the point, every organisation—including the Countryside Alliance—accepts that it can be done. The only argument between the organisations was about the scale of the practice. Clearly, there are opportunities.

The Scottish Countryside Alliance pointed out that when hunting was banned in Scotland, several hunts drafted dogs to other countries, including Ireland, France and some eastern European countries. We were rather lukewarm about that idea, and it was one of the more controversial points in our report. We were hesitant, because our main interest was the welfare of the dogs. How can we know what the welfare conditions will be in another country? However, provided there are adequate safeguards, it is something that could be considered. There is also euthanasia, which has already been mentioned, but we think that we can avoid wholesale destruction.

The right hon. Member for Maidstone and The Weald asked who would do anything with the extra time. That is an important point. Caroline Kisko addressed the Council of Hunting Associations on what could be done for dogs in the future and several people from hunts told her that they wanted information and help because they did not want to destroy their dogs. They said that if a ban were introduced quickly they would not be able to find out about the alternatives. The amendment gives them the opportunity to do that.

My view is that we can split hunt dog owners into three categories, although I would not claim that they are all of equal size. First, there are those who want to make as big a point as possible—they will even destroy their dogs just to make their point and get publicity, and

[Mr. Cawsey]

they will do that no matter what we do or say in this place. Secondly, there are those who will continue to look after their dogs and who want no help or advice from anybody else—they will find alternatives and just get on with it, thank you very much. Finally, there are those who would like to do that, but who want some help and guidance.

We spoke to every reputable rehoming organisation and our report recommends a process involving hunts and rehoming organisations, with a clearing system with which DEFRA could assist. That would ensure that the dogs have a safe and happy future. The problem with that proposal is that every rehoming organisation told us, "We could do it over a period of time, but we could not do it quickly. If you restrict us to three months, you will make it impossible". By accepting the 18-month amendment, we could look after dogs much better. The Kennel Club, the Dogs Trust and all the dog rehoming organisations to which we spoke would be on our side.

Mr. Foster: I am grateful to my hon. Friend for his generosity in giving way once again. Does he conclude that if the House of Lords were to reject the proposal for a commencement after 18 months—if the Commons accepts it—so that the default setting returns to three months, any impact on dogs in terms of adverse animal welfare implications will be entirely their responsibility?

Mr. Cawsey: I suppose that is the logical conclusion of what has been said, but I really wanted to address—

Mr. Gale: The hon. Member for Worcester (Mr. Foster) cannot get away with that point. The three-month commencement is in the Bill. If the Government had chosen to amend it, they could have done so, but they would have been unable to use the Parliament Act.

Mr. Cawsey: I do not want to get into that argument. I am trying to set out the findings of our working group.

I do not know how many dogs or hunt owners will be in the three categories I described earlier, but I know that there are hunt people who want time and support to do the best for their dogs. If we do not give them that chance by voting for the motion, I fear that we shall be putting them in an extremely difficult position. If we give them no time, we give them no chance. We should give them an opportunity. The Kennel Club, the Dogs Trust, the rehoming organisations and I will very much welcome that opportunity, which is why I signed the amendment.

8.25 pm

Mr. Andrew Robathan (Blaby) (Con): This is a shameful day for the House of Commons. We are seeing mean-minded, chippy bigotry brought into play.

Miss Widdecombe: Am I chippy?

Mr. Robathan: I hear my right hon. Friend, but mean-minded, chippy bigotry is being brought into play by people who are not particularly interested in animal welfare.

We heard earlier about miners and steel workers. Actually, I care when miners or steel workers lose their jobs, as I care when other people lose their jobs.

Mr. Morley: So do I.

Mr. Robathan: But not, apparently, most other people on the Labour Benches.

We are discussing the 18-month delay. As has already been said, it is a pathetic, cynical electoral ploy by the Government. I know that the name of the Minister for Rural Affairs and Local Environmental Quality is on the amendment and that he supports it and will accept it. That is a disgraceful abuse of Parliament. Either hunting with dogs should be banned, or it should not. Surely, that is clear to even the most stupid person on the Labour Benches who supports the amendment—*[Interruption.]* I think I am allowed to say that, Mr. Deputy Speaker.

The measure will deliver hunting death by a thousand cuts—the lingering death of a fox shot by those alleged marksmen. As somebody who has shot more rifle bullets than most people in this place, I can tell Members that many foxes shot by people who pretend to be marksmen will die a lingering death. But of course that is part of what the Government want. A person thinking of renewing their hunt subscription would say, "Why should I bother?" If they were thinking of buying a new box, they would say, "I won't bother." If they were thinking of buying a new hunter, they would say, "It's only for 18 months, why should I bother?"

That is the Government's ploy. They will kill off hunting slowly so that there are no great protests. In particular, a kennel man or a huntsman will say, "Well, I'd better get another job." They will then be unable to claim the compensation that the Government do not want invoked under human rights legislation.

The measure is disgraceful and the Government are yet again exposed as cynical in the extreme. I wish people outside this place could see the glee on the faces of people who do not care much one way or the other about hunting. An ex-Minister—it would be invidious to name him—told me, when he was still a Minister, that he did not care tuppence about hunting, but that he would vote for a ban because between 200 and 300 of his constituents really cared about it and they were all members of his constituency Labour party.

A Liberal Democrat MP—she shall also remain nameless—

Angela Eagle (Wallasey) (Lab): That is narrowing it down quite a lot.

Mr. Robathan: But at least I am not sexist.

The Liberal Democrat MP told me, "I really don't care, but I keep getting all these letters so I'll vote for a ban." That is the truth. Most people in the House—like most people outside—do not really care very much about hunting but they will subject the few people who hunt to the loss of their sport, and for many, of their livelihood, for petty, mean-minded reasons.

Dr. Julian Lewis (New Forest, East) (Con): I wonder whether my hon. Friend heard the "Today" programme this morning, when Mr. George Monbiot of the

left-wing press was boasting of the fact that the measure, if carried, would be the biggest blow of a social nature to the upper classes since the abolition of the hereditaries in the House of Lords. It is good to have that sort of admission.

Mr. Robathan: I am grateful to my hon. Friend for that intervention. I did not hear Mr. Monbiot, but of course that is unfortunately what a lot of people think. *[Interruption.]* I wish that the Labour Members who are laughing could have listened to the farmer who telephoned me this morning. He certainly was not a toff; he was not an ex-Guards officer, unlike me. I do not hunt, incidentally. He rang me and asked, "Why are the Government doing this? How will I get rid of my dead calves? I don't hunt, but I let the hunt across my ground. Why are they doing it?" That is what many people in the countryside think. They want to know why the Government are persecuting them.

This is a misuse of Parliament. It is an abuse of democracy. Parliament is made up of two Houses, not just one, and the House of Lords was reformed, badly, by the Government. This is a complete abuse of the Parliament Acts. Frankly, this should be a day when people are ashamed of the House of Commons. Someone will say later that this is a great day for the House of Commons. It is a shameful day for the House of Commons. A majority of bigoted people are imposing their will on a minority of people who wish to do something that those in the majority do not wish to do.

8.30 pm

Mr. Geoffrey Clifton-Brown (Cotswold) (Con): I am pleased to catch your eye in this debate, Mr. Deputy Speaker. I have sat here all afternoon, and I have listened to quite a lot of nonsense. As with previous hunting debates, there is a lot of ill-informed comment by Members, particularly Labour Members, who think that they know something about hunting when they actually know very little, and I want to come to one or two of those points.

One could not get a more cynical motion than the timetable that we are discussing. This is purely about saving the Prime Minister's political skin because he does not want the destruction of hounds and people losing their jobs ahead of a general election. That is what the motion is about—nothing more, nothing less. Ministers seem to think that the opposition to this dreadful Bill will go away, but this is a very sad day for my constituents. I represent more hunts and therefore more people who have jobs in the hunting world than any other Member of Parliament. Earlier this afternoon, I heard Labour Members laughing at the prospect of job losses in my constituency, and I regard that as an utter disgrace. Notwithstanding that, this is a cynical measure designed to save the Prime Minister's face, and it comes on top of an already bad Bill and an abuse of parliamentary procedures.

The debate has been interesting in one respect: the right hon. Member for Bristol, East (Jean Corston), who is a lawyer, very clearly went through the position of the Joint Committee on Human Rights. She very clearly read out article 1 of the European convention on human rights, which is about people's enjoyment of property rights. As a lawyer and having had advice from the Government and the Committee's lawyers, she said that the Government would be in breach of the Human Rights Act 1998, if they did not give adequate notice. So if the Government do not get the amendment and go back to the original three-month proposal, they could well find themselves in breach of that Act.

This is only a suggested amendment, which involves a totally different procedure from what we normally have in the House. If the Minister is right and if their lordships were to refuse to pass the Bill or passed amendments with which the House disagreed, the suggested amendment would fall. The Minister made that quite clear from the Dispatch Box tonight. If that is the case and the Government go back to their original Bill, with only three months' notice, they will very rapidly find themselves in the European Court of Human Rights.

Alun Michael *rose—*

Mr. Clifton-Brown: I happily give way to the Minister; perhaps he can clarify that point.

Alun Michael: I thank the hon. Gentleman for giving way because it is important that hon. Members understand the position, so that there are no misapprehensions of the sort that have been put about in some unfortunate speeches that have been made today. I have signed the declaration on the basis of firm legal advice that there are no human rights transgressions or problems in relation to the three-month period. We want a longer period because we are trying to be reasonable. We are trying to draw in people to accept the law. Some Conservative Members do not want to be reasonable, but we are trying to persuade people to respond reasonably to the legislation that is going through the House.

Mr. Clifton-Brown: I accept what the Minister has said in good faith, but I ask him in good faith, as he has signed the declaration that the Bill is human rights compliant, if we find subsequently that it is not compliant, will he resign? That is what he ought to do in honour if he proves to be wrong, given what he has just stated. He might well find that he is wrong, but the courts will, no doubt, be asked to adjudicate on that matter.

A number of other points were made about the timing. The Minister is right: one of the reasons why the Government are doing this is to try to appear reasonable, but whether hunting is banned tomorrow or in 18 months' time makes no difference whatsoever to my constituents. They will protest in every possible way that they can, and, provided that it is lawful, I will support them in that effort every inch of the way, until the day when people are not allowed to hunt.

The measure is purely cynical. Why will the ban on hunting have a different commencement date from that on coursing? The only reason is that there are many more people involved in hunting than coursing, so hunting is more politically sensitive than coursing.

Mr. Tom Harris: The hon. Gentleman told the House that he would support any legal protest that his

[Mr. Tom Harris]

constituents chose to mount in the run-up to the final end of fox hunting. Will he support the people outside the House who tonight are saying that they will break that law after it comes into effect?

Mr. Clifton-Brown: I chose my words carefully because I knew that a Labour Member would intervene on me to make precisely that point, and having chosen my words carefully I have my thought processes in order. Of course I could not possibly support anyone who was thinking about breaking the law. I could understand it, but that is a different matter. I understand people who feel so passionately about the matter that they may well break the law. I do not support that in any way, but I understand that it may well happen.

Will the Minister tell us the likely cost of policing a ban? Certain police forces have a budget line for doing that, so he should know what the cost would be. He should not reiterate his earlier nonsense that the Association of Chief Police Officers thinks that it will cost no more than policing the anti-hunt protests at present, but he should ask the chief constable of Gloucestershire because I am absolutely certain that he would receive a different answer.

Alun Michael: The hon. Gentleman calls my comments into question, yet the assessment was not mine, but that of the chief constable who acts as the spokesman on these issues for ACPO. I have discussed the matter on several occasions with a variety of chief constables and they take a careful and considered view. The formal view that was made public last week was that the cost of policing a ban on hunting would be roughly equivalent to the costs of policing the protests that continue at present because of the existence of hunting.

Mr. Clifton-Brown: I am grateful to the Minister and understand that he was citing ACPO earlier. Time alone will tell whether the assessment is right or wrong.

I wish to address one or two practical issues in the short time available to me. Some Labour Members have been hunting once or twice and think that they know everything about it, and several spoke about the future of hounds. I have hunted all my life and know a thing or two about hounds. A great deal of space is required if one is to look after them. Their temperament is such that they do not make house pets, so it will be difficult to find homes for them. Homes will be found for some of them, and the more the better because I would like to preserve as many hounds as possible. Someone who loves nature and animals would naturally want as many hounds to be preserved as possible. The hon. Member for Brigg and Goole (Mr. Cawsey) has spoken to all these so-called experts, but I can tell him and the Minister that whether hunting is banned in three or 18 months, many thousands of hounds will have to be destroyed as a direct result of the measure—there is no doubt about that.

Labour Members have talked about the alternative of drag hunting, but I know as someone who has hunted all his life—my hon. Friend the Member for Hexham (Mr. Atkinson) also made this clear—that drag hunting is no substitute for fox hunting because it is totally different. The hon. Member for Worcester (Mr. Foster) said that he was put where the fox happened to be when he went out with the Worcestershire hounds, but I suspect that that happened by pure chance. Foxes are wild creatures that do not necessarily run over the same places. However, a drag hunt requires a trail to be laid over specific land. Many farmers will not allow drag hunts to go over their land because of the damage to land that they can cause. Fox hunts can damage land, but farmers allow them to take place because they control foxes.

8.41 pm

Mr. Henry Bellingham (North-West Norfolk) (Con): My hon. Friend the Member for Cotswold (Mr. Clifton-Brown), whom it is a pleasure to follow, said that monumental and staggering levels of ignorance have been displayed today. There has been talk of barbarism and unacceptable animal cruelty, but all hunting takes place on private land and the hunts have permission from landowners and farmers. Are Labour Members really saying that those landowners and farmers would give the hunters permission to go across their land if the act was so cruel and barbaric? Of course they would not.

The Bill will not save the life of one single fox, hare or stag. In fact, we well know that the number of foxes killed on the roads far exceeds the number killed by hunts. The same is true of hares. Representing a Norfolk constituency, as I do, that has a pack of hounds and large shooting estates, I know from talking to keepers that the shooting and snaring of foxes is far more cruel than the hunting of foxes. There has never been a case of a fox going away wounded from a pack of hounds, but we all know that many foxes go away wounded from rifle shots or spend a long time suffering a slow, lingering death in a snare.

I was talking to a keeper the other day who was on the demonstration this afternoon. He is under instructions from his employer to control and snare foxes. He told me that the fox in a snare is humanely dispatched most times, but not always. Sometimes a snare gets dislodged and the fox suffers a long, lingering death.

Mr. Desmond Swayne (New Forest, West) (Con): The New Forest used to have a deer hunt—the New Forest buckhounds. As a consequence of no longer having that hunt, the forest can support a much lower deer population than it previously did. The buckhounds never killed many deer, but they dispersed the deer population throughout the forest. Now, the deer congregate as far away from the tourists as they can, in those areas where the Forestry Commission estimates they do the most damage. It therefore culls far more than it used to. As a result, the deer population is much smaller than it was.

Mr. Bellingham: My hon. Friend is right and has a great deal of knowledge on the subject. One could add the case of Exmoor to his example. The hunting of stags on Exmoor maintains a balance in the population. Farmers do not go out and shoot stags on Exmoor. However, if hunting is banned, they will shoot those stags because they can get quite a lot of money for the carcase.

I believe the Countryside Alliance and the Exmoor hunting groups when they say that if hunting is banned, the red deer population on Exmoor will be in peril.

There are estates in my constituency that maintain a balance in the fox population. They do not kill every fox because they maintain a balance between fox hunting by the local hounds and the shooting interest. If hunting is banned, many of those farms and estates will shoot and control every single fox.

The same applies to hares. I was talking to a landowner in my constituency who uses her farm for regular meets of the local hare coursing club. As a consequence, she employs a full-time keeper to preserve the habitat. She has made it clear that if hare coursing is banned, there will be a free-for-all. The hares will be controlled—they will be shot—and there will be very few left. That is the law of unintended consequences.

Mr. Swayne: The key point is that the habitat will be lost. Would the hare have survived modern intensive farming methods were it not for a sport that has preserved its habitat, which is available not just to hares but to all wildlife?

Mr. Bellingham: My hon. Friend is absolutely right, although I will not digress, Mr. Deputy Speaker, because you would rightly call me to order.

One of the points that has been completely overlooked by the Labour Members who have spoken in the debate is the contribution of country sports to habitat and to the countryside more widely. One of the saddest things of all is that it is the country people who pursue these sports who have been most vociferous and vocal in maintaining that habitat, and in protecting the countryside and preventing the spread of concrete and planning.

I want to say a word or two about drag hunting because I believe that I am the only person in the House who has been a master of a pack of drag hounds. I therefore know a bit about drag hunting. Far fewer hounds are used in a drag pack and it is a totally different type of sport, as my hon. Friend the Member for Cotswold pointed out. A drag hunt is conducted at a furious pace; it is completely unsuitable for young children. It is also unsuitable for qualifying point-to-pointers and national hunt horses, a point that has been completely overlooked. Those horses have to qualify with hunts; they will not be able to do that with drag hunts. Again, ignorance comes into play—people just do not understand the full consequences of an outright ban. Furthermore, what good is drag hunting to all the thousands of people who follow hunting on foot or in their car? For them, hunting is a way of life and a form of recreation that means a great deal to them.

On a number of occasions when I was master of Cambridge University drag hounds, the hounds, who were all drafted in from foxhound packs, followed their natural instinct, which was to go off following a hare or a fox when they could. Obviously, if we were pursuing a drag hunt across farmers' land, with their permission, the masters of the hunt tried to stop the hounds going after hares or foxes, but sometimes that was impossible. What will happen under the Bill if the hounds from a hunt that has rebranded as a drag hunt accidentally chase foxes or hares? Will the Home Secretary's CCTV cameras on hunt routes pick that up? Obviously that has not been thought through in any way.

As many of my colleagues have said, this is a sickening, squalid little Bill. We are seeing an abuse of Parliament. It is outrageous that the Bill is not being properly debated. There are many complex clauses and schedules on many different issues, not least on exempt hunting, and the Bill should go into Committee for proper debate, but it will not. There are many anomalies. I asked earlier whether it would be in order for hunts to rebrand as rabbit packs, and apparently it would be in order for all foxhound, harrier and beagle packs to do that. Are we really saying that there is any less cruelty to rabbits when they are hunted by hounds than there is to hares or foxes? What is the difference except that one animal is slightly smaller?

Lembit Öpik: Will the hon. Gentleman give way?

Mr. Bellingham: No; I want to bring my remarks to a conclusion.

The Prime Minister has said on several occasions that he feels very strongly about the divisions in society. He tells us that he wants to heal those divisions, to stand up for minorities and to protect minority interests. It is very sad that this House is following in the footsteps of the last Government to ban hunting completely—the Scottish Parliament did not introduce a complete ban—which was the Nazi Government in 1935. That Government persecuted minorities; this Government are also persecuting a minority.

8.50 pm

Sir Patrick Cormack (South Staffordshire) (Con): I will not attempt to follow my hon. Friend the Member for North-West Norfolk (Mr. Bellingham) in that last remark or in his expertise in hunting, both drag and otherwise.

In the few moments that I have, I ask the House to be a bit pragmatic. This has been a very sad day for Parliament, as I explained in my speech on the procedure motion. Since then, it has become much sadder. *[Interruption.]* Labour Members who are making those noises should have some regard for people with whom they do not agree. I was as appalled by what happened in this Chamber this afternoon, and as vociferous in my condemnation of it, as any other Member on either side of the House—probably more so. Those thoughtless young men performed a terrible disservice to the cause of the countryside which they sought to espouse. There are wider implications, and those of us in the House who are concerned with our security will have to consider those things.

Similarly, the very few people in Parliament square who set off firecrackers and frightened police horses should know better, because they of all people should know how to handle horses. I spoke to those people. I do not flinch at all in my condemnation of the tactics of the few. However, I put it to hon. Members who condemn hunting—they may be perfectly sincere in that; it is not my job to impugn motives—that the vast majority of people in Parliament square this afternoon were decent, law-abiding people whom we would all be proud to have as constituents, whether we agree with them or not.

[Sir Patrick Cormack]

The Bill has had its Second Reading, will have its Third Reading with a large majority, and will then go to the House of Lords having hardly been considered in this place. We are in effect signing a death sentence on the jobs of many of our constituents. We are also decreeing that a way of life that has been honoured in this country for centuries should come to an end.

I think that there is a degree of cynicism in the motives for the delay. Despite that, I urge hon. Friends who spoke against it to think again. In an impassioned and rather intolerant speech about the countryside, my hon. Friend the Member for North Thanet (Mr. Gale)—he is not here now—said that this is all about not having hounds destroyed before the general election. I do not want them to be destroyed before the general election, after it or at any other time. *[Interruption.]* I wish that hon. Members would listen carefully. I do not want hunting to come to an end, but I am being entirely pragmatic and honest. I believe in the old motto that while there is life, there is hope. At the lowest level, even if the ban comes to pass at the end of July 2006, those whose lives are affected will have had some chance to make plans and adjust, and the police will have had some chance to decide on how to deal with the measure when it becomes law.

However, I believe passionately in the countryside way of life and I want to go on fighting and, therefore, I do not want hunting to be banned by the time we go—as we almost certainly will—to the country next year. I want it to be a general election issue because I want the voters in my constituency and every rural constituency in particular—I accept that many urban people support hunting, too—to have the chance to vote for a party that is pledged to repeal the measure before it has come into effect. [*Interruption.*] Yes, I do. If we allow the amendment that the hon. Member for West Ham (Mr. Banks) tabled to go through—I would have preferred the Government's proposal for two years—we give people a chance to think again, and an opportunity to those for whom we purport to speak to have their say.

My hon. Friend the Member for Rochford and Southend, East (Sir Teddy Taylor) told me this afternoon that he would like a referendum on hunting. I do not believe that that is necessarily practical, although I can see the superficial attraction of such an idea. However, I want the people of this country to have the opportunity to vote in the general election in the knowledge of what would happen. The general election will not be a single issue election—no general election ever is. We made the mistake in the previous election of believing that a single issue could dominate; it cannot and will not. However, hunting will be an important issue, especially in rural constituencies, and I want it to be an issue before the ban has been effected.

I therefore urge my hon. Friends who believe that we are discussing only a gesture—

It being three hours after commencement of proceedings on the motion, MR. DEPUTY SPEAKER *proceeded to put the Questions necessary to dispose of the business to be concluded at that hour, pursuant to Order [this day].*

Question put, That the amendment be made:—

The House divided: Ayes 342, Noes 15.

Division No. 251] **[8:57 pm**

AYES

Abbott, Ms Diane
Adams, Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Bob *(Cov'try NE)*
Alexander, Douglas
Allan, Richard
Allen, Graham
Anderson, rh Donald *(Swansea E)*
Anderson, Janet *(Rossendale & Darwen)*
Armstrong, rh Ms Hilary
Atherton, Ms Candy
Atkins, Charlotte
Bailey, Adrian
Baird, Vera
Baker, Norman
Banks, Tony
Barnes, Harry
Barrett, John
Barron, rh Kevin
Battle, John
Bayley, Hugh
Beard, Nigel
Beckett, rh Margaret
Bell, Sir Stuart
Benn, rh Hilary
Bennett, Andrew
Berry, Roger
Best, Harold
Betts, Clive
Blackman, Liz
Blizzard, Bob
Blunkett, rh David
Boateng, rh Paul
Bradley, rh Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brake, Tom *(Carshalton)*
Brennan, Kevin
Brooke, Mrs Annette L.
Brown, rh Nicholas *(Newcastle E Wallsend)*
Browne, Desmond
Bryant, Chris
Burgon, Colin
Burnham, Andy
Burnside, David
Burstow, Paul
Byrne, Liam *(B'ham Hodge H)*
Cable, Dr. Vincent
Caborn, rh Richard
Cairns, David
Calton, Mrs Patsy
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell, Ronnie *(Blyth V)*
Caplin, Ivor
Carmichael, Alistair
Casale, Roger
Caton, Martin
Cawsey, Ian *(Brigg)*
Challen, Colin
Chaytor, David
Chidgey, David
Clark, Mrs Helen *(Peterborough)*
Clark, Dr. Lynda *(Edinburgh Pentlands)*
Clarke, rh Tom *(Coatbridge & Chryston)*
Clarke, Tony *(Northampton S)*
Clelland, David
Coaker, Vernon
Coffey, Ms Ann
Connarty, Michael
Cooper, Yvette
Corbyn, Jeremy
Corston, Jean
Cotter, Brian
Cousins, Jim
Cox, Tom *(Tooting)*
Cranston, Ross
Crausby, David
Cruddas, Jon
Cryer, Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Jim *(Coventry S)*
Cunningham, Tony *(Workington)*
Davey, Valerie *(Bristol W)*
David, Wayne
Davidson, Ian
Davies, rh Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Dhanda, Parmjit
Dobbin, Jim *(Heywood)*
Dobson, rh Frank
Doran, Frank
Dowd, Jim *(Lewisham W)*
Drown, Ms Julia
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Ennis, Jeff *(Barnsley E)*
Farrelly, Paul
Fitzpatrick, Jim
Fitzsimons, Mrs Lorna
Flint, Caroline
Follett, Barbara
Foster, rh Derek
Foster, Don *(Bath)*
Foster, Michael *(Worcester)*
Foster, Michael Jabez *(Hastings & Rye)*
Francis, Dr. Hywel
Gapes, Mike *(Ilford S)*
Gardiner, Barry
George, Andrew *(St. Ives)*
George, rh Bruce *(Walsall S)*
Gerrard, Neil
Gidley, Sandra
Gill, Parmjit Singh
Gilroy, Linda
Goggins, Paul
Griffiths, Nigel *(Edinburgh S)*
Grogan, John
Hain, rh Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hancock, Mike
Hanson, David
Harman, rh Ms Harriet
Harris, Tom *(Glasgow Cathcart)*
Havard, Dai *(Merthyr Tydfil & Rhymney)*

Healey, John
Heath, David
Henderson, Doug *(Newcastle N)*
Henderson, Ivan *(Harwich)*
Hendrick, Mark
Hepburn, Stephen
Heppell, John
Hesford, Stephen
Heyes, David
Hill, Keith *(Streatham)*
Hinchliffe, David
Holmes, Paul
Hood, Jimmy *(Clydesdale)*
Hope, Phil *(Corby)*
Hopkins, Kelvin
Howarth, rh Alan *(Newport E)*
Howarth, George *(Knowsley N & Sefton E)*
Howells, Dr. Kim
Hoyle, Lindsay
Hughes, Beverley *(Stretford & Urmston)*
Hughes, Kevin *(Doncaster N)*
Hurst, Alan *(Braintree)*
Hutton, rh John
Iddon, Dr. Brian
Illsley, Eric
Jackson, Glenda *(Hampstead & Highgate)*
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Alan *(Hull W)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Jon Owen *(Cardiff C)*
Jones, Lynne *(Selly Oak)*
Jowell, rh Tessa
Joyce, Eric *(Falkirk W)*
Keeble, Ms Sally
Keen, Alan *(Feltham)*
Kelly, Ruth *(Bolton W)*
Kennedy, Jane *(Wavertree)*
Khabra, Piara S.
Kidney, David
Kilfoyle, Peter
King, Andy *(Rugby)*
King, Ms Oona *(Bethnal Green & Bow)*
Kirkbride, Miss Julie
Knight, Jim *(S Dorset)*
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, David
Lawrence, Mrs Jackie
Laws, David *(Yeovil)*
Laxton, Bob *(Derby N)*
Lepper, David
Leslie, Christopher
Levitt, Tom *(High Peak)*
Lewis, Terry *(Worsley)*
Liddell, rh Mrs Helen
Linton, Martin
Lloyd, Tony *(Manchester C)*
Love, Andrew
McAvoy, Thomas
McCabe, Stephen
McCartney, rh Ian
McDonagh, Siobhain
MacDonald, Calum
McDonnell, John
McFall, rh John
McGuire, Mrs Anne
McIsaac, Shona
Mackay, rh Andrew
McKechin, Ann
McKenna, Rosemary
Mackinlay, Andrew
McNamara, Kevin
McNulty, Tony
Mactaggart, Fiona
McWalter, Tony
McWilliam, John
Mahmood, Khalid
Mallaber, Judy
Mann, John *(Bassetlaw)*
Marsden, Gordon *(Blackpool S)*
Marshall, David *(Glasgow Shettleston)*
Marshall-Andrews, Robert
Martlew, Eric
Meacher, rh Michael
Meale, Alan *(Mansfield)*
Merron, Gillian
Michael, rh Alun
Milburn, rh Alan
Miliband, David
Miller, Andrew
Moffatt, Laura
Mole, Chris
Morgan, Julie
Morley, Elliot
Mountford, Kali
Mudie, George
Munn, Ms Meg
Murphy, Denis *(Wansbeck)*
Murphy, rh Paul *(Torfaen)*
Naysmith, Dr. Doug
Norris, Dan *(Wansdyke)*
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
O'Hara, Edward
Olner, Bill
Osborne, Sandra *(Ayr)*
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Perham, Linda
Picking, Anne
Pickthall, Colin
Pike, Peter *(Burnley)*
Pollard, Kerry
Pond, Chris *(Gravesham)*
Pope, Greg *(Hyndburn)*
Pound, Stephen
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Prescott, rh John
Primarolo, rh Dawn
Prosser, Gwyn
Pugh, Dr. John
Purchase, Ken
Purnell, James
Quin, rh Joyce
Quinn, Lawrie
Rammell, Bill
Rapson, Syd *(Portsmouth N)*
Raynsford, rh Nick
Reed, Andy *(Loughborough)*
Reid, rh Dr. John *(Hamilton N & Bellshill)*
Rendel, David
Robinson, Geoffrey *(Coventry NW)*
Roche, Mrs Barbara
Rooney, Terry
Ross, Ernie *(Dundee W)*
Ruddock, Joan
Russell, Bob *(Colchester)*
Russell, Ms Christine *(City of Chester)*
Salter, Martin
Sanders, Adrian
Sarwar, Mohammad
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Sheridan, Jim
Shipley, Ms Debra
Short, rh Clare
Simpson, Alan *(Nottingham S)*
Skinner, Dennis
Smith, rh Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, rh Chris *(Islington S & Finsbury)*
Smith, Geraldine *(Morecambe & Lunesdale)*
Smith, Jacqui *(Redditch)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Soley, Clive
Southworth, Helen
Spellar, rh John
Squire, Rachel
Starkey, Dr. Phyllis
Steinberg, Gerry
Stewart, David *(Inverness E & Lochaber)*
Stewart, Ian *(Eccles)*
Stinchcombe, Paul
Stringer, Graham
Stuart, Ms Gisela
Stunell, Andrew
Tami, Mark *(Alyn)*
Taylor, rh Ann *(Dewsbury)*
Taylor, Dari *(Stockton S)*
Taylor, Matthew *(Truro)*
Teather, Sarah
Thomas, Gareth *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark *(S Derbyshire)*
Tonge, Dr. Jenny
Touhig, Don *(Islwyn)*
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr. Desmond *(Brighton Kemptown)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Tynan, Bill *(Hamilton S)*
Walley, Ms Joan
Ward, Claire
Wareing, Robert N.
Watson, Tom *(W Bromwich E)*
Watts, David
Webb, Steve *(Northavon)*
White, Brian
Whitehead, Dr. Alan
Williams, rh Alan *(Swansea W)*
Williams, Betty *(Conwy)*
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Woodward, Shaun
Woolas, Phil
Wright, Anthony D. *(Gt Yarmouth)*
Wright, David *(Telford)*
Wyatt, Derek

Tellers for the Ayes:
Margaret Moran and Paul Clark

NOES

Bottomley, Peter *(Worthing W)*
Bottomley, rh Virginia *(SW Surrey)*
Gale, Roger *(N Thanet)*
Liddell-Grainger, Ian
Llwyd, Elfyn
Plaskitt, James
Price, Adam *(E Carmarthen & Dinefwr)*
Sheerman, Barry
Spink, Bob *(Castle Point)*
Taylor, David *(NW Leics)*
Taylor, John *(Solihull)*
Taylor, Sir Teddy
Thomas, Simon *(Ceredigion)*
Widdecombe, rh Miss Ann
Williams, Hywel *(Caernarfon)*

Tellers for the Noes:
Mr. Andrew Robathan and Mr. Gerald Howarth

Question accordingly agreed to.

Main Question, as amended, put:—

The House divided: Ayes 329, Noes 8.

Division No. 252] **[9:11 pm**

AYES

Abbott, Ms Diane
Adams, Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Bob *(Cov'try NE)*
Alexander, Douglas
Allan, Richard
Allen, Graham
Anderson, rh Donald *(Swansea E)*
Anderson, Janet *(Rossendale & Darwen)*
Armstrong, rh Ms Hilary
Atherton, Ms Candy
Atkins, Charlotte
Bailey, Adrian
Baird, Vera
Baker, Norman
Banks, Tony
Barnes, Harry
Barrett, John
Barron, rh Kevin
Battle, John
Bayley, Hugh
Beard, Nigel
Beckett, rh Margaret
Bell, Sir Stuart
Benn, rh Hilary
Bennett, Andrew
Berry, Roger
Best, Harold
Betts, Clive
Blackman, Liz
Blizzard, Bob

Blunkett, rh David
Boateng, rh Paul
Bradley, rh Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brake, Tom *(Carshalton)*
Brennan, Kevin
Brooke, Mrs Annette L.
Brown, rh Nicholas *(Newcastle E Wallsend)*
Browne, Desmond
Bryant, Chris
Burgon, Colin
Burnham, Andy
Byrne, Liam *(B'ham Hodge H)*
Cable, Dr. Vincent
Caborn, rh Richard
Cairns, David
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell, Ronnie *(Blyth V)*
Caplin, Ivor
Carmichael, Alistair
Casale, Roger
Caton, Martin
Cawsey, Ian *(Brigg)*
Challen, Colin
Chaytor, David
Chidgey, David
Clark, Dr. Lynda *(Edinburgh Pentlands)*
Clarke, rh Charles *(Norwich S)*
Clarke, rh Tom *(Coatbridge & Chryston)*
Clarke, Tony *(Northampton S)*
Clelland, David
Coaker, Vernon
Coffey, Ms Ann
Connarty, Michael
Cooper, Yvette
Corbyn, Jeremy
Corston, Jean
Cotter, Brian
Cousins, Jim
Cox, Tom *(Tooting)*
Cranston, Ross
Crausby, David
Cruddas, Jon
Cryer, Ann *(Keighley)*
Cummings, John
Cunningham, Jim *(Coventry S)*
Cunningham, Tony *(Workington)*
Davey, Valerie *(Bristol W)*
David, Wayne
Davidson, Ian
Davies, rh Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Dhanda, Parmjit
Dobbin, Jim *(Heywood)*
Dobson, rh Frank
Doran, Frank
Dowd, Jim *(Lewisham W)*
Drown, Ms Julia
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Ennis, Jeff *(Barnsley E)*
Farrelly, Paul
Fitzpatrick, Jim
Fitzsimons, Mrs Lorna
Flint, Caroline
Follett, Barbara
Foster, rh Derek
Foster, Don *(Bath)*
Foster, Michael *(Worcester)*
Foster, Michael Jabez *(Hastings & Rye)*
Francis, Dr. Hywel
Gapes, Mike *(Ilford S)*
Gardiner, Barry
George, Andrew *(St. Ives)*
Gerrard, Neil
Gidley, Sandra
Gill, Parmjit Singh
Gilroy, Linda
Goggins, Paul
Griffiths, Nigel *(Edinburgh S)*
Grogan, John
Hain, rh Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hancock, Mike
Hanson, David
Harman, rh Ms Harriet
Harris, Dr. Evan *(Oxford W & Abingdon)*
Harris, Tom *(Glasgow Cathcart)*
Havard, Dai *(Merthyr Tydfil & Rhymney)*
Healey, John
Heath, David
Henderson, Doug *(Newcastle N)*
Henderson, Ivan *(Harwich)*
Hendrick, Mark
Hepburn, Stephen
Heppell, John
Hesford, Stephen
Heyes, David
Hill, Keith *(Streatham)*
Hinchliffe, David
Holmes, Paul
Hood, Jimmy *(Clydesdale)*
Hope, Phil *(Corby)*
Hopkins, Kelvin
Howarth, rh Alan *(Newport E)*
Howarth, George *(Knowsley N & Sefton E)*
Howells, Dr. Kim
Hoyle, Lindsay
Hughes, Beverley *(Stretford & Urmston)*
Hughes, Kevin *(Doncaster N)*
Hurst, Alan *(Braintree)*
Hutton, rh John
Iddon, Dr. Brian
Illsley, Eric
Jamieson, David
Jenkins, Brian
Johnson, Alan *(Hull W)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Jon Owen *(Cardiff C)*
Jones, Lynne *(Selly Oak)*
Jowell, rh Tessa
Joyce, Eric *(Falkirk W)*
Keeble, Ms Sally
Keen, Alan *(Feltham)*
Kelly, Ruth *(Bolton W)*
Kennedy, Jane *(Wavertree)*
Khabra, Piara S.
Kidney, David
Kilfoyle, Peter
King, Andy *(Rugby)*
King, Ms Oona *(Bethnal Green & Bow)*
Knight, Jim *(S Dorset)*
Ladyman, Dr. Stephen
Lammy, David
Lawrence, Mrs Jackie
Laws, David *(Yeovil)*
Laxton, Bob *(Derby N)*
Lepper, David
Leslie, Christopher
Levitt, Tom *(High Peak)*
Lewis, Terry *(Worsley)*
Liddell, rh Mrs Helen
Lloyd, Tony *(Manchester C)*
Love, Andrew
McAvoy, Thomas
McCabe, Stephen
McCartney, rh Ian
McDonagh, Siobhain
MacDonald, Calum
McDonnell, John
McFall, rh John
McGuire, Mrs Anne
McIsaac, Shona
Mackay, rh Andrew
McKechin, Ann
McKenna, Rosemary
Mackinlay, Andrew
McNamara, Kevin
McNulty, Tony
Mactaggart, Fiona
McWalter, Tony
McWilliam, John
Mahmood, Khalid
Mallaber, Judy
Mann, John *(Bassetlaw)*
Marshall, David *(Glasgow Shettleston)*
Marshall-Andrews, Robert
Martlew, Eric
Meale, Alan *(Mansfield)*
Merron, Gillian
Michael, rh Alun
Milburn, rh Alan
Miliband, David
Miller, Andrew
Moffatt, Laura
Mole, Chris
Morgan, Julie
Morley, Elliot
Mountford, Kali
Mudie, George
Munn, Ms Meg
Murphy, Denis *(Wansbeck)*
Murphy, rh Paul *(Torfaen)*
Naysmith, Dr. Doug
Norris, Dan *(Wansdyke)*
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
O'Hara, Edward
Olner, Bill
Osborne, Sandra *(Ayr)*
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Perham, Linda
Picking, Anne
Pickthall, Colin
Pike, Peter *(Burnley)*
Pollard, Kerry
Pond, Chris *(Gravesham)*
Pope, Greg *(Hyndburn)*
Pound, Stephen
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Prescott, rh John
Primarolo, rh Dawn
Prosser, Gwyn
Pugh, Dr. John
Purchase, Ken
Purnell, James
Quin, rh Joyce
Quinn, Lawrie
Rammell, Bill
Rapson, Syd *(Portsmouth N)*
Raynsford, rh Nick
Reed, Andy *(Loughborough)*
Robinson, Geoffrey *(Coventry NW)*
Roche, Mrs Barbara
Ross, Ernie *(Dundee W)*
Ruddock, Joan
Russell, Bob *(Colchester)*
Russell, Ms Christine *(City of Chester)*
Salter, Martin
Sanders, Adrian
Sarwar, Mohammad
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Sheridan, Jim
Shipley, Ms Debra
Short, rh Clare
Simpson, Alan *(Nottingham S)*
Skinner, Dennis
Smith, rh Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, rh Chris *(Islington S & Finsbury)*
Smith, Geraldine *(Morecambe & Lunesdale)*
Smith, Jacqui *(Redditch)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Soley, Clive
Southworth, Helen
Spellar, rh John
Squire, Rachel
Starkey, Dr. Phyllis
Steinberg, Gerry
Stewart, David *(Inverness E & Lochaber)*
Stewart, Ian *(Eccles)*
Stinchcombe, Paul
Stringer, Graham
Stuart, Ms Gisela
Stunell, Andrew
Tami, Mark *(Alyn)*
Taylor, rh Ann *(Dewsbury)*
Taylor, Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Taylor, Matthew *(Truro)*
Teather, Sarah
Thomas, Gareth *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark *(S Derbyshire)*
Tonge, Dr. Jenny
Touhig, Don *(Islwyn)*
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr. Desmond *(Brighton Kemptown)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Tynan, Bill *(Hamilton S)*
Walley, Ms Joan
Ward, Claire
Wareing, Robert N.
Watson, Tom *(W Bromwich E)*
Watts, David
Webb, Steve *(Northavon)*

White, Brian
Whitehead, Dr. Alan
Williams, rh Alan *(Swansea W)*
Williams, Betty *(Conwy)*
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Woodward, Shaun
Woolas, Phil
Wright, Anthony D. *(Gt Yarmouth)*
Wright, David *(Telford)*
Wyatt, Derek

Tellers for the Ayes:
Margaret Moran and Paul Clark

NOES

Burstow, Paul
Calton, Mrs Patsy
Rendel, David
Robathan, Andrew
Sheerman, Barry
Spink, Bob *(Castle Point)*
Taylor, David *(NW Leics)*
Taylor, John *(Solihull)*

Tellers for the Noes:
Mr. Roger Gale and Miss Ann Widdecombe

Question accordingly agreed to.

Order for Third Reading read.—[Queen's Consent, on behalf of the Crown, and Prince of Wales's consent, on behalf of the Duchy of Cornwall, signified.]

9.23 pm

Alun Michael: I beg to move, That the Bill be now read the Third time.

I have five brief points to make, arising from today's events, in asking the House confidently to give the Bill its Third Reading. The first issue is the language and tone of debate. This is an important matter when debate has been so polarised and passionate. In particular, we need to hear a change of tone on the part of the Countryside Alliance in response to today's events. To its credit—*[Interruption.]* I hope that Opposition Members will listen to what I am saying, and act responsibly themselves. To its credit, the Countryside Alliance has called the disruption in Westminster "unfortunate and unnecessary". I know that that is the view of its chairman and perhaps others. The press release goes on to say, however, that the disruption is ultimately the responsibility of those pursuing vindictive and unjust law. The Countryside Alliance should explain to its members the sincerity of the views of those who oppose hunting and why the House of Commons has decided on a ban. It should also explain that the Government have been responsible in seeking to assist those who have strong views on this matter. It needs to explain that the Bill is neither vindictive nor unjust and that using such language can appear only to excuse misbehaviour. The Countryside Alliance needs to tell its members to act responsibly and to help them understand the legislation and the options open to them.

The remarks of some Conservative Members—for example, those of the hon. Member for Bexhill and Battle (Gregory Barker)—may be due to the passion of our debate. He revealed the temptation to use violent language when he spoke about "trampling" on other people's way of life. His remarks totally ignored the strong and clear evidence with which Lord Burns wrestled, which was also a feature of our hearings in Portcullis House. Those of us seeking a rational debate over a long period of time have sought to engage with that evidence, but the hon. Member for Bexhill and Battle talked about matters being pernicious and sectarian, and about this House "criminalising" people. The only people who are criminalised are those who act as criminals. That sort of language is self-indulgent and inappropriate.

I make that point strongly because the hon. Member for North Wiltshire (Mr. Gray), even though he wants hunting to continue, was responsible in arguing his case today. He said that he would obey the law and the ban on hunting while seeking to change the law. That is a responsible approach. We may disagree passionately across the Chamber, but I say to those who seek to lead the Countryside Alliance that by appearing to condone or almost encourage certain activities—I am not sure that that is what they intend—they need to reflect carefully on the language that they use and start to help their members to understand the impact of the legislation and their responsibility to obey it.

The second point is about illegal hare coursing, which some Conservative Members have spoken about. There is no reason to delay. We have a real problem not only with the cruelty associated with hare coursing itself, but with the attacks, intimidation and damage done by illegal hare coursing. In order to give the police the tools to do the job, it is necessary to move on from trespass as providing the basis of prosecution to the activity itself. I underline that point because hon. Members raised it on a couple of occasions today. I repeat that there is no reason for delay on that particular activity.

The third issue is the purpose of the delay. The right hon. Member for Maidstone and The Weald (Miss Widdecombe) quite properly questioned the reasons for delay and painted a scenario beloved of political commentators. I invite her and anyone willing to listen to consider in a straightforward and objective way the advantages of the delay. It will allow us to send a clear message to hunt supporters and those who seek to express their views in favour of hunting that they have one season, but that the law is changing, so they will not have to carry on for that final season because they can change their business and their activities. It is an offer of good sense.

The right hon. Lady asked the pertinent question whether hunt supporters would use the extension responsibly and in an orderly way. As I said to her earlier, I cannot promise that, but I can encourage people to act in an orderly way. I can encourage those who have legitimately argued for a continuation of hunting to accept the will of the House and to start looking at that period of time as providing an opportunity for them to choose a different way from continued confrontation.

I remind the House of the comments made by the police on this matter. They believe that the additional time will assist them in policing the results of a ban on hunting. Earlier, I repeated the comment made by the representative of the Association of Chief Police Officers, to the effect that a ban on hunting might have a short-term impact but that, in general, the amount of policing needed to enforce a ban would be roughly equivalent to what is needed now to police protests against hunting.

The time gap will also allow dogs to be trained and people to move into alternatives such as drag hunting. The provision of delay is a reasonable, responsible and moderating move by the Government. It confirms that the will of the House must prevail at the end of the day, but that that will be expressed in a reasonable way.

Dr. Julian Lewis: Will the Minister give way?

Alun Michael: No, as this is a very short debate. The hon. Gentleman must make his own contribution.

I turn now to my fourth point, which was raised in the debate as though a major human rights issue were at stake. My right hon. Friend the Member for Bristol, East (Jean Corston) is Chair of the Joint Committee on Human Rights, and she made a significant contribution. She corrected many of the misapprehensions on this matter, and it is a pity that some Opposition Members did not listen and so repeated those same misapprehensions. She concluded that the 18-month delay until the proposed commencement date of 31 July 2006 would address in full the Committee's concerns about the Bill's effect on contracts for hunting.

That very narrow point of contracts for hunting is the one area in which the Joint Committee said that a problem arose. It did not say that a ban on hunting or the Bill as a whole posed a human rights problem. In the view of my right hon. Friend the Member for Bristol, East, the extra time being allowed meant that the Bill was compatible with human rights legislation.

Our legal advice was that a delay of three months would be fine when it came to meeting the requirements of human rights legislation. However, not only do we have to meet those requirements in full, we also need to be seen to be generous to people who believe that there will be an impact. Our position has always been that the Bill is compatible with the European convention on human rights, even with its original commencement date of three months after Royal Assent. A longer period of implementation must make the Bill even stronger against legal challenge.

Finally, I hope that those in another place will respond positively to the Bill that will reach them tomorrow. Constructive points were made in today's debate, such as those raised by my hon. Friend the Member for Brigg and Goole (Mr. Cawsey). His all-party committee and other organisations undertook responsible consideration of what will happen during the transition, when hunting moves from being an activity that is legally allowed to one that is banned.

People should listen to what has been offered by animal welfare organisations, the RSPCA and others. It will always be difficult for some people, when their feelings are running high, to accept that an activity in which they wish to engage is being banned. However, it cannot be said that this has been rushed. We will give people time and opportunity to adjust to the fact that this House has determined that there should be a ban on hunting.

I hope that their lordships will engage with the Bill that is sent to them and with the views and opinions that have been expressed in this House. I hope, too, that we will be able to come to a conclusion on the issue of hunting with hounds, as we have promised.

9.33 pm

Mr. Owen Paterson (North Shropshire) (Con): This is a sad day for the House of Commons. We have seen a disgraceful abuse of the parliamentary procedures to which the Government have access.

In December 2002, the Government presented a Bill that the Minister said was based on "evidence and principle". We now have a Bill to ban fox hunting. It is an utter disgrace that we have not had a full Committee process, nor any time today to discuss the economic and employment consequences of the ban. We have not talked about matters such as fallen stock, or—most important of all—compensation. Instead, we have had glib references to cruelty, which were not backed up by the evidence of the Burns report. The Bill is still full of anomalies and is utterly flawed. It is nonsense that it will be legal to hunt a sentient mammal with a falcon but not with a dog. The Secretary of State herself said:

"No Bill on a simple ban had ever been thought to be workable."

Will the Minister confirm his suggestion that if the Bill is amended in the Lords to the form in which he originally presented it to the House last year, he will not just agree to further discussion but will suspend the Government's ill-advised proposals to impose the Parliament Act?

I do not see how a pluralist democracy can function if a majority abuses its power to impose its will on a minority. When criminalising an activity, we as legislators should think long and hard about the impact of new laws. No matter how large their parliamentary majority, no Government can rule without the consent of the governed. It is particularly poignant that 15 September is Battle of Britain day, when we celebrate the defence of ancient freedoms in this country by a tiny number of brave men.

The Government were elected to govern on behalf of all the people. Given the bitter divisions that this issue continues to provoke, I urge the House to vote against Third Reading, and so to vote for freedom and tolerance.

9.36 pm

David Winnick: I congratulate my right hon. Friend the Minister on the tremendous amount of work that he has done to ensure that the Bill is before us. There have been disagreements here and there, but he has devoted a great deal of his time, which is appreciated by the large majority of Labour MPs.

I hope that, whatever their lordships decide—we have a pretty good idea what the decision will be—there will be no weakening of the Government's resolve. Having gone so far, there can be no doubt what we expect. I am sure that this Bill will be on the statue book by the end of this parliamentary Session, which is absolutely essential.

The controversy over banning hunting with dogs is understandable. Reference has been made to bull baiting, the banning of which caused controversy when it was debated in 1800—at the very height, incidentally, of a war with France. There were many opponents; indeed, they carried the day, saying that a ban was meddling, petty and to gratify personal motives—whatever that was supposed to mean. Moreover, the critics argued in the House of Commons, it would just give additional means of vexing and harassing one another. Those are somewhat familiar arguments.

Even bull baiting was considered so controversial at that time that a ban could not pass the House of Commons for some time. I take the view that the practice of hunting with dogs should have been abolished years ago. There was no justification for its

continuing. Once the law has taken effect, many years from now people will wonder—not only people of one political persuasion, either—how it was possible for hunting with dogs to continue into the 21st century. It is a barbaric practice, and it must come to an end.

9.38 pm

Andrew George: Although we have debated the issue long and hard today, as far as the world outside is concerned, our debate will be dominated by the protest, which got into the House itself. Those who have spoken strongly and honourably on behalf of the pro-hunting lobby will be deeply embarrassed by the activities inside and outside the House that have brought shame on those involved. I hope that those actions will not dominate the remainder of debate on the Bill.

A lot of people have complained about the amount of parliamentary time expended on the issue, and we do not want to spend much more. Clearly, that depends now on the approach taken in the other place. Will the issue be responded to properly and effectively, and will the other place attempt to supersede the powers and pre-eminence of the democratically elected Chamber?

I hope that we shall have a Bill back in this House in a very short time indeed that has been accepted by the other place and after which we can move on to deal with the many other important issues that confront the British countryside.

9.40 pm

Kate Hoey (Vauxhall) (Lab): Many hon. Members have said that we must return to this Bill and force it through in this extraordinary and draconian way because it is an issue of trust between the Government and the country. The introduction of this Bill is indeed about trust, but it is about a higher trust—the trust that people should be able to have in every Government, and especially a Labour Government, that they will protect minorities from bigotry and intolerance and will uphold liberty and freedom.

Since 1997, the Government have claimed to act as the honest broker. My right hon. Friend the Minister has himself pretended to be the honest broker on the issue of hunting. However, the reintroduction of this banning Bill, and the way in which it has been done, makes it clear that that is not the case. The Government promised the country that legislation dealing with this emotive issue would be advanced on the basis of principle and evidence. The Government promised that prejudice and ignorance would not triumph, but the reintroduction of the Bill is precisely that—the triumph of prejudice.

I could quote many examples of my right hon. Friend the Minister saying that the future of hunting with dogs should not be decided on personal preference. He believed that the Bill originally brought before the House was a good Bill and he saw no reason why people should not support it. He then said that people had chosen to ban hunting because it was simpler to enforce. I am personally ashamed that a Labour Government should connive in this triumph of prejudice—*[Interruption.]* I have always believed that the Labour party and the Labour Government stood for a tolerant and inclusive society—*[Interruption.]*

Lembit Öpik: Does the hon. Lady agree that the evidence is cast iron that a ban on hunting with dogs will increase animal suffering, not reduce it? The baying and criticism from Labour Members does not undermine the fact that we have looked at the evidence and they have not. The greatest tragedy of all is that the ban is based on emotion and prejudice, not on fact and logic.

Kate Hoey: The hon. Gentleman is absolutely correct. Not a single fox will be saved by the Bill. Indeed, many more will be killed in an even more cruel way.

We cannot hide behind the pretence that the Bill is a private Member's Bill. It is the Bill of a Labour Government who propose to fly in the face of principle and the evidence. Two inquiries have been held, at vast public expense, and neither produced any evidence to justify a ban on hunting. A regulatory Bill was introduced, which my right hon. Friend the Minister said was based on principle and evidence. No fair or open-minded person could conclude that the evidence exists to justify this Bill or that it is in the public interest. My right hon. Friend the Prime Minister said on 1 September 2004 that he had identified seven key challenges for the future of this country. He said that he had a key test for legislation, and that was whether it would in practical terms advance and improve the lives of Britain's hard-working families in the future. He must know that this Bill will not do that.

In contrast to the opponents of hunting, the rural community has shown its reasonableness and openness to scrutiny. It has participated fully in the Government's inquiries and hearings and the hunting community has placed itself under an independent regulatory body.

The reintroduction of this Bill is a betrayal of public trust and will be interpreted from this day on as an illiberal and intolerant act. I remind hon. Members that it also breaks the Labour manifesto commitment, which was to enable Parliament to reach a conclusion on the issue. Parliament is both Houses and not the Commons acting alone. We have heard a lot of spin from some hon. Members about the other place. They claim that it is Tory hereditary peers who have blocked hunting bills. That is nonsense.

Since 1997, not only has no hunting Bill been returned to the House from the other place, but even if none of the hereditaries had voted, 80 per cent. of the House of Lords, including Labour peers, supported the Government's commitment to legislate on the basis of principle and evidence. Even if no Conservative peer had voted, 73 per cent. of Members of the other place supported regulated hunting and we could have had that system if the Government had not withdrawn the measure from Committee.

The reintroduction of the Bill and the use of the Parliament Act show disdain for the parliamentary process. It shows contempt for the majority of Labour peers—Labour peers!—who sought a sensible outcome based on principle and evidence. I am dismayed by the spin used to hoodwink the country into believing that a fair, just and evidence-based approach would be taken on the issue, when that is not the case.

The Prime Minister has said that he wants to govern in the interests of the whole country. He said that he wants a country at ease with itself. The Bill shows that there are still people who believe that prejudice and

[Kate Hoey]

bigotry should triumph as grounds for legislation. We have seen similar things in all the world's worst regimes. If people do not like something, they want to ban it. We shall see the consequences.

The Leader of the House will have identified with the protest we saw in the Chamber today, because it is precisely the kind of protest that he carried out some years ago—*[Interruption.]* The Leader of the House may not have managed to get into the Chamber wearing a tee-shirt, but he certainly got on to a cricket pitch—*[Interruption.]* What we saw today—*[Interruption.]*

Mr. Deputy Speaker: Order. I should have thought that the events of today would have made the House want to conduct itself in a particularly orderly manner this evening. The hon. Lady should be heard in silence.

Kate Hoey: Thank you, Mr. Deputy Speaker.

What we saw today was wrong and we must all condemn it. However, we must remember that if laws are to be respected they have to be just. I talked to many of the people in Parliament square today; they are decent, law-abiding people who will lose their livelihood and their way of life, because of a small number—although, yes, there will be a large vote tonight—of Labour Back Benchers who have a bigoted attitude to hunting and are determined to push the measure through.

Anne Picking (East Lothian) (Lab): I thank the hon. Lady for giving way. My question to you—[HON. MEMBERS: "You?"] Through the Chair, my question to the hon. Lady is: do you support the principle of collective responsibility?

Mr. Deputy Speaker: Order. I think we have heard enough.

Kate Hoey: I do not think that the question was really for me, Mr. Deputy Speaker. This is a free vote issue and the House will have the opportunity to give its view.

If the Bill goes through the House of Lords and the Parliament Act is used, the Government may think that because we have postponed the measure, the issue will go away. However, I sincerely believe that it will be a poll-tax-type issue. The Bill is unsustainable; whatever is said, the law cannot be policed. We have made a huge mistake.

I never thought that I would live to see a Labour Government cower before bigotry. That is unacceptable; it is a disgrace, and I am desperately disappointed that the Prime Minister has allowed it to happen.

9.49 pm

Dr. Julian Lewis (New Forest, East) (Con): It is a real privilege to follow what one can truly describe as an extremely brave speech by the hon. Member for Vauxhall (Kate Hoey).

I had not intended to contribute to the debate, but I have been provoked into doing so by the Minister's attitude in introducing the debate on Third Reading. I was astonished by his sensitivity about the language used by certain people today. He apparently regards it as inappropriate for my hon. Friend the Member for Bexhill and Battle (Gregory Barker) to talk about people's rights being trampled on, and he regards it as inflammatory for people from the Countryside Alliance to talk about their resentment at being criminalised. He is nodding; he confirms that.

Where has the Minister been for the past number of years when terms such as "rights being trampled on" have been used time and again in the House without any suggestion that such language is inflammatory? Where was he during the debates on the reduction in the age of consent for homosexuality, when it was constantly alleged that young people were being criminalised by a failure to reduce that age of consent? So it is all right to use such language in favour of a left-wing cause, but it is inflammatory to use it in favour of the defence of country sports, according to our oh-so-sensitive Minister.

I should like to make a couple of other brief points. Why has no one replied to the point made by my hon. Friend the Member for North-West Norfolk (Mr. Bellingham), who suggested that there might just be a practical problem to carrying this law into effect? What will happen if a hunt starts out as a drag hunt, but the hounds end up following foxes? Will people be criminalised? Will they be prosecuted? Will they be fined? Will they be imprisoned? If the answer is no, I suspect that an awful lot of hunts will start out as drag hunts and end up as fox hunts.

The other point, the crucial point, the absolute killer point that has been made time and again without satisfactory response from the people on the other side of the debate is how does it benefit animal welfare when the result of foxes being shot and snared is that more of them will die more horribly than die as a result of being hunted? The only conclusion that one can reach as a result of the failure of people on the other side of the argument to address that crucial point is that the Bill is not about animal welfare; it is about class envy; it is about class hatred; and it is the last flicker of conscience from those people on the left wing of the Labour party who have abandoned their principles in supporting the Government on every other policy and who are desperate to wring a petty victory from the litany of failures of the conscience of the left.

9.52 pm

Mr. Douglas Hogg (Sleaford and North Hykeham) (Con): I rise very much to support what my hon. Friends have said and to pay tribute to the hon. Member for Vauxhall (Kate Hoey). What she said was very courageous. She must have found it difficult to say, and I applaud her courage in saying it. There is at the end of the day a fundamental objection to the Bill—

It being half an hour after the commencement of proceedings on the motion, MR. SPEAKER *proceeded to put the Question necessary to dispose of the business to be concluded at that hour, pursuant to Order [this day].*

Question put, That the Bill be now read the Third time:—

The House divided: Ayes 339, Noes 155.

Division No. 253] **[9:53 pm**

AYES

Abbott, Ms Diane
Adams, Irene *(Paisley N)*
Ainsworth, Bob *(Cov'try NE)*
Alexander, Douglas
Allan, Richard
Allen, Graham
Anderson, rh Donald *(Swansea E)*
Anderson, Janet *(Rossendale & Darwen)*
Atherton, Ms Candy
Atkins, Charlotte
Bailey, Adrian
Baird, Vera
Baker, Norman
Banks, Tony
Barnes, Harry
Barrett, John
Barron, rh Kevin
Battle, John
Bayley, Hugh
Beard, Nigel
Beckett, rh Margaret
Bell, Sir Stuart
Benn, rh Hilary
Bennett, Andrew
Berry, Roger
Best, Harold
Betts, Clive
Blackman, Liz
Blizzard, Bob
Boateng, rh Paul
Bradley, rh Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brake, Tom *(Carshalton)*
Brennan, Kevin
Brooke, Mrs Annette L.
Brown, rh Nicholas *(Newcastle E Wallsend)*
Browne, Desmond
Bryant, Chris
Burgon, Colin
Burnham, Andy
Burstow, Paul
Byrne, Liam *(B'ham Hodge H)*
Cable, Dr. Vincent
Cairns, David
Calton, Mrs Patsy
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell, Ronnie *(Blyth V)*
Caplin, Ivor
Carmichael, Alistair
Cassle, Roger
Caton, Martin
Cawsey, Ian *(Brigg)*
Challen, Colin
Chaytor, David
Chidgey, David
Clark, Dr. Lynda *(Edinburgh Pentlands)*
Clark, Paul *(Gillingham)*
Clarke, rh Charles *(Norwich S)*
Clarke, rh Tom *(Coatbridge & Chryston)*
Clarke, Tony *(Northampton S)*
Clelland, David
Coaker, Vernon
Coffey, Ms Ann
Connarty, Michael
Cooper, Yvette
Corbyn, Jeremy
Corston, Jean
Cotter, Brian
Cousins, Jim
Cox, Tom *(Tooting)*
Cranston, Ross
Crausby, David
Cryer, Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Jim *(Coventry S)*
Cunningham, Tony *(Workington)*
Curtis-Thomas, Mrs Claire
Davey, Edward *(Kingston)*
Davey, Valerie *(Bristol W)*
David, Wayne
Davidson, Ian
Davies, rh Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Dhanda, Parmjit
Dobbin, Jim *(Heywood)*
Dobson, rh Frank
Doran, Frank
Dowd, Jim *(Lewisham W)*
Drown, Ms Julia
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Ennis, Jeff *(Barnsley E)*
Farrelly, Paul
Fitzpatrick, Jim
Fitzsimons, Mrs Lorna
Flint, Caroline
Follett, Barbara
Foster, rh Derek
Foster, Don *(Bath)*
Foster, Michael *(Worcester)*
Foster, Michael Jabez *(Hastings & Rye)*
Francis, Dr. Hywel
Gale, Roger *(N Thanet)*
Gapes, Mike *(Ilford S)*
Gardiner, Barry
George, Andrew *(St. Ives)*
Garrard, Neil
Gidley, Sandra
Gill, Parmjit Singh
Gilroy, Linda
Goggins, Paul
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grogan, John
Hain, rh Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Harman, rh Ms Harriet
Harris, Tom *(Glasgow Cathcart)*
Havard, Dai *(Merthyr Tydfil & Rhymney)*
Healey, John
Henderson, Doug *(Newcastle N)*
Henderson, Ivan *(Harwich)*
Hendrick, Mark
Hepburn, Stephen
Hesford, Stephen
Heyes, David
Hill, Keith *(Streatham)*
Hinchliffe, David
Hodge, Margaret
Holmes, Paul
Hood, Jimmy *(Clydesdale)*
Hope, Phil *(Corby)*
Hopkins, Kelvin
Howarth, rh Alan *(Newport E)*
Howarth, George *(Knowsley N & Sefton E)*
Howells, Dr. Kim
Hoyle, Lindsay
Hughes, Beverley *(Stretford & Urmston)*
Hughes, Kevin *(Doncaster N)*
Hutton, rh John
Iddon, Dr. Brian
Illsley, Eric
Jackson, Glenda *(Hampstead & Highgate)*
Jamieson, David
Jenkins, Brian
Johnson, Alan *(Hull W)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Jon Owen *(Cardiff C)*
Jones, Lynne *(Selly Oak)*
Joyce, Eric *(Falkirk W)*
Keeble, Ms Sally
Keen, Alan *(Feltham)*
Kelly, Ruth *(Bolton W)*
Kennedy, Jane *(Wavertree)*
Khabra, Piara S.
Kidney, David
Kilfoyle, Peter
King, Andy *(Rugby)*
King, Ms Oona *(Bethnal Green & Bow)*
Knight, Jim *(S Dorset)*
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, David
Lawrence, Mrs Jackie
Laws, David *(Yeovil)*
Laxton, Bob *(Derby N)*
Lepper, David
Leslie, Christopher
Levitt, Tom *(High Peak)*
Lewis, Terry *(Worsley)*
Liddell, rh Mrs Helen
Lloyd, Tony *(Manchester C)*
Love, Andrew
McAvoy, Thomas
McCabe, Stephen
McCartney, rh Ian
McDonagh, Siobhain
MacDonald, Calum
McDonnell, John
MacDougall, John
McFall, rh John
McGuire, Mrs Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
Mackinlay, Andrew
McNamara, Kevin
McNulty, Tony
Mactaggart, Fiona
McWalter, Tony
McWilliam, John
Mahmood, Khalid
Mallaber, Judy
Mann, John *(Bassetlaw)*
Marsden, Gordon *(Blackpool S)*
Marshall, David *(Glasgow Shettleston)*
Marshall-Andrews, Robert
Martlew, Eric
Meacher, rh Michael
Meale, Alan *(Mansfield)*
Merron, Gillian
Michael, rh Alun
Milburn, rh Alan
Miliband, David
Miller, Andrew
Moffatt, Laura
Mole, Chris
Moran, Margaret
Morgan, Julie
Morley, Elliot
Morris, rh Estelle
Mountford, Kali
Mudie, George
Munn, Ms Meg
Murphy, Denis *(Wansbeck)*
Murphy, rh Paul *(Torfaen)*
Naysmith, Dr. Doug
Norris, Dan *(Wansdyke)*
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
O'Hara, Edward
Oliver, Bill
O'Neill, Martin
Osborne, Sandra *(Ayr)*
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Perham, Linda
Picking, Anne
Pickthall, Colin
Pike, Peter *(Burnley)*
Plaskitt, James
Pollard, Kerry
Pond, Chris *(Gravesham)*
Pope, Greg *(Hyndburn)*
Pound, Stephen
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Prescott, rh John
Primarolo, rh Dawn
Prosser, Gwyn
Pugh, Dr. John
Purchase, Ken
Purnell, James
Quin, rh Joyce
Quinn, Lawrie
Rammell, Bill
Rapson, Syd *(Portsmouth N)*
Raynsford, rh Nick
Rendel, David
Robinson, Geoffrey *(Coventry NW)*
Roche, Mrs Barbara
Rooney, Terry
Ross, Ernie *(Dundee W)*
Ruddock, Joan
Russell, Bob *(Colchester)*
Russell, Ms Christine *(City of Chester)*
Salter, Martin
Sanders, Adrian
Sarwar, Mohammad
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan

Sheridan, Jim
Shipley, Ms Debra
Short, rh Clare
Simpson, Alan *(Nottingham S)*
Skinner, Dennis
Smith, rh Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, rh Chris *(Islington S & Finsbury)*
Smith, Geraldine *(Morecambe & Lunesdale)*
Smith, Jacqui *(Redditch)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Soley, Clive
Southworth, Helen
Spellar, rh John
Squire, Rachel
Starkey, Dr. Phyllis
Stenberg, Gerry
Stewart, David *(Inverness E & Lochaber)*
Stewart, Ian *(Eccles)*
Stinchcombe, Paul
Stoate, Dr. Howard
Stuart, Ms Gisela
Stunell, Andrew
Tami, Mark *(Alyn)*
Taylor, rh Ann *(Dewsbury)*
Taylor, Dari *(Stockton S)*
Taylor, John *(Solihull)*
Taylor, Matthew *(Truro)*
Taylor, Sir Teddy
Teather, Sarah
Thomas, Gareth *(Harrow W)*
Timms, Stephen
Todd, Mark *(S Derbyshire)*
Tonge, Dr. Jenny
Touhig, Don *(Islwyn)*
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr. Desmond *(Brighton Kemptown)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Tynan, Bill *(Hamilton S)*
Vaz, Keith *(Leicester E)*
Walley, Ms Joan
Ward, Claire
Wareing, Robert N.
Watson, Tom *(W Bromwich E)*
Watts, David
Webb, Steve *(Northavon)*
White, Brian
Whitehead, Dr. Alan
Widdecombe, rh Miss Ann
Williams, rh Alan *(Swansea W)*
Williams, Betty *(Conwy)*
Willis, Phil
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wood, Mike *(Batley)*
Woodward, Shaun
Woolas, Phil
Wright, Anthony D. *(Gt Yarmouth)*
Wright, David *(Telford)*
Wyatt, Derek

Tellers for the Ayes:
Mr. Nick Ainger and
Mr. John Heppell

NOES

Ainsworth, Peter *(E Surrey)*
Ancram, rh Michael
Arbuthnot, rh James
Atkinson, Peter *(Hexham)*
Baldry, Tony
Barker, Gregory
Begg, Roy *(E Antrim)*
Beith, rh A. J.
Bellingham, Henry
Bercow, John
Beresford, Sir Paul
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, rh Virginia *(SW Surrey)*
Brady, Graham
Brazier, Julian
Browning, Mrs Angela
Burnett, John
Burns, Simon
Burnside, David
Burt, Alistair
Butterfill, Sir John
Cameron, David
Campbell, rh Sir Menzies *(NE Fife)*
Cash, William
Chapman, Sir Sydney *(Chipping Barnet)*
Chope, Christopher
Clappison, James
Clarke, rh Kenneth *(Rushcliffe)*
Clifton-Brown, Geoffrey
Collins, Tim
Conway, Derek
Cormack, Sir Patrick
Curry, rh David
Davies, Quentin *(Grantham & Stamford)*
Davis, rh David *(Haltemprice & Howden)*
Djanogly, Jonathan
Dorrell, rh Stephen
Doughty, Sue
Duncan, Alan *(Rutland)*
Duncan Smith, rh Iain
Evans, Nigel
Fabricant, Michael
Fisher, Mark
Flook, Adrian
Forth, rh Eric
Francois, Mark
Gibb, Nick *(Bognor Regis)*
Gillan, Mrs Cheryl
Goodman, Paul
Gray, James *(N Wilts)*
Green, Damian *(Ashford)*
Green, Matthew *(Ludlow)*
Greenway, John
Gummer, rh John
Hague, rh William
Hammond, Philip
Harris, Dr. Evan *(Oxford W & Abingdon)*
Harvey, Nick
Hawkins, Nick
Hayes, John *(S Holland)*
Heald, Oliver
Heathcoat-Amory, rh David
Hendry, Charles
Hermon, Lady
Hoban, Mark *(Fareham)*
Hoey, Kate *(Vauxhall)*
Hogg, rh Douglas
Horam, John *(Orpington)*
Howard, rh Michael
Howarth, Gerald *(Aldershot)*
Hunter, Andrew
Jack, rh Michael
Keetch, Paul
Key, Robert *(Salisbury)*
Kirkbride, Miss Julie
Knight, rh Greg *(E Yorkshire)*
Laing, Mrs Eleanor
Lamb, Norman
Lansley, Andrew
Leigh, Edward
Letwin, rh Oliver
Lewis, Dr. Julian *(New Forest E)*
Liddell-Grainger, Ian
Lidington, David
Lilley, rh Peter
Llwyd, Elfyn
Loughton, Tim
Luff, Peter *(M-Worcs)*
McIntosh, Miss Anne
Mackay, rh Andrew
Maclean, rh David
McLoughlin, Patrick
Malins, Humfrey
Maples, John
Mates, Michael
Mitchell, Andrew *(Sutton Coldfield)*
Moore, Michael
Moss, Malcolm
Murrison, Dr. Andrew
Norman, Archie
Osborn, Mark *(Winchester)*
O'Brien, Stephen *(Eddisbury)*
Öpik, Lembit
Osborne, George *(Tatton)*
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Price, Adam *(E Carmarthen & Dinefwr)*
Prisk, Mark *(Hertford)*
Robathan, Andrew
Robertson, Hugh *(Faversham & M-Kent)*
Robertson, Laurence *(Tewk'b'ry)*
Rosindell, Andrew
Ruffley, David
Sayeed, Jonathan
Sheerman, Barry
Simmonds, Mark
Simpson, Keith *(M-Norfolk)*
Smith, Sir Robert *(W Ab'd'ns & Kincardine)*
Soames, Nicholas
Spicer, Sir Michael
Spink, Bob *(Castle Point)*
Spring, Richard
Stanley, rh Sir John
Steen, Anthony
Streeter, Gary
Swayne, Desmond
Swire, Hugo *(E Devon)*
Syms, Robert
Taylor, Ian *(Esher)*
Taylor, Dr. Richard *(Wyre F)*
Thomas, Simon *(Ceredigion)*
Thurso, John
Tredinnick, David
Trend, Michael
Turner, Andrew *(Isle of Wight)*
Tyler, Paul *(N Cornwall)*
Tyrie, Andrew
Viggers, Peter
Walter, Robert
Waterson, Nigel
Watkinson, Angela
Whittingdale, John
Wilkinson, John
Willetts, David
Williams, Hywel *(Caernarfon)*
Williams, Roger *(Brecon)*
Wilshire, David
Winterton, Ann *(Congleton)*
Winterton, Sir Nicholas *(Macclesfield)*
Yeo, Tim *(S Suffolk)*
Young, rh Sir George

Tellers for the Noes:
Mr. Bill Wiggin and
Mr. Crispin Blunt

Question accordingly agreed to.

Bill read the Third time, and passed.

Speaker's Statement

10.6 pm

Mr. Speaker: I wish to make a brief statement about the incident that took place in the Chamber this afternoon, which was linked to today's demonstration in Parliament square. I visited the square myself, and I am grateful to the police for the efforts that they made to keep the approaches to the House clear. However, eight men gained access through St. Stephen's entrance, using a forged letter inviting them to a meeting on the Committee Corridor. Once there, they were led to the small stairway at the north end of the Corridor, probably by a passholder, who was clearly exceeding his or her authority. On the stairway, the men took off their jackets and left them behind.

The eight men rushed the Chamber entrance. Three were tackled and overpowered by Doorkeepers on duty. The remaining five entered the No Lobby and from there gained access to the Chamber, where they, too, were overpowered. On behalf of the House I want to pay tribute to the Officers and Doorkeepers concerned for their prompt and effective reaction. They demonstrated the highest levels of professionalism and the House, I know, is grateful to them.

The eight men have been detained and are being interviewed by the police. When it was last reported to me, none of them had provided the police with his true name and address. None of the intruders possessed any offensive weapons. Clearly, the intrusion was a carefully planned operation and the Serjeant at Arms has asked the Metropolitan police to conduct a full investigation. It is not yet clear whether the passholder who apparently assisted the intruders was a member of staff, a member of the press or an employee of a Member: all those possibilities are being investigated.

For tomorrow's sitting, I have asked the Metropolitan police to deploy a significant additional squad of police officers in the immediate vicinity of the Chamber until the House rises. Leave for security officers will be cancelled, if necessary, to provide an immediate assurance that such an incident cannot be repeated.

Mr. Oliver Heald (North-East Hertfordshire) (Con): On a point of order, Mr. Speaker. In the light of your statement, will you confirm that you would deplore any briefing by hon. Members on either side of the House to the effect that a Conservative Member of Parliament let the invaders in—*[Interruption.]*

Mr. Speaker: Order. Let the hon. Gentleman speak.

Mr. Heald: It appears that such briefing is occurring, and there is not a scrap of evidence to support it.

Mr. Speaker: As I said in my statement, I am investigating all these possibilities; I ask the House to allow me to do so.

Mr. Tony Banks (West Ham) (Lab): Further to that point of order, Mr. Speaker. When you are considering the disgraceful events that we witnessed, will you also consider the fact that a female Member of this House was seriously assaulted when she was attempting to enter and was punched by one of the thugs outside? If this sort of behaviour is allowed to go on, all our democratic institutions are at risk. I ask you to interview the Member concerned to get all the details.

Jim Dowd (Lewisham, West) (Lab): Further to that point of order, Mr. Speaker. In your statement, you announced that the people who violated—I put it no more strongly than that—this Chamber had a letter of invitation to a meeting on the Committee Corridor. I presume that whoever—

Mr. Speaker: Order. I shall stop the hon. Gentleman. The letter was forged. I say to the House that it is best not to question the Speaker on a Speaker's statement. I stated my case and the House should bear with me. We have a day to get through tomorrow, and it is important that we see that day through until the Adjournment. I ask the House to allow me to get through that day. When we come back we can have a reasoned discussion about how we proceed, but questioning me on my statement does the House no good.

Mr. Patrick McLoughlin (West Derbyshire) (Con): Further to that point of order, Mr. Speaker. Will you take very careful note of any new statement that people who say they have information give to the broadcast media tonight and ensure that anybody who seems to have been complicit is fully investigated, even though they may not necessarily be connected with the House?

Mr. Speaker: When I opened my statement I said that the Metropolitan Police Commissioner would be involved in a full investigation.

Peter Bottomley (Worthing, West) (Con): On a separate point of order, Mr. Speaker.

Mr. Speaker: That is a refreshing change.

Peter Bottomley: May I put it to you, Sir, that the greatest risk today was of people being crushed to death against the railings outside the House? The police saved the demonstrators from that; otherwise, we might have had a repetition of the Hillsborough, Heysel or El Salvador tragedies.

Mr. Speaker: That is not a point of order.

Phil Sawford (Kettering) (Lab): On a separate but related point of order, Mr. Speaker. In view of the fact that masked intruders were seen in the vicinity of my house and the home of my hon. Friend the Under-Secretary of State, Office of the Deputy Prime Minister, the Member for Corby (Phil. Hope) last night and that they have publicly threatened to come back to intimidate my family and that of my hon. Friend, will you review the personal security of hon. Members and their families when they are not in the House?

Mr. Speaker: I am always worried about any hon. Member who might feel threatened. However, I urge hon. Members not to raise such matters on the Floor of the House but to come and see me privately. I shall give every assistance and help that is possible.

Mr. Andrew Turner (Isle of Wight) (Con): On a point of order, Mr. Speaker.

Mr. Speaker: I hope that it is not on the same matter because we must move on. I urge the hon. Member not to make it if it is on the same point.

PETITIONS

Road Safety

10.15 pm

Mr. Tom Clarke (Coatbridge and Chryston) (Lab): I am obliged, on behalf of more than 11,000 of my constituents, to present a petition, which is self-explanatory. It is my duty and privilege to present it.

The petition states:

To the House of Commons.

The Petition of residents of Coatbridge and Chryston declares

That the Petitioners support campaigns for justice on behalf of victims of road accidents and their families and friends.

The Petitioners further declare their strong support for campaigns to highlight the difficulties involved in defining words such as "dangerous", "careless" and "negligent" in the context of motoring offences, and their call for new terms that reflect the seriousness of such offences.

The Petitioners therefore request that the House of Commons pass legislation for the new motoring offences of motor vehicle manslaughter and aggravated motor vehicle manslaughter.

And the Petitioners remain, etc.

To lie upon the Table.

Royal United Hospital Bath

10.18 pm

Dr. Andrew Murrison (Westbury) (Con): I have been asked by Councillor Chris Watt to present a petition that he has raised and that has been signed by 1,103 people in the area served by the Royal United hospital Bath.

The petition states:

To the House of Commons.

The Petition of the "Clear the Debt Campaign" declares

That the Royal United Hospital Bath has debt of £24.8 million, which it may have to pay back to the Government at a future date.

The Petitioners further declare that if the hospital is required to repay the money, cuts for local health services in the Bath area will be necessary; and that cancellation of the debt would remove uncertainty surrounding local health services and future cuts.

The Petitioners therefore request that the House of Commons urge the Secretary of State for Health to review the requirement that the debt incurred by the Royal United Hospital Bath be recovered.

And the Petitioners remain, etc.

To lie upon the Table.

Holland House

10.19 pm

Mr. Ian Cawsey (Brigg and Goole) (Lab): It is my honour to present a petition on behalf of thousands of residents from Goole, Hook and the surrounding area regarding the future of Holland House, a private nursing home bought by PD Services, which has evicted the residents as it attempts to convert it into a secure unit. This loss of beds for locals is an enormous concern for the community, and the petition states:

Wherefore your petitioners pray that your honourable House will call upon the Secretary of State for Health to hold a public inquiry into the provision of nursing care beds for the elderly, the inquiry to recommend proposals to ensure the adequacy of such provision, and to impose a complete embargo on all applications made by PD Services and like organisations to the National Care Standards Commission—now the Health Care Commission—for deregistration of existing nursing homes, including Holland House, and applications for a change of use of said properties to secure units for persons with personality disorders, until the outcome of such public inquiry.

And your petitioners, as in duty bound, will ever pray.

To lie upon the Table.

Commission for Social Care Inspection

Motion made, and Question proposed, That this House now adjourn.—*[Margaret Moran.]*

20 pm

Mr. James Plaskitt (Warwick and Leamington): I ould like to thank Mr. Speaker for granting me the portunity to have this important Adjournment ate.

This case involves two of my constituents who are ter carers. Given the involvement of children and the vious importance of protecting their identity, I shall er to the couple only as "my constituents". However, e case is known to the Minister for Children and we ve corresponded on the matter.

I want to raise the issue tonight because my nstituents have been put in a truly intolerable uation as a result of professional failures and ganisational incompetence. Although the matter is w, possibly, inching its way towards a resolution, this s taken far too long. The case has exposed very serious stemic failures, and we cannot afford to fail to apply e lessons that could be learned from this sorry uation. Many questions remain unanswered, and I ish to put them to my right hon. Friend this evening. y constituents and I are anxious to have the answers.

I shall briefly outline the context. My constituents scovered that a 13-year-old boy who had been placed ith them for fostering had a history of sex abusing. hey had not been told this. That was obviously a rofound and dangerous mistake, given that my onstituents have young children of their own, and ther children in their care. The boy—child X—was laced with my constituents by Northamptonshire ocial services, and the independent agency involved in ne case was called Happen.

Initially, my constituents took the view that an honest istake had occurred. Attempts to resolve the matter micably failed and, eventually, my constituents lodged complaint against the agency. The first really sour ncident in the story occurred at this point. Happen's esponse was to cast doubt on the previous and current itness of my constituents as foster parents. Having ailed to dissuade my constituents from making their omplaint, Happen's staff visited their home and roduced an agenda of concerns questioning my onstituents' competence and reliability. Happen also ndicated that it would take my constituents back to the ostering panel. It also told them that it was asking a ocial worker to investigate them. This aggressive esponse threatened my constituents with the loss of their reputation and their livelihood.

The then National Care Standards Commission undertook an investigation. Two inspectors, Sandra Lemon and Jane Allen, carried out the investigation and concluded that the complaints against the agency could not be substantiated. Those two individuals later carried out an assessment of Happen's fitness for registration—a point that I shall come back to. Surprised by this finding, my constituents pressed the matter to a second stage review. This was carried out by Cathy Craggs and concluded in May 2003. Looking at exactly the same evidence, Ms Craggs concluded that the complaint was partly substantiated.

Still dissatisfied, however, my constituents took the matter to a third stage review, which was carried out by Judy Downey and was concluded in March this year. Ms Downey's detailed report makes worrying revelations and reaches some very important conclusions. I have sent a copy of it to my right hon. Friend. The third stage investigation concluded, among other things, that the NCSC's inspection of Happen—carried out, as I said, by the same two people who undertook the initial investigation—had been over-generous to the agency. The investigation also found that Happen was unable to substantiate its claims against my constituents. It also concluded:

"Considerable efforts were made by Happen to discredit"

my constituents. It also concluded that while Northamptonshire's own investigation into the affair had found a need for Happen to address its conduct, that was not picked up in either of the first two NCSC investigations. Finally, Ms Downey's report totally vindicated my constituents. She concluded:

"The NCSC should examine its practices in relation to this provider and review their fitness as a matter of urgency."

Since that report, which was delivered in March this year, what has happened? First, the NCSC has become the Commission for Social Care Inspection. The name and initials have therefore changed, but it does not look to me as though the personnel or practices have changed too much. Anxious to see Ms Downey's recommendations acted on, I wrote to Linda Hoare, the south-east regional director of CSCI. My constituents also engaged a solicitor to represent them, and they, too, were in communication with Ms Hoare. Incidentally, she complained that she could not deal with two sets of correspondence on this matter. However, she wrote:

"I will of course do my best to ensure that any necessary improvements in the practice of the CSCI are carried out".

At the same time, Staffordshire social services reacted to the findings of the third stage review. Peter Steel, its commissioning officer, concluded that his county would no longer use Happen. He communicated that view to a range of other west midlands social services departments, as his was the lead authority. Concern about Happen was also drawn to the attention of Northamptonshire, the original placing authority, which would obviously have an interest in the matter. It decided to check with CSCI, which replied that

"there are no indications of concern regarding the agency and its practices and outcomes from the inspection were positive."

Three months after Ms Downey's report and call for urgent action, some social services departments were clearly doing the right thing. CSCI, however, which twice in its previous incarnation failed to undertake a proper investigation, was telling one local authority at least that all was well with the agency, while writing to me and my constituents assuring us that all necessary improvements would be made. I was dismayed by this comment from CSCI. In May, I wrote a further letter to Ms Hoare asking for an explanation.

At that time, I also raised the matter for the first time with my right hon. Friend the Minister for Children. She replied that the CSCI complaints board would be conducting a review of its procedures to be completed in the summer of 2004. CSCI has since told me that a further inspection of Happen will be conducted in October. As for the astonishing comment made by CSCI

[Mr. James Plaskitt]

to Northamptonshire that all was well with Happen, I still have not had an explanation; instead, I have had only a comment from Ms Hoare saying that she was not in post at the time. In fact, I think that she was.

All that raises serious doubts in my mind about the competence of CSCI. The reputation of two outstanding foster carers has been placed in jeopardy, I think, to cover up professional failures. First, they were subject to incompetence, then to intimidation, and then they were totally let down by the inspecting organisation to which they turned. Either the inspectors did not inspect, or they did but opted to cover up what they found. Either is indefensible, given that not only reputations are at stake but the safety and security of children.

In conclusion, I have some questions for my right hon. Friend. How confident can we be in the staff of CSCI? Is it mired in institutional self-preservation? What has happened to CSCI's review of complaints procedure? Has it concluded? If so, what was the outcome? Why is the complaints process so close to the inspection process, to the extent that the same people are involved? Surely that raises a conflict of interest and results in people being asked to inspect their own competence. Why are CSCI inspections apparently such limp affairs? How rigorous are the inspection criteria? When complaints are made about the very foundations of fitness, why are the inspections about superficial matters? Why are inspections, as in the case of Happen, pre-announced? Does not that further undermine their validity? Why, when it was deemed urgent in March, are some of the core recommendations of Ms Downey's first stage report still not being acted on seven months later? When will all those recommendations be acted on, and when will Happen be either sorted out or deregistered?

10.30 pm

Mr. David Cameron (Witney) (Con): I listened carefully to what the hon. Gentleman said. He has clearly studied the matter closely. I want to put on record—the hon. Gentleman may not know this—that my constituent, Brian Henderson, a director of Happen Fostercare Ltd., contacted me about the debate. He has made a series of complaints to the commission, which are currently being examined. I think it important for the hon. Gentleman to be aware of that, and I look forward to hearing the Minister's reply.

Mr. Deputy Speaker (Sir Alan Haselhurst): It appears that that was a speech rather than an intervention. I thought that the hon. Member for Warwick and Leamington (Mr. Plaskitt) had given way. Presumably, there was all-round acceptance that the hon. Member for Witney (Mr. Cameron) could contribute.

The Minister for Children (Margaret Hodge): I congratulate my hon. Friend the Member for Warwick and Leamington (Mr. Plaskitt) on securing the debate and on diligently and persistently pursuing the issue on behalf of his constituents. I regret the difficulties experienced by his constituents. I wish to record my admiration for the enormous contribution that foster carers make to our society, and the wonderful work they do with some of the most disadvantaged children. If I have time, I shall describe some of the key measures that the Government are taking to improve support for foster carers; but first I want to respond to issues relating to this specific case.

It is clear that the handling of the complaint made by my hon. Friend's constituents has simply not been good enough. I understand that the CSCI has itself acknowledged the amount of time taken to resolve the complaints. It accepts that they were not handled as quickly as they should have been, and has apologised to my hon. Friend's constituents for that. However, I have received assurances from the commission that action is being taken to improve the handling of complaints in future. I shall give my hon. Friend more details of that.

A board has been established to review the effectiveness of the complaints arrangements and the way in which the organisation deals with them. The CSCI has also informed me that a new management team has been installed in the south-east region and that the team will aim to find a swift and satisfactory resolution for the complainants in this case. I sincerely hope that a satisfactory conclusion can be reached. I am also pleased to hear that the commission has brought forward the annual inspection of Happen to 4 October. The inspection will be used, among other things, to review the fitness of the provider.

Let me now deal with some of the specific issues raised by my hon. Friend, who gave me notice that he would raise them. He asked whether I could be confident in the staff we have in the CSCI. I believe that we can be. The commission now has a completely new management structure, different from that of its predecessor, and is about to appoint a new regional director to this area. It has committed itself to a service user-focused approach to regulation and to trying to bring about real improvement in social care. Its underlying aims are to stamp out bad practice wherever it is found and to protect vulnerable people in care. I understand that the organisation is reviewing its methodology and systems to improve them where possible, no doubt learning from experiences such as this case.

My hon. Friend asked if I felt that the organisation was mired in what he called institutional self-preservation. It has a statutory duty to promote the improvement of social care services. By its nature it has to be an outward-looking body and it was set up by Parliament to improve services for users and carers. The commission has a statutory duty to co-operate with other organisations. As I know from having worked with it recently, it is working very closely with Ofsted and other inspectorates on developing an integrated children's service inspection framework. That is going well. So in my experience, it is not an inward-looking organisation.

What, however, has happened to the review of complaints procedure? My hon. Friend asked whether it had concluded, and if so, what the outcome was. The review continues, which is not a bad thing. I am told that there have been some early benefits that have been realised, particularly by introducing a much more flexible approach to the way in which complaints are investigated and reported. Whereas previously an

inspection report had to be generated by each individual complaint—a process that is both slow and time-consuming—new arrangements established this summer enable complaints to be investigated and responded to much more quickly as stand-alone activities. The information arising from a complaint can then be captured in the next scheduled inspection report.

The review of the complaints mechanism will continue through the autumn, with a view to further reform of the process. In the commission's opinion, the complaints system needs a comprehensive examination, as my hon. Friend doubtless agrees, which is why it is making proper time to consider the issues. I should add that the CSCI will assume responsibility for undertaking third-stage complaints of local authority social services functions from 1 April 2005. It needs to consider how to bring them into its complaints mechanism.

My hon. Friend asked whether the complaints process is too close to the inspection process, whether the same people are involved and, if so, whether that jeopardises objectivity in administering the complaints mechanism. The organisation operates as a result of statute, so if the fault lies anywhere, it lies with us in Parliament and the way in which we configured the Care Standards Act 2000. The 2000 Act places a statutory complaints-handling responsibility on the commission. Investigations into complaints are therefore conducted as an inspection activity, using the commission's regulatory powers. It is not unusual for public organisations to do that, and provision is made in the commission's corporate complaints procedure for complaints about the commission itself to be considered by regional and national management structures. That provides a check on performance at local operational level.

Mr. Plaskitt: Although the two functions are contained within the CSCI, does the Minister share my concern at the fact that, in certain instances, it is the same people who carry out those two functions, which is the cause of the potential conflict of interest?

Margaret Hodge: I concur with my hon. Friend's view that it seems odd that, in this case, the same people who carried out the regulatory procedure had previously investigated a complaint about the organisation. That was not an appropriate use of individuals' time, and I hope that the structure that the CSCI now has in place, which will ensure that complaints against the organisation are dealt with at regional and national management levels, will help. Of course, where complainants remain dissatisfied, they have the right to an independent review and for the matter then to be referred to the parliamentary ombudsman.

My hon. Friend feels that the inspections carried out by the CSCI are limp affairs, partly because they are pre-announced, and that the inspection criteria are not tough enough. I am afraid that I cannot agree with him on that. Indeed, I have heard it argued by others in the social care field that CSCI is too prescriptive and interventionist, so there are obviously varying views. It inspects against a framework of regulations and national minimum standards, and there are currently 32 standards for independent fostering agencies. It tries to strike a proportionate balance between inspections based on national minimum standards and a focus on the quality of the service and the user experience. That is why people using services are consulted as part of inspections.

Where concerns arise, a number of options are available to the CSCI, ranging from an informal word with a provider about a non-serious problem—which is sensible—to issuing an urgent action notice or taking action through the courts and prosecuting providers in cases where regulations have been breached and service users placed at serious risk.

To give some examples of the extent to which those powers have been used, the old organisation, the National Care Standards Council, undertook five prosecutions in 2003–04 and issued 5,750 urgent actions across all the services that it regulated. Since April 2004, when the CSCI became operational, it has taken more than 4,500 different enforcement actions to help improve regulated services where it had concerns. While the vast majority—93 per cent.—involve care homes, six have involved independent fostering agencies. If the CSCI finds gaps or weaknesses in regulations or standards, it will of course report them to Government so that we can take remedial action.

My hon. Friend asked why some of the core recommendations in Ms Downey's report have still not been carried out. There has been unacceptable delay, partly resulting from the transition from the NCSC, and action was not taken as promptly as it should have been. Nevertheless, the CSCI has informed me that Happen was inspected in December 2003 and that the result was satisfactory. The original weaknesses that my hon. Friend drew to my attention with regard to employment practices have been looked at and recommendations made for improvement, but the weaknesses were not felt to be sufficiently serious to warrant deregistration of the agency.

As part of the inspection process, local authorities were asked if they had concerns about Happen, but no particular concerns were raised about the agency. Furthermore, there have been no complaints against Happen since the complaint from my hon. Friend's constituents two years ago.

I repeat that Happen will be inspected on 4 October. This will involve CSCI staff with expertise in inspecting fostering agencies and who have had no previous involvement in the case. In addition, the process will be managed from outside the Oxford area. The CSCI has a duty to ensure that its inspection is fair but proportionate and that any action that it takes is evidence-based.

My hon. Friend also asked about whether notice of inspection should be given. We are considering that issue throughout children's services, and I undertake to keep him informed.

My hon. Friend asked whether Happen will be sorted out or deregistered. The annual announced inspection of Happen on 4 October has been brought forward from February 2005 as a result of the third stage review carried out by Ms Downey. The CSCI has advised me that the inspection on 4 October will be led by an inspector from Kent who has experience of inspecting

[Margaret Hodge]

independent fostering agencies. That inspector will be accompanied by an inspector from Oxford and the inspection will be overseen by a senior member of staff from outside the Oxford office, rather than the local regulation manager. Clearly, it would not be appropriate for me to comment further. The commission will inspect the service objectively and base its judgment on the evidence found. I assure my hon. Friend that I will inform him of the outcome of the inspection report and will ensure that I am informed of it.

I should like to say a little about information sharing, which is at the heart of the original case. The national minimum standards, which have to be taken into account by the CSCI in inspecting fostering providers, make a number of references to the sharing of information. They state, for instance, that local authorities should ensure that each child or young person placed in foster care is carefully matched with a carer capable of meeting his or her needs. Full and effective information sharing is, of course, essential for that to happen. They also state that the fostering service must ensure that the foster carer knows why the child is in foster care and understands the basis of the placement. In any case, it is clear that appropriate information must be shared with those involved in the child's care. It is extremely unfortunate that that did not happen in my hon. Friend's constituency.

Finally, I should like to put the case briefly in context. We must remember that there are 40,000 looked-after children in foster care—about two-thirds of the total number of children in care. Foster carers play a unique and critical role in our communities, providing homes for some of the most disadvantaged and vulnerable children in our society. Increasingly, they provide greater stability for looked-after children than do other forms of care.

We know that there is a shortage of foster carers—about 8,000, according to the Fostering Network. It is clear that we need more foster carers to provide looked-after children with a greater choice of where they can live. Children are much more likely to thrive if they are placed with carers who are a good match in terms of location, culture, language and lifestyle; a bigger pool of carers would allow us to make better matches between carers and children. We are therefore committed to recruiting and keeping more foster carers and we want to encourage more people to consider fostering—not just married couples, but other groups such as single people, older people, unmarried couples and lone parents who may not realise that they are eligible.

I hope that Members will recognise from what I have said this evening that the Government have a strong commitment to improving outcomes for looked-after children. We are doing a lot of work to take it forward, but there is still a lot more work to be done. All looked-after children must be supported to achieve the same outcomes as all other children and their carers must be valued. We should expect for our looked-after children the same as we expect for our own children.

Question put and agreed to.

Adjourned accordingly at twelve minutes to Eleven o'clock.

House of Commons

Thursday 16 September 2004

The House met at half-past Eleven o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

TRADE AND INDUSTRY

The Secretary of State was asked—

Postal Services (Scotland)

1. **Mr. Michael Weir** (Angus) (SNP): What recent representations she has received in respect of postal services in Scotland. [189170]

The Secretary of State for Trade and Industry (Ms Patricia Hewitt): The Department receives representations on postal services issues from a wide range of people and institutions, many of which concern services in Scotland.

Mr. Weir: I thank the Secretary of State for that answer. She will be aware of the less than stellar performance of Royal Mail management in meeting delivery targets over the summer. Is she aware, however, of the reports in Scotland that the management have again floated the idea of abandoning the universal service obligation, which is so important to rural areas of Scotland? Can she tell us if she has had formal approaches on this point, and will she assure the House that she will not agree to any such proposal?

Ms Hewitt: The universal service obligation is written into law as a result of changes made by our Government. Of course we are not going to abandon that. I have had no formal representations on this issue.

Although, on the issue of quality of service, there was very poor performance earlier in the year—about which all of us are unhappy—I am pleased to say that in more recent months that quality of service has been improving significantly. In Dundee—I am sure that the hon. Gentleman will share my pleasure about this—the delivery of first-class post on the following day has gone up to almost 93 per cent., which is one of the best performances in the country.

Mr. Alistair Carmichael (Orkney and Shetland) (LD): The Secretary of State may be aware that the particular postal service of greatest concern to my constituents in Orkney and Shetland is the parcel post. Since deregulation of the parcel post, mail order companies in particular have increasingly either refused to deliver to addresses off mainland Britain, or have charged extra for it. Can I ask the Secretary of State when the Government will get to grips with that issue and ensure that people in island communities can enjoy the same level of service as those on the mainland?

Ms Hewitt: I sympathise with the hon. Gentleman's point on behalf of his constituents. There has, of course, always been a problem with meeting the quality of service targets in those most remote communities, particularly island communities. Post Office management are working on that, and certainly I and the Under-Secretary, my hon. Friend the Member for Bradford, South (Mr. Sutcliffe), will draw it to their attention again.

Business Start-ups

2. **Mr. Jim Cunningham** (Coventry, South) (Lab): How many new business start-ups there were in Coventry, South in the last year for which figures are available. [189171]

The Parliamentary Under-Secretary of State for Trade and Industry (Nigel Griffiths): In Coventry, it is estimated that there were 1,800 business start-ups in 2003. The latest official figures based on VAT registrations show that 620 businesses registered for VAT in Coventry, which is a welcome increase on the previous year.

Mr. Cunningham: I thank my hon. Friend for that answer, but may I ask what assessment he has made of the potential withdrawal of Jaguar from Coventry, and what the impact would be on small businesses, bearing in mind the fact that more than 4,000 jobs could be at stake were Jaguar to pull out of Coventry? What assistance has Ford had in term of grants over the past 18 years from Government?

Nigel Griffiths: I am not aware that any decision has yet been taken. Jaguar, I understand, is considering its operations, but is rightly insisting first on briefing its work force on the company's future production plans. My right hon. Friend the Secretary of State will, of course, discuss the implications of any decision with the company as soon as an announcement—if any—is made.

Brian Cotter (Weston-super-Mare) (LD): The Minister refers to increasing numbers of people going into business. Is he aware of figures that I have received from the Library this week that since 1992, the number of young people aged between 16 and 29 starting their own business has fallen by some 39 per cent? I ask the Minister to consider that in view of the fact that we need to encourage enterprise, particularly among young people. Will he also address the great concern that people who go to university, whom we need to start businesses, will be burdened by debt after university and will therefore be unable to get started?

Mr. Speaker: Order. That is very wide, but perhaps the Minister can answer some part of the question.

Nigel Griffiths: In relation to business start-ups in Coventry and elsewhere, I do not recognise those figures

at all. Last year, 63,000 young graduates started businesses. Last week, Barclays published a survey of new business start-ups, which showed that 288,000 businesses started in the first six months of the year, an increase of some 19 per cent. on last year.

Last year's figure of 455,000 new businesses represented a 19 per cent. increase on the previous year, the largest since Barclays began its surveys in 1988. Both start-ups and the Government's record are very strong.

Mr. Michael Foster (Worcester) (Lab): As my hon. Friend will know, many businesses starting up in Coventry will be there to support the motor industry and Jaguar in particular. Will he and the Secretary of State impress on the Ford Motor Company that it risks losing the distinctive marque—the Britishness—of the Jaguar if it is seen rolling off a production line somewhere in Detroit?

Nigel Griffiths: I know that my hon. Friend speaks with much authority, having worked at the Browns Lane plant for many years. I fully appreciate that the smaller companies—small and medium-sized enterprises, of which there are dozens in the supply chain—depend on that level of work. That is why, as part of its manufacturing review a few years ago—the first major review for 30 years—the Department focused on the issue, and the automotive sector has benefited. None the less, I share my hon. Friend's concern about the implications of any cuts in any factory on the supply chain and on SMEs.

Industrial Competitiveness

3. **Mr. John MacDougall** (Central Fife) (Lab): What measures she is taking to ensure that UK industry is competitive; and if she will make a statement. [189172]

The Minister for Industry and the Regions (Jacqui Smith): Since the implementation of the Government's manufacturing strategy in 2002, a range of measures has been taken to improve business performance and competitiveness. For example, the manufacturing advisory service has become a huge success as a source of practical help for manufacturers throughout England and Wales, generating more than £67 million of added value since 2002—around £100,000 for each company with which it has worked. We have also doubled our support for science and innovation. In June 2004, we announced a 10-year science and innovation investment framework, giving a sustained long-term boost to science funding.

Mr. MacDougall: I am grateful for that response. However, does my right hon. Friend agree that we must continually examine areas in which we compete in view of developments in countries such as China, where £50 a week is considered a good wage? Should we not consider the impact of that on our ability to compete in whichever markets seem to be in the best interests of the country's development, and must not our response to that challenge be based on our educational and training abilities and, indeed, our inventiveness?

Jacqui Smith: My hon. Friend has identified the key challenge for manufacturers—the global competition that they face. He is absolutely right: we cannot compete in the world today on the basis of low wages, nor should we want to. As he says, we must compete on the basis of innovation and high skills, building on our inventiveness. That was the key point in the progress report on the Government's manufacturing strategy, which we published in July. Also, through the manufacturing forum that we are to establish we will chase progress on our action plan.

Mr. Mark Field (Cities of London and Westminster) (Con): As the Minister will recognise, since 1997 Britain has fallen rapidly down the world competitiveness league table in comparison with other leading industrial nations. Why does she think that has happened?

Jacqui Smith: What I recognise is that many independent assessors acknowledge that the United Kingdom is actually one of the most competitive and best places in the world in which to do business. They also recognise that under the hon. Gentleman's party we saw the decimation of our manufacturing industry and a failure to invest in the things that make a difference—skills and innovation. I am afraid that the Conservatives have not learned their lesson. Their proposals for cuts in the Department of Trade and Industry—

Mr. Speaker: Order. The Minister must stop.

Mr. John McFall (Dumbarton) (Lab/Co-op): The Minister will be aware that for the UK to be competitive, good corporate governance is essential. Auditing is a central part of that. My right hon. Friend will also know of the campaign by the big four accountancy firms to cap auditor liability. Will she cast a wary eye over it before the Government give in to this case of special pleading?

Jacqui Smith: My right hon. Friend will know from the discussions last week, from the discussions this week in Committee on the Companies (Audit, Investigations and Community Enterprise) Bill and from the consultation last December, that we have set out clearly what our objectives for audit need to be. Those are a competitive audit market, the ability for businesses to get audits and ensuring that quality is raised. We will judge any proposals for changes to auditor liability against those objectives. We set out the details of what we will and will not accept in the written ministerial statement last week. We are prepared to look at further measures that would pursue those objectives. We are clear that that is what we need in terms of any reform.

Mr. Stephen O'Brien (Eddisbury) (Con): It is the vast gulf between what the Government say and what they do that is undermining UK competitiveness. To be precise and to give the answer that the Minister should have given my hon. Friend the Member for Cities of London and Westminster (Mr. Field), we know from the World Economic Forum's global competitiveness ranking that the UK has slipped from fourth to 15th place since Labour came to office, not least through the over-regulation of British business under this Government.

Let us consider the use of sunset clauses, which put time limits on business regulations, for example. The 2001 Labour party manifesto, to which all Labour

Members signed up, pledged to use sunset clauses. The Cabinet Office has issued guidelines to civil servants telling them that they

"must always consider whether sunsetting . . . is appropriate".

Why, then, did the Minister for Small Business and Enterprise describe sunset clauses in June 2004 as "the quack cure"—

Mr. Speaker: Order. I want shorter questions than that. That will do from the hon. Gentleman.

Jacqui Smith: I must draw the hon. Gentleman's attention to the World Bank study of 145 countries, entitled "Doing Business in 2005", which placed the UK top in the EU with the best business conditions. It said that

"all the top countries regulate but they"—

the UK—

"do so in less costly and burdensome ways."

We will not make any apology for regulating to ensure decent working conditions in this country. The hon. Gentleman, through his sunset clauses, wants to take those opportunities away from our work force.

Mr. O'Brien: Well, that is another broken promise from the 2001 Labour party manifesto. There is not a single example of a sunset clause being used, and on average there have been 4,000-odd regulations a year under Labour.

Let us take one other example of the threat to the UK's competitiveness. Does the Minister agree that if she scraps Britain's opt-out from the EU working time directive preventing people from working more than 48 hours a week, our constituents will be justified in concluding that she will be abolishing the chance for hard-working men and women in this country to do overtime?

Jacqui Smith: On top of the decent working conditions that we put in place, we recognise the importance of flexibility in the labour market and the ability for workers to choose with respect to the opt-out. That is the position that we have taken in our negotiations in Europe. It is a bit rich for Conservative Members to lecture us on employment when it is under this Government that there are 1.9 million more people in work, and it was under the hon. Gentleman's Government that people were thrown on the scrap heap.

Jonathan Shaw (Chatham and Aylesford) (Lab): In order to continue to be competitive, many intensive energy industries, especially the paper industry, are keen to move to combined heat and power, but at present it is not cost-effective for them to do that. The Government published their CHP framework in April. Is my right hon. Friend able to shed any light on whether any progress has been made on that framework?

Jacqui Smith: Perhaps I can provide my hon. Friend subsequently with some more detail about the progress on that, but the important point is that we must, in our energy policy, both deliver the environmental objectives that we have set out—we are working across Government, including with the Department for Environment, Food and Rural Affairs on that—and provide the security of supply and the energy options necessary to ensure that our industry is successful.

British Energy

4. **Mr. Andrew Stunell** (Hazel Grove) (LD): What recent assessment she has made of the (a) environmental and (b) economic performance of British Energy. [189173]

The Minister for Energy and E-Commerce (Mr. Mike O'Brien): British Energy is subject to stringent environmental regulation. The Environment Agency raised some concerns about British Energy's environmental performance, but the company is working closely with the agency to address those concerns. British Energy's economic performance is regularly assessed as part of its current restructuring.

Mr. Stunell: I thank the Minister for that reply and welcome him to the Dispatch Box. He is the sixth Minister with responsibility for energy in seven years; I hope that he enjoys his stay, however long or short it might be.

Has the hon. Gentleman had an opportunity to read the Public Accounts Committee report on British Energy transactions, and do the Government intend to accept those recommendations? Can he assure the House that he will resist the shareholder revolt, which is seeking to overturn the arrangements that have been made, and does he agree that it is very important to safeguard taxpayers' money and the environment of the United Kingdom?

Mr. O'Brien: Of course it is important to protect the UK environment; however, the Liberal Democrats' policy—which is, it seems, to get rid of the Department of Trade and Industry—would undermine that objective. We have seen the PAC report, which we welcome, and we will respond to it in detail in the normal way. I should point out, however, that the privatisation of British Energy undertaken in 1996 involved the traditional structure and left the Government with few tools with which to mitigate any risk. So many of the problems that have arisen since can be laid at the door of those who created that privatisation. On restructuring and the views of shareholders, we are watching carefully what is happening, and we have a great deal of interest in ensuring that such restructuring is carried out effectively.

Mr. Bill Tynan (Hamilton, South) (Lab): The hon. Member for Hazel Grove (Mr. Stunell) is interested in doing away not only with the DTI but with nuclear energy. Is my hon. Friend aware that if we had substituted gas-fired power stations for British Energy production, we would have created an extra 27 million tonnes of carbon emissions from August 2003 to August 2004? Is he not concerned about our being dependent on gas in future, and our losing energy production capacity in this country?

Mr. O'Brien: We need to ensure that we have diverse sources of energy, and we intend to do so as part of our

strategy. That will include developing renewables, for example, which can make a substantial contribution. However, the Government are not committed to building new nuclear power stations because new build is currently economically unattractive and important issues such as disposal of nuclear waste need to be resolved. Any decision to proceed with nuclear build in future must be based on a full public consultation.

Mr. Robert Key (Salisbury) (Con): Does the Minister agree that British Energy needs all the help and support that it can get as it faces the future, and that we need to start building a consensus on the energy gap that we face, on Kyoto, and on the question of where we are going to derive our energy source from? We therefore need to encourage a sensible public debate, based on science and good information. If we do not encourage the British nuclear industry, we are likely to see—in addition to the Liberal Democrats wishing to cut electricity cables from France, through which we receive nuclear-generated energy—bids from Electricité de France to build nuclear power stations in this country, because we will have lost the capability.

Mr. O'Brien: I certainly agree that we need to have a broad-based debate on how to reach our emissions targets. I welcome the various contributions that have been made in the past week; indeed, we heard very strongly from the Prime Minister on these issues. The Government have shown that we are prepared to take the practical decisions necessary to meet those emissions targets, and we intend to continue developing our renewables policy and efficiency targets. There will doubtless be a debate on nuclear energy in due course, but at this stage we are not committed to new nuclear power station build.

Mr. Parmjit Dhanda (Gloucester) (Lab): When considering the economic implications of our policy regarding British Energy, will my hon. Friend continue to take my constituents into consideration? British Energy employs 1,000 people in my constituency, and they welcome the support that the Government have given—not least the provision of £500 million in loan payments, as and when required. The Liberal Democrats oppose that policy, without which unemployment in my constituency would double. Such opposition is doubtless supported by Jeremy Hilton, who is the Liberal Democrat candidate for Gloucester at the forthcoming general election.

Mr. O'Brien: We have seen historically that the Liberal Democrats jump on any old passing bandwagon. I would say to my hon. Friend that the Government's aim is to ensure that the restructuring of British Energy is done effectively. We need to work with the company and engage with the unions to ensure that the restructuring is effective and that British Energy has a future. That will, in the long term, protect the jobs in my hon. Friend's constituency. That is our hope, so we must ensure that the restructuring is undertaken effectively.

Mr. Laurence Robertson (Tewkesbury) (Con): I welcome the Minister to his new role and pay tribute to his predecessor. I wish them both well for the future. I remind the Minister, however, that shareholders did not lose out because of the privatisation of British Energy; it is the restructuring that is in question. Given the rise in electricity prices and the subsequent better financial position of British Energy, will the Minister give due consideration to the revised proposals for restructuring to ensure that all stakeholders get a fair deal, particularly the 230,000 individual shareholders?

Mr. O'Brien: We want to ensure that the restructuring is carried out in a way that looks to the interests of those who work for British Energy and ensures that the company can continue to operate so that shareholders feel that they have a fair deal. However, I would say to the hon. Gentleman that the Public Accounts Committee has expressed concern about the way in which the privatisation was carried out. Under that privatisation, the Government retained no rights of information or control over the company's decision making. The PAC criticised aspects of the privatisation process, so it will be interesting to see whether the Conservatives continue to defend their actions.

It is clear that we are now talking about a private sector restructuring of British Energy. The Government are watching how that is happening and we want it to succeed. We will remain engaged in the process, but in the end it is being done in the private sector. We want to ensure that the British people—the consumers—get a good deal, as well as the shareholders.

David Taylor (North-West Leicestershire) (Lab/Co-op): The Prime Minister has described global warming as the most serious environmental threat to the planet, and we know that a major accelerator is the emission of carbon dioxide and other carbon gases. British Energy has pointed out that the generation of about 64 TWh—or 64,000 GWh—by its nuclear power stations avoids the production and generation of about 40 million tonnes of carbon dioxide. Does the Minister believe that the Government should keep well under review, on a regular basis, their attitude towards nuclear power?

Mr. O'Brien: Yes. As I have already said, we operate on the basis of the energy policy set out in our White Paper, which keeps the nuclear option there in the long term. At the moment, however, our view is that it is not the most economically viable approach and there is no investor interest on a substantial scale in new build, so our aim is to ensure that we move towards our emission targets by developing renewables and through energy efficiency. Those are the areas in which we can make substantial progress now. We may look at other options in the future, but that remains to be seen.

Post Office Closures

5. **Dr. Vincent Cable** (Twickenham) (LD): If she will make a statement on the appeals mechanism in relation to post office closures under the network reinvention programme. [189174]

The Secretary of State for Trade and Industry (Ms Patricia Hewitt): Proposed closures of urban post offices are considered in accordance with the code of practice agreed by the Post Office and Postwatch. That includes an escalation procedure for handling cases

where Postwatch strongly opposes a closure. Cases are escalated for consideration at senior levels up to and including the chief executive of the Post Office and the chairman of Postwatch.

Dr. Cable: Is the Secretary of State aware that almost every appeal against urban post office closures is being rejected, regardless of the strength of the case or the backing of Postwatch? Is not the reason for that the fact that the group of people making the decisions on closures is the same as the one hearing appeals?

Ms Hewitt: When the new Financial Secretary to the Treasury, my hon. Friend the Member for East Ham (Mr. Timms), was responsible for this matter, he strengthened the consultation and escalation process, and that has worked well. But the hon. Gentleman not only wants to scrap the DTI, he wants to privatise the Post Office. He was the author of a Liberal Democrat policy paper that was voted on by his party conference, and which proposed moving to the privatised Dutch model, even though there are only half as many post offices per head of population in the Netherlands as in the UK. If he wants to help post offices, I suggest that he talks to his Liberal friends in Aberdeen council, who have stopped people being able to pay their council tax, council rents and business rates at the post office. That has made it more difficult for post offices to stay open, and it shows that we must watch what the Liberals do, not listen to what they say.

Mr. Bill O'Brien (Normanton) (Lab): Can my right hon. Friend tell me who is responsible for responding to appeals from Members of Parliament for an audit of the assurance that 95 per cent. of the population will live within one mile of a post office? In my constituency, it is estimated that 25 per cent. of people live more than a mile away from a post office. Who is responsible for auditing the assurances that have been given, as neither Postwatch nor the Post Office take responsibility for that?

Ms Hewitt: Postwatch takes its responsibilities enormously seriously. Under the urban reinvention programme, Postwatch staff go and look at all the post offices proposed for closure, and take note of where alternative offices are situated. The problem is very simple: in too many places, nine or 10 post offices serve the same population living within a mile. The pledge that 95 per cent. of people will be within one mile of their nearest post office applies across the whole country. The Post Office and Postwatch, the consumer champion, have the responsibility of ensuring that that target is achieved.

Mr. Owen Paterson (North Shropshire) (Con): On one hot day last year, I visited 28 post offices in my constituency. Nearly every one is under threat, thanks to the complete mess that the Government have made of the benefit card system. I took a delegation to see the new Financial Secretary, when he was responsible for these matters, and he confirmed that he had made it a requirement that there should be no avoidable closures. Will the Secretary of State confirm what an avoidance closure is, and will she say how she intends to allow post offices to make representations?

Ms Hewitt: Perhaps I could just point out to the hon. Gentleman that before the Government started investing in and saving rural post offices, they were closing at the rate of about 400 a year. We have brought that number down to just over 100 a year by imposing on the Post Office a requirement that rural post offices should not be closed unless that is absolutely unavoidable—in other words, when it is impossible to find people to run them. To avoid those closures, as I announced earlier this morning in a written ministerial statement, we are extending for another two years the payments that we make to rural post offices. That means that, on top of the £450 million that we have put in already, there will be a further £150 million a year for another two years. That is very good news for people living in our villages and countryside.

Mr. Anthony D. Wright (Great Yarmouth) (Lab): Two post offices in my constituency closed even though Postwatch objected and supported the campaign against closure. On appeal, the Post Office decided to go ahead with the closures. Does that not show that Postwatch is a toothless tiger? Is it not about time that it was given powers to ensure that it can overrule the Post Office when it has serious objections to a closure?

Ms Hewitt: I will certainly look at the specific case that my hon. Friend raises, but I stress that in several cases around the country—including my own city, where I was involved as a constituency Member—Postwatch has persuaded and cajoled the Post Office into changing its mind. Postwatch has insisted on post offices staying open, and it is a strong and well-resourced consumer champion. Obviously, I understand my hon. Friend's regret that the post offices were not reprieved in that case, but Postwatch has been responsible for changing the decisions in several cases, and that is exactly how the escalation process is designed to work.

Mr. Henry Bellingham (North-West Norfolk) (Con): Is the Secretary of State aware that in Norfolk several rural sub-post offices—some of them are appealing against closure—set up a new token payment scheme with Powergen? The scheme was very popular with sub-postmasters and the public alike. However, the Post Office has cancelled the contract with Powergen and is stopping sub-postmasters dealing directly with that company to keep the scheme going. Is not that very short-sighted and possibly a restraint of trade? Will she investigate?

Ms Hewitt: Decisions of that sort are of course a commercial matter for the Post Office, but I will take up with David Mills, the chief executive, the matter that the hon. Gentleman raises. I hope that he will welcome the announcement that I made this morning of a further £300 million to support rural post offices. We have seen, in Norfolk and other parts of the country, good new arrangements to support postal services. Post offices are opening in pubs and village halls, and we are piloting mobile post offices. All those innovations give us the opportunity, in the longer term, to keep postal services in those villages where they still exist and to extend them to all those thousands of villages that lost their post offices in the Conservative years. Will the hon. Gentleman tell the House whether he would cut the £300 million that I am giving to rural post offices? Of course he would.

Clive Efford (Eltham) (Lab): I understand that the sub-post offices that are to close have signed a contract

to accept a compensation package, but is my right hon. Friend aware that if money is paid over it closes down the option for the local community to campaign to keep the service in its area, perhaps by moving into a supermarket or newsagents, where economies of scale could apply and the cost of running the service overcome? Many of my local communities where post offices will close include elderly people who will find it impossible to travel to another area. The suggested alternative post offices might as well be on the moon for such people. We must provide the option of keeping postal services in local areas.

Ms Hewitt: We all care about our local post offices and of course they are a lifeline for elderly people in particular. However, we must face the reality that sub-postmasters and mistresses all over the country simply cannot make a living. With the changes to people's lives—the shift to banking, the use of the internet and more people owning a car—post offices have fewer customers. The Post Office, through the urban reinvention network, is providing better post offices. Most customers are transferring to those other post offices, which are bringing new customers in by providing new services. That is the real way in which we will save post offices in future.

EU Neighbourhood Policy

6. **David Cairns** (Greenock and Inverclyde) (Lab): What benefits she expects will accrue to trade relations between Israel and the EU from the new EU neighbourhood policy. [189175]

The Minister for Trade and Investment (Mr. Douglas Alexander): The European neighbourhood policy offers closer co-operation between the EU and Israel in areas of mutual interest, including trade, in return for political and economic reform. We believe that engaging with Israel on the basis of shared common values will be beneficial to the EU-Israel relationship.

David Cairns: I thank my hon. Friend for that answer. Does he agree that increased trade between the EU and Israel is vital both economically, for the people of Israel and the Palestinian Authority areas—whose economies are closely intertwined—and politically, because it gives the EU a greater stake in the middle east and, therefore, further legitimises its role as a member of the Quartet? Conversely, however well intentioned calls for sanctions are, they would be damaging politically and economically.

Mr. Alexander: I know of my hon. Friend's close interest in those matters and I concur that reducing our level of commercial contact would not strengthen our influence at a critical point in the middle east process.

Ian Stewart (Eccles) (Lab): My hon. Friend may be interested to know that I am in the process of establishing a new all-party group on conflict management and resolution. Does he agree that the lesson of Northern Ireland is that peace helps to generate trade and industry and that trade and industry help to generate peace? Is not that transferable to a new and enlivened peace process in Israel and Palestine?

Mr. Alexander: I pay tribute to my hon. Friend's work and wish every success to the organisation that he is in the process of establishing. We can look closer to home than Israel and the Palestinian situation for evidence of the case that he makes. If we consider recent economic progress in Northern Ireland, where record inward investment following the peace process has been self-reinforcing, his point is well made.

Coal Miners' Compensation Scheme

7. **John Mann** (Bassetlaw) (Lab): How many solicitors have sought remuneration for additional health tests for clients under the coal miners' compensation scheme for chronic obstructive pulmonary disease and vibration white finger; and for how many individuals. [189176]

The Parliamentary Under-Secretary of State for Trade and Industry (Nigel Griffiths): It is not possible to provide a breakdown, but the House will want to know that the Department pays for the independent medical assessment process and there should be no need for claimants to incur further expenditure by undergoing additional health tests.

John Mann: That excellent and precise answer knocks on the head the myth that solicitors perpetuate to justify double-charging miners. Is not it time for miners and their widows to be paid the full 100 per cent. of their compensation? Can the Government help by holding back the cheques for those solicitors who refuse to pay 100 per cent. of the money, in exactly the same way as some solicitors have been holding back cheques for their clients to try to rake off extra money from the most generous scheme in the world?

Nigel Griffiths: My hon. Friend makes a good point and I am sure that 8,823 of his constituents in Bassetlaw are grateful for the help that he has given them in securing payments that total £52 million. We are in discussions with the Law Society and I was grateful to my hon. Friend for attending a meeting with that organisation. I shall ensure that the points he makes are registered with it.

Mr. Nigel Evans (Ribble Valley) (Con): Does the Minister accept that we are all disturbed by reports about the way in which some solicitors seem to have had their noses in the trough in the case of the compensation that we are considering? We all want to ensure that as much money as possible goes to those who deserve the compensation. Is it possible to have a review of how the compensation package has been administered and how much money has gone to solicitors so that, in future, we can ensure that, if there are other similar compensation cases, solicitors come at the bottom of the league and the people who deserve the compensation go to the very top?

Nigel Griffiths: I have already put the information that the hon. Gentleman requests in the public domain.

Jeff Ennis (Barnsley, East and Mexborough) (Lab): Can my hon. Friend update hon. Members about progress on trying to establish a minimum compensation figure for miners who suffer from chronic

bronchitis and emphysema and financing it by using the inflation-updated solicitors' fees that the Department is currently paying out?

Nigel Griffiths: My hon. Friend made powerful representations in a recent Adjournment debate. He knows that discussions are currently taking place. Mr. Justice Turner is aware of his excellent contribution. Again, I stress that we want to do more to ensure that we build on the £72 million that has been paid out to miners—12,000 of them in my hon. Friend's constituency—and rectify remaining injustices. I undertake to keep him and the House informed of the results of deliberations.

Gas and Electricity Consumer Council

8. **Mr. Harold Best** (Leeds, North-West) (Lab): If she will take steps to increase the powers available to the Gas and Electricity Consumer Council for protecting gas and electricity consumers. [189177]

The Minister for Energy and E-Commerce (Mr. Mike O'Brien): The powers of the Gas and Electricity Consumer Council—Energywatch—were set out in the Utilities Act 2000. I have no plans to increase them.

Mr. Best: Does my hon. Friend agree that there is growing anxiety in the public mind, especially in the older section of our community, about energy prices and contracts? Will he give further consideration to the council's powers to be pre-emptive and ensure that people who may be vulnerable to being drawn into contracts that are not in their best interests are protected?

Mr. O'Brien: Under the Utilities Act 2000, the aim was to create a regulator with substantial powers and a consumer investigator—essentially, Energywatch. Ofgem obviously has the powers—it is the regulator—and is able to intervene if necessary, but we have found that, in practice, Energywatch can deal with such issues by entering into discussions with the various electricity companies. If such issues need to be addressed, using the energy investigator to engage successfully with the companies would be one way forward, but if problems are arising I am certainly happy to meet my hon. Friend to discuss them.

Miss Anne McIntosh (Vale of York) (Con): I welcome the hon. Gentleman to his new position; we very much look forward to working with him. I pay tribute to his predecessor's work, especially the confirmation he gave the Opposition when we discussed the Energy Bill in respect of our proposals about vulnerable customers whose electricity or gas is about to be cut off. Apparently, many of those who would wish to intervene to help them are prevented from doing so by the Data Protection Act 1998. Will the Minister give his urgent attention to ensuring that no vulnerable customer is placed at such risk in future?

Mr. O'Brien: I thank the hon. Lady for her comments about my hon. Friend the Financial Secretary, who did a superb job as Energy Minister; I hope that I can begin to fill his shoes in that role.

The hon. Lady makes a good point. Following extensive work earlier this year, the industry agreed and issued guidelines on disconnections, which will ensure that, as far as possible, no vulnerable customer is disconnected. If there is evidence of wrongful disconnections, Ofgem has the power to act. I understand that, thus far, Energywatch has not provided evidence of that happening widely, but it will continue to watch and monitor the position because, as she rightly points out, this is an important issue.

Mr. John Grogan (Selby) (Lab): Does my hon. Friend agree with the statement made by Allan Asher, the chief executive of Energywatch, that the opaque nature of the wholesale gas market, which is now a European market, is such that the only serious avenue open to protect consumers is an investigation by the European competition authorities or the Competition Commission?

Mr. O'Brien: Other avenues are open, including discussions between the various Governments and engagement with private sector companies. However, we can also use routes through the European Union to ensure that the consumer is protected. Obviously, wholesale prices, especially for gas, have been increasing, which partly reflects upward pressure on prices in continental Europe, where gas prices are contractually linked to high oil prices. We are continuing to watch the position very carefully, and we want to ensure that, throughout the process, the consumer is protected in so far as that is possible.

Postal Services

9. **Hugh Bayley** (City of York) (Lab): What new services have become available at post office counters since May 1997. [189178]

The Secretary of State for Trade and Industry (Ms Patricia Hewitt): The Government have given the Royal Mail Group greater commercial freedom. We have put in place new management—including for Post Office Ltd., which has been losing business for years—and the Post Office is introducing a number of new services, particularly in insurance, banking and telephones.

Hugh Bayley: Does the Secretary of State agree that, if the Post Office provides new services, it will attract more customers and be able to keep more branches open? How many banks have made arrangements with the Post Office whereby their customers can draw cash at post office counters? How many people have accounts with those banks and can therefore draw cash at post offices?

Ms Hewitt: My hon. Friend is absolutely right: new services, bringing in new customers, will make our post offices successful in future. Already, some 20 million current account holders with Barclays, Lloyds TSB and Alliance and Leicester can bank electronically at post offices, and I am delighted that that became 21 million banking customers yesterday because Clydesdale bank has now reached the same agreement with the Post Office.

Mr. David Heath (Somerton and Frome) (LD): That is good news, but customers also want their post offices

to be available to them in a convenient place. Has the Secretary of State any comment to make on the continued closure of Crown post offices such as the one in Frome, which has been situated in the marketplace for as long as anyone can remember? It will now be moved and put into the back of a newsagent's somewhere. That is bitterly resented by people in Frome, and there has been no consultation process that is worthy of the name. It was made quite clear right from the beginning that the Post Office would decide and that nobody in Frome would be able to change that decision, whether through petitions in the *Somerset Standard* or any other way.

Ms Hewitt: This is a matter for the Post Office, to which, as I have said, we have given commercial freedom. I regret the fact that Crown post offices have been losing so much money in recent years and I regret even more the fact that the hon. Gentleman and his colleagues would privatise the Post Office, which would undoubtedly make that situation worse.

MINISTER FOR WOMEN

The Minister for Women was asked—

New Business Initiatives

20. **Mrs. Claire Curtis-Thomas** (Crosby) (Lab): If she will make a statement on the initiatives taken by the Government to encourage women (a) to become self-employed and (b) to establish businesses. [189163]

The Deputy Minister for Women and Equality (Jacqui Smith): Since the launch of our strategic framework for women's enterprise last year, we have been working across government and in the regions to improve the environment of support for women wishing to become self-employed or to start businesses.

I am pleased to report that all nine English regions are now committed to developing women's enterprise. Enterprise week in November will include a designated women's enterprise day. Women now account for around one third of people going into self-employment, and an increasing number of women are reporting that they have the skills needed to start a business.

Mrs. Curtis-Thomas: I thank my right hon. Friend for that response and wish to make her aware that I have a marvellous community cinema in my community, which a group of enterprising women took over seven years ago. It has a turnover of nearly a third of a million pounds a year while making only £500 profit. Those women desperately want to expand this facility and they desperately need support to do so. Is she convinced that the mechanisms that she has now put in place will reach these wonderful women so that they can go on working in voluntary enterprise and make more of a contribution than they have already?

Jacqui Smith: My hon. Friend is obviously talking about a group of very inspirational women, who have taken on the challenge not only of enterprise but of building their community as well. She is absolutely right. We need to look at all the forms of support that are in place and make sure that they take into consideration the specific needs of women. That is why, for example, we shall shortly launch the case for women's enterprise, which offers practical guidance, case studies and advice for those people who offer business support on the particular needs of women. That is why, in the situation that she has described, the increased support that the Government have put in place for social enterprise may also be appropriate for these women. I am clear that not only is it beneficial for individual women in the circumstances that she has outlined to set up in business, but it is extremely beneficial for their communities as well.

Mr. Owen Paterson (North Shropshire) (Con): How many new businesses were established last year by women?

Jacqui Smith: I do not know the answer to that, but I will certainly provide the hon. Gentleman with the information later. It is encouraging that research shows that many more women now feel they have the skills and ability to set up in business. We now need to translate that into women who actually do that, and I have already outlined some of the practical measures that are being taken at a national level and through the regional development agencies, which are beginning to set women's enterprise as a priority and to put in place the actions that will translate those women who want to start in business into women who are successfully in business.

Ms Meg Munn (Sheffield, Heeley) (Lab/Co-op): In Sheffield, there is an active business club that has many women members who have set up their own businesses and who are doing very well. Will my right hon. Friend look at ways in which Government organisations can make better links with such organisations to use these women as examples and inspirations to other women?

Jacqui Smith: My hon. Friend makes a very important point. Interestingly, a research report by the British Chambers of Commerce found that female businesses tended to be more innovative and more collaborative and networked particularly with universities, as well as being increasingly export oriented.

My hon. Friend makes an important point about the need to find mentors for women who are setting up in work. The business volunteer mentoring initiative, which currently provides free mentoring support to pre and early start-up businesses, has some 43,000 clients, approximately 40 per cent. of whom are female. Although women do not form the majority of those who use the service, a higher proportion of women who set up in business use it than men. My hon. Friend makes an important point on which we need to build.

Unfair Dismissal

21. **Dr. Vincent Cable** (Twickenham) (LD): What assessment she has made of the effectiveness of legislation protecting women from unfair dismissal in cases of maternity leave. [189164]

The Minister for Women and Equality (Ms Patricia Hewitt): In 2003–04, employment tribunals received 694 applications from women who believed that they were dismissed because of pregnancy, maternity and childbirth, and 80 relating to being prevented from returning to work after maternity leave. The law makes it quite clear that women cannot be discriminated against or dismissed because of pregnancy or childbirth, and I regret the fact that some employers still seem to be flouting the law.

Dr Cable: Is the Secretary of State satisfied that the law is secure, especially in the light of the precedent created recently in the case of Manor Bakeries and Mrs. Ursell in my constituency? The tribunal ruled that a woman could be sacked in a case of maternity leave, even if she had an exemplary record and references, provided that the decision was made on commercial grounds.

Ms Hewitt: I am not aware of the specific case to which the hon. Gentleman refers, so I invite him to send me further details of it. I believe that the law is clear on dismissal and discrimination. Employment tribunal cases do not set legal precedents and I do not know whether that specific decision is being appealed. We have invited the Equal Opportunities Commission to consider the real problem of employers who still do not accept the need to recognise that women will have children—that is a very good thing too. The commission will report to my right hon. Friend the Deputy Minister for Women and Equality and me shortly, so we shall consider carefully its recommendations for any further action that might be needed.

Julie Morgan (Cardiff, North) (Lab): Does my right hon. Friend agree that pregnancy discrimination is still widespread? Has she heard of the case of the Cardiff manager who was advised by her boss to have an abortion or face the sack? Does she agree that the law should be made clearer and codified, as recommended by the Equal Opportunities Commission?

Ms Hewitt: I am indeed aware of the case to which my hon. Friend refers. It was absolutely disgraceful and hugely distressing to the woman and her family. As my hon. Friend indicated, the Equal Opportunities Commission has already produced an interim report and is recommending even clearer advice to employees and employers on their rights and responsibilities. We will consider that in the context of its final report on its investigation.

Sandra Gidley (Romsey) (LD): In July this year, Godfrey Bloom MEP said:

"No self-respecting businessman with a brain in the right place would ever employ a woman of childbearing age."

It is relatively easy to see when a woman is discriminated against because she is pregnant, but less easy to see when she is discriminated against because she is of childbearing age. What is the Minister doing to tackle that problem?

Ms Hewitt: The remarks made by that UKIP Member were absolutely absurd. A growing number of women of all ages are entering the labour market and getting employment because employers need their skills and talents. It is simply not in the interest of any well-run business to discriminate against a woman because she is of childbearing age or has a baby. We must keep pressing that point to the minority of employers who have still not moved into the 21st century.

Pension Inequality

22. **Ms Sally Keeble** (Northampton, North) (Lab): What steps she is taking to tackle pension inequality for women. [189165]

The Deputy Minister for Women and Equality (Jacqui Smith): We have introduced a raft of measures to help women in retirement and women of working age to build better pensions. Almost all the 2.5 million carers who have benefited from the state second pension are women, two thirds of those receiving pension credit are women, and the introduction of, and increase to, the national minimum wage disproportionately benefits women. We have also launched a publication on informed choices for working and savings, which will help to improve women's awareness of their financial position.

Ms Keeble: I very much welcome the measures that my hon. Friend outlines. Does she agree, however, that the real way to crack the pensions problem for women is to ensure that they have their own independent pension entitlement? Will she look, therefore, at ensuring that women who work all their working lives—perhaps only part time or with a career break to bring up a family—have better rights than they do now to their own independent state pension?

Jacqui Smith: My hon. Friend makes an important point about the position of women who have, perhaps, taken career breaks and have had caring responsibilities. That is, of course, why the state second pension, which provides benefits to women who are carers and not in paid employment, is so important. It is also why the extension of home responsibility protection, which the Government have already put in place, is crucial. As we make clear in the pensions Green Paper, the particular position of women with respect to pensions both deserves and is getting attention from the Government, as my hon. Friend says.

Mrs. Eleanor Laing (Epping Forest) (Con): I appreciate what the Minister says and that she is taking action for the future, but my concern is for the many thousands of women of pensionable age who did not have the opportunities during their working lives that our generation have had, with the effect that one in four women pensioners are living in poverty now. The measures in place are not helping. Only 12 per cent. of women, as opposed to 90 per cent. of men, are eligible for the full basic state pension now. It is a really sad situation for hundreds of thousands of women over 60 right now. What is the Minister going to do about it—now?

Jacqui Smith: I certainly share the hon. Lady's concern about those pensioners, very many of them

women, who are living in poverty. I am slightly surprised at the emphasis that she places on it, however, not least because the action that this Government have taken to focus support on the poorest pensioners—whether or not it is through the minimum income guarantee, other improvements to pension provision, such as the introduction of the pension credit, free TV licences or a whole range of other provisions that the Government have made—has almost invariably been opposed by Opposition Members. We have made real our commitment to ensuring that those pensioners in poverty are our priority. I hope that the hon. Lady makes real her commitment in future and does not institute the sort of cuts that have been her party's policy up until now.

Business of the House

12.32 pm

Mr. Speaker: Before I call the shadow Leader of the House to ask the business question, I want to make it clear that I do not intend to allow this question and answer session to be used for a discussion of yesterday's security incident. The serious questions arising from that incident will be discussed by the Joint Committee on Security and the House of Commons Commission when the House returns. Any Member who wishes to contribute to that discussion is welcome to speak to the Chairman of the Joint Committee, the Government deputy Chief Whip, or to write to me, but I do not want questions of security to be discussed publicly on the Floor of the House today, and certainly not on an occasion when we are supposed to be concerned with the House's future business.

Mr. Oliver Heald (North-East Hertfordshire) (Con): Will the Leader of the House please give us the business for after the conference break?

The Leader of the House of Commons (Mr. Peter Hain): The business for the week following the conference recess will be as follows:

MONDAY 11 OCTOBER—Second Reading of the Mental Capacity Bill.

TUESDAY 12 OCTOBER—Second Reading of the Civil Partnership Bill *[Lords]*.

WEDNESDAY 13 OCTOBER—Opposition Day [18th Allotted Day]. There will be a debate on an Opposition motion. Subject to be announced.

THURSDAY 14 OCTOBER—Motion to take note of a European document relating to justice and home affairs work programme, followed by consideration of Lords amendments to the Horserace, Betting and Olympic Lottery Bill, followed by a debate on school sport on a motion for the Adjournment of the House.

FRIDAY 15 OCTOBER—Private Members Bills.

The provisional business for the following week will include:

MONDAY 18 OCTOBER—Opposition Day [19th Allotted Day]. There will be a debate on an Opposition motion. Subject to be announced.

TUESDAY 19 OCTOBER—Remaining stages of the Companies (Audit, Investigations and Community Enterprise) Bill *[Lords]*.

WEDNESDAY 20 OCTOBER—Consideration of Lords amendments to the Armed Forces (Pensions and Compensation) Bill.

THURSDAY 21 OCTOBER—A debate on defence in the world on a motion for the Adjournment of the House.

FRIDAY 22 OCTOBER—The House will not be sitting.

I should also like to inform the House that the business in Westminster Hall for Thursday 21 October will be a debate on the report from the Committee on the Office of the Deputy Prime Minister on social cohesion.

Mr. Heald: I thank the Leader of the House for the business, especially the defence debate for which we have been calling.

The Leader of the House will recall that at the beginning of July I raised with him concerns about the large number of late amendments being tabled by the Government at each stage of the Domestic Violence, Crime and Victims Bill. Will he give an assurance that a further raft of substantial Government amendments will not be tabled during the recess, giving hon. Members precious little time to prepare for Report?

I understand that Adair Turner's interim report on pensions is expected in the first week back. Will the right hon. Gentleman ensure that there is an oral statement and a full debate on that important topic?

The Leader of the House knows that the current law on gambling has disadvantages for charities. The draft Gambling Bill has been scrutinised by a Joint Committee. Is he able to tell us when the Government expect to present the full Bill to Parliament?

Will the right hon. Gentleman find time for a debate on the draft Regional Assemblies Bill before the ballot papers go out for the north-east referendum? Clearly, we should debate the details in order to inform the vote.

The Leader of the House will be aware of Mr. Speaker's concern about health and safety in the Palace and that many hon. Members are concerned about the House sitting at a time when major building works are under way. Has he had any advice on that aspect and is he able to comment on the implications for September sittings? While covering that ground, he might like to comment on whether he has made any progress on putting the Sessional Orders on to a statutory basis.

Mr. Hain: If I may, I shall answer the last point first as it deals with an important House matter. I am grateful to the hon. Gentleman for raising it. Walking around, I have been concerned about the health and security implications of our being in session and the House sitting while serious building work is being undertaken. That work is a matter for the House authorities, not for me. There are serious questions to be addressed and consultation will be required.

As the hon. Gentleman knows, because he is part of the process, we are in the final stages of a review of the sitting times of the House. September sittings will clearly be part of the decision on sitting times that the House will be invited to take early in the new year. I have had plenty of representations from hon. Members on both sides of the House that September sittings are not acceptable, especially in the present conditions. I have been advised by the House authorities that, so that important security work in the Chamber can be undertaken, next year's September sitting cannot take place. That will form part of the background to the decision that we as a House eventually reach in the context of a broader review of sitting hours.

The Domestic Violence, Crime and Victims Bill is expected to return to the House next month. Obviously, I regret late Government amendments, but the hon. Gentleman will understand that they were largely technical. He will also understand how important it is to get this vital Bill absolutely right, given the number of deaths that occur: about 20 per cent. of all violent crime is committed in the home against women, and two women a week die as a result of violent crime. In addition, we have been responding to some of the suggestions made by his Back-Bench and Front-Bench colleagues.

[Mr. Hain]

I shall take note of the hon. Gentleman's point on Adair Turner's pensions report. As for the Gambling Bill, I hope to be able to inform the House early next month about progress on the Bill. Pre-legislative scrutiny by the Joint Committee has been valuable, and there is broad support for the Bill across the House.

On the Regional Assemblies Bill, I cannot promise the hon. Gentleman a debate before the ballot. He will know that the issue has been widely discussed over the past 18 months or so. We had earlier authority for the referendum, and that is the basis on which we shall go ahead. He can always travel up to the north-east and join the campaign. No doubt he will campaign on behalf of the Conservative party against regional government for the north-east of England—[HON. MEMBERS: "Hear, hear."] Just as that party campaigned against devolution in Wales, so they do not want to support the devolution of power to the regions of England, and the people in the regions understand that.

Mr. Paul Tyler (North Cornwall) (LD): My colleagues and I share concern about the fate of the Domestic Violence, Crimes and Victims Bill. However, I believe that the Leader of the House made a slip of the tongue when he said that it would come back to the House later this month—that might be difficult. I hope that he accepts that the Conservatives have not tabled any amendments so far, which may be significant.

I hope that the Leader of the House can give an undertaking that we will have an early statement from the Law Officers as soon as we return giving full details of the Attorney-General's assessment of the legality of the invasion of Iraq. He will be aware that this morning the United Nations Secretary-General, Kofi Annan, made it clear that in his view the invasion of Iraq by US and UK troops was illegal. The House must be told whether the legal justification on which it made a decision on 18 March last year was, or was not, misleading.

May we have an early statement, before the debate in October on defence matters, about the extremely important report by the Public Accounts Committee on the failures of equipment in Iraq, which offers devastating corroboration of the fact that failures by the Ministry of Defence led to unnecessary deaths of British troops, including Sergeant Steven Roberts from Wadebridge in north Cornwall? The Leader of the House will recall that I have raised that issue on a number of occasions, and it is now quite clear from the pathologist's report as well as from the Select Committee report that the Ministry must have on its conscience the death not only of Sergeant Roberts but of others. It is outrageous that this very week troops in his unit are threatened with court martial, when the Secretary of State for Defence should take responsibility. Our armed forces were sent into an illegal war with inadequate equipment, which is surely a matter of serious concern for the House.

Mr. Hain: I quite clearly recall saying that the Domestic Violence, Crimes and Victims Bill would return to the House later "next month", so I hope that that satisfied any need for clarification.

On the question of Iraq, the hon. Gentleman gave a selective interpretation of what the UN Secretary-General said. He made his position clear, but from the outset the advice of the Attorney-General to the Government made it clear that authority to use force against Iraq derived from the combined effect of UN resolutions 678, 687 and 1441, all of which were adopted under chapter VII of the UN charter, which allows the use of force for the express purpose of restoring international peace and security.

The hon. Gentleman raised the PAC report, which is important and certainly pointed out shortcomings. In an expedition fraught with danger and which required a rapid deployment, our forces were praised internationally for the excellence of their operation, but it was inevitable that there would be shortcomings, some of which have been reported. However, the report clearly says that the Ministry of Defence

"deployed a large, highly capable force to the Gulf in around 10 weeks, less than half the time it had taken to send a broadly similar sized force for the 1990–91 Gulf War."

I do not think that the hon. Gentleman should pick one or two shortcomings that need to be remedied and paint a wholly critical picture that is not justified by the report.

The death of Sergeant Roberts is, of course, a terrible tragedy. The hon. Gentleman rightly raised it, but I question the tone in which he did so. Whose side is he on in the battle in Iraq? Is he on the side of creating a democratic Iraq in which its people can take control of their lives for the very first time for at least a generation, or does he want to carp and criticise, playing into the hands of the terrorists who are seeking to undermine our forces there?

Mr. Peter Kilfoyle (Liverpool, Walton) (Lab): Notwithstanding the advice that you gave, Mr. Speaker, on the future provision for consideration of yesterday's events, my understanding is that professional advice is being sought now. Would it be in order to ask the Leader of the House to confirm that? In addition, can he explain the remit of what is happening now?

Mr. Speaker: Order. I have given a ruling on this matter.

Mr. Dennis Skinner (Bolsover) (Lab): Everybody can talk about it except MPs? Is that what you are saying?

Mr. Speaker: Order.

Chris Grayling (Epsom and Ewell) (Con): I congratulate the Leader of the House on his recent comments in *The Observer*, in which he said that he thought that there was unnecessary interference in, for example, dietary and food supplements and herbal remedies. He said that everybody understands that they must be safe, but that Brussels has dealt with the matter in a particularly bureaucratic and heavy-handed fashion. Is that the Government's view as well as his, and if so, will he make time available on the Floor of the House for us to debate these issues and to identify how to resolve an extremely unfortunate and undesirable situation?

Mr. Hain: The hon. Gentleman has the opportunity to apply for a debate in the usual way, and I would

certainly encourage him to do so. If what he is saying is that he shares my view that the 20 million people who now rely on dietary supplements, including vitamins and minerals, to improve their health and lifestyle should be able to continue to do so, I absolutely agree, and any of the new regulations introduced by the European Union should not stand in the way.

Mrs. Gwyneth Dunwoody (Crewe and Nantwich) (Lab): If the House of Commons is to be limited in the things that it can discuss, may I ask the Leader of the House to undertake an urgent investigation into the cost of the past two weeks? Will he make public before the House takes decisions exactly how much the recall has cost and what delay there has been to contracts? When he says that this is not a matter for the Government, may I remind him that the House authorities have to maintain this building during the time when the House is in recess? It is very much a matter for the Government and the House of Commons to consider when we are recalled the cost and implications and, if I may say so, the effect on other matters that are at hand.

Mr. Hain: I agree with my hon. Friend. It is important that this is a House matter. In saying that it was a Government matter, I assume that she meant that, ultimately, the expenditure for the House is voted from the Treasury's funds. I shall certainly discuss this matter with the House authorities, and ask them to provide information on the cost of recalling the House in September. All that information will be available for her and other hon. Members when we reach a decision. I have an open mind on this matter, which is a matter for the House, and we should take that decision bearing in mind the experience that we have had in the past two years of September sittings.

Sir Patrick Cormack (South Staffordshire) (Con): The Leader of the House did not answer the question on Sessional Orders asked by my hon. Friend the shadow Leader of the House. Does the Leader of the House agree that Parliament square has been dirty and defaced for far too long, and that it would be sensible, particularly in the light of yesterday's events, to have a look at the Sessional Orders with a view to legislating at an early date?

Mr. Hain: I hope to come back to the House on this matter fairly soon after we return. I am well aware that it has been dragging on for far too long, and the hon. Gentleman and other hon. Members have pressed me very closely on it. I am also conscious that the Procedure Committee's report on Sessional Orders has not yet been debated, and it will be debated soon after we return.

As I have already announced to the House, the Home Office is currently consulting on the central issue of what powers the authorities need for Parliament square. That consultation will end on Friday 8 October. I think that it would be only right to reflect on the outcome of the consultation. Once considered views have been expressed, we will be in a position to report back to the House. As the Procedure Committee report outlined, the Government do not have responsibility for Parliament square. Responsibility for the square rests with a number of authorities: Westminster city council, the Mayor of London and the Highways Agency. Clearly, the situation that occurred yesterday is not acceptable. The right to protest must be preserved, but access to the Palace of Westminster must be guaranteed and security around it must be preserved, and we need to balance those principles.

Ms Meg Munn (Sheffield, Heeley) (Lab/Co-op): May I urge my right hon. Friend to ensure that the Domestic Violence, Crime and Victims Bill returns to the House shortly? It is an enormously important measure, the first on domestic violence for more than 30 years, and many of its remedies are urgently needed. Will he please ensure that we are able to complete this business as soon as possible?

Mr. Hain: I agree with everything that my hon. Friend said, in the spirit in which she said it. It is a vital measure, for the reasons that I described earlier, and I hope to have good news as soon as possible after the House returns. Clearly, the Government are anxious to get the Bill on to the statute book, providing protection for women in particular who have had such a dreadful time for far too long.

Sir Nicholas Winterton (Macclesfield) (Con): I am grateful to the Leader of the House for the relatively positive answer that he gave to my hon. Friend the Member for South Staffordshire (Sir Patrick Cormack) in respect of the Procedure Committee's report on Sessional Orders and resolutions, which I am sure—I hope that I am in order in saying this—could have had a bearing, had it been dealt with already, on what unfortunately occurred in Parliament square yesterday. Having said that, will the Leader of the House give a firm commitment that the Government will make proper proposals when this matter is debated, so that what I saw as the horrific, excessive action of the police yesterday, against generally law-abiding citizens seeking to protest peacefully in Parliament square, does not occur again? Our report can put that right.

Mr. Hain: I can, as I already have done, give a firm commitment that proposals will come forward. On the general principle that the hon. Gentleman expressed, if those protesters had been miners 20 years ago, I bet that he would not have been saying what he has just said.

Mr. Terry Rooney (Bradford, North) (Lab): I am sure that my right hon. Friend is aware of the sterling work done by the magistracy up and down the country in delivering the justice system. May we have an early debate on the selection procedure, however, as it is imperative that we maintain impartiality and non-discrimination? We have discovered that one of the magistrates in Bradford, William Stanley, is a member of the British National party.

Mr. Hain: Clearly, my hon. Friend has drawn a worrying episode to the House's attention. I do not think that members of the British National party are fit to stand in any public position, as their racism and neo-Nazism makes them unfit for office. This issue, however, is a matter for the Secretary of State for Constitutional Affairs, and he will have noted my hon. Friend's point.

Sir George Young (North-West Hampshire) (Con): Reverting to the reply that the Leader of the House gave

[Sir George Young]

to my hon. Friends, the report of the Procedure Committee was published on 5 November last year. Since that time, a number of my hon. Friends and I have been pressing for a debate. Will the Leader of the House give an assurance that not only will we discuss the matter but that it will be possible for the House to come to a conclusion on the Sessional Orders, so that they can be implemented at the beginning of the next Session at the end of November?

Mr. Hain: The right hon. Gentleman has quite properly pressed me on this issue repeatedly—there is no question but that there has been too long a delay. It is a complex issue, however. It is not just a question of Sessional Orders but of what Home Office legislation might be required. I have explained that the Home Secretary is consulting on that and is keen to act; indeed, I discussed it with him this morning. There is also the wider question of the environment of the Palace of Westminster—the wider Government and Whitehall environment, with its security implications, and the implications for the House—although the security of the House and the Palace is imperative in its own right. That is why we have not rushed into this, but yesterday's events underline the importance of resolving it.

Mr. John Smith (Vale of Glamorgan) (Lab): In the light of the statement made within the hour by the Ministry of Defence to end the major repair and overhaul of the RAF's front-line fleet in south Wales after 50 years, will he find time for an emergency debate on the implications of this decision? Giving this kind of work back to the Royal Air Force is wrong in principle and practice. It makes a mockery of the Government's smart procurement policy. It is bad for the military, bad for the British taxpayer, and it will devastate the south Wales economy.

Mr. Hain: I cannot accept that it will devastate the south Wales economy, for reasons that I am about to explain. I take to heart, however, the way in which my hon. Friend has championed, as its local Member of Parliament, the future of the Defence Aviation Repair Agency at St. Athan. He has fought harder than anyone else could have fought for it, and I believe that it still has a future, as do Defence Ministers. It will be an opportunity to attract further investment to Wales. Wales, particularly that part of south-east Wales, has a fantastic environment for defence-related industries. High-quality companies are there, including Cogent, OshKosh, General Dynamics and Axiom, and the MOD directly employs some 5,500 service and civilian personnel in Wales. We are very concerned about this matter, and Ministers will understand his point.

Mr. Alistair Carmichael (Orkney and Shetland) (LD): Will the Leader of the House make time available for a short debate or a statement to allow the Government to explain why they continue to block the award of medals by the Russian Government to UK seamen who served in the Russian convoys during the second world war? Those men risked their lives. They are regarded in ports such as Murmansk, to this day, as heroes. There is no appropriate British decoration, which is bad enough, but the fact that the Government continue to block the award of a Russian decoration is unforgivable.

Mr. Hain: I understand the passion with which the hon. Gentleman makes his point. Any servicemen who perform heroic roles need recognition, and I shall make sure that the Secretary of State takes careful note of his representation.

Angela Eagle (Wallasey) (Lab): You, Mr. Speaker, made a ruling at the beginning of today that understandably makes it difficult for us to discuss what went on yesterday. I wonder whether my right hon. Friend the Leader of the House has any idea when, after all the reviews have concluded, we shall sensibly have a public debate on how to move forward. We had a debate when the screen was installed, and clearly, there are worries about being too open in relation to sensitive areas. We must have some mechanism, however, by which Members of the House, who have been directly affected, can have a say and debate these issues sensibly.

Mr. Hain: Clearly, I am aware of your rulings on this matter, Mr. Speaker, which I support. Equally, however, my hon. Friend and other Members on both sides of the House will wish to express their views, which you have invited over the coming weeks. We must reflect on that, but I assure my hon. Friend that the House of Commons Commission, under your chairmanship, has already had an interim report from the security services and the Metropolitan police. We expect the final report within a matter of weeks, which will take into account what happened yesterday. There is urgent need for reform, of which you, Mr. Speaker, being responsible for security, are very conscious, as we all are, and as I am of all the views expressed to me overnight.

Dr. Julian Lewis (New Forest, East) (Con): May we have a statement from the new Chancellor of the Duchy of Lancaster, not on the importance of the correct work-life balance, which might be rather unconvincing, but on why a split is necessary between the roles of Minister for the Cabinet Office and Chancellor of the Duchy of Lancaster? How is it that the excellent Lord Tebbit managed to hold that position when he was chairman of the Conservative party, with an electoral role, and was paid only about £2,000 a year, because of the minimal nature of the Chancellor of the Duchy of Lancaster's duties, while this Chancellor of the Duchy of Lancaster will be paid at the full Cabinet Minister's rate?

Mr. Hain: As the hon. Gentleman knows, under the last Conservative Government, some Chancellors of the Duchy of Lancaster, such as Lord Hunt, were paid the full Cabinet salary, because they were not party chairmen. The Labour party chairman, my right hon. Friend the Member for Makerfield (Mr. McCartney), is being paid by the Labour party, because his duties are political in respect of his party post, whereas the Chancellor of the Duchy of Lancaster, my right hon. Friend the Member for Darlington (Mr. Milburn), will be paid a salary from the public purse because he will have a cross-Government role in the co-ordination of Government policy.

My right hon. Friend will be responsible for the work of the strategy unit and the policy directorate, and will

sit on a number of Cabinet Committees. An announcement about that will be made to Parliament in the normal way. He will also be responsible for Duchy business.

In response to a point raised with me last time, let me add that my right hon. Friend will answer parliamentary questions on his Government responsibilities in the House, and will deal with correspondence from Members on those issues in the usual way.

Jeremy Corbyn (Islington, North) (Lab): Can the Leader of the House help me with a very serious problem involving parliamentary accountability? On 10 June the Foreign Secretary tabled two Orders in Council, which Her Majesty signed, denying the Chagos islanders the right to return to Diego Garcia or any other islands, and handing over control of those islands to a commissioner. I understand that the Orders in Council cannot be debated in the House. I have tabled an early-day motion asking for a debate.

Does the Leader of the House not think that in the 21st century it is outrageous that the Head of State can sign an order denying rights granted by a British court to British citizens? Apparently there is no parliamentary accountability whatever for that decision. Will the Leader of the House kindly ensure that the Foreign Secretary tables a motion seeking approval for the orders, so that many of us can simply vote against them?

Mr. Hain: The Foreign Secretary and I are aware of my hon. Friend's long championing of the islanders' cause, and the Foreign Secretary will take careful note of his argument.

Mr. Desmond Swayne (New Forest, West) (Con): May we have a debate on the distribution of the resources that have been made available for closed-circuit television? In New Milton we are desperate for CCTV to combat thuggery and antisocial behaviour. It is now becoming a matter of urgency: we are given to understand that if we do not have CCTV in the next 15 months, we shall find that instead of cameras being available in Station road they will all have been installed in the forest to catch new offenders against the crime of hunting.

Mr. Hain: I assume from what the hon. Gentleman has said about CCTV and other extra security protection for local communities, including the one to which he referred, that he will be backing the Government's spending programmes for the Home Office budget rather than the big cuts in law and order that the Conservatives are planning for their first two years in government—if they are elected. That will mean cutting programmes such as the one that we are determined to implement to give local communities proper protection. The hon. Gentleman should support the Government's policies, not the Opposition's.

Mr. David Chaytor (Bury, North) (Lab): In the next few days, two British ships will arrive in Charleston, South Carolina to collect a shipment of 140 kg of weapons-grade plutonium. The plutonium, stripped out of American nuclear weapons, will then be transported back across the Atlantic to Cherbourg in northern France. Does my right hon. Friend think that, in the post-9/11 world, it makes any sense at all for a British company wholly owned by the state to engage in the new international trade in weapons-grade plutonium? May we have a debate on the environmental and security implications of that trade?

Mr. Hain: Again, the Foreign Secretary will want to take careful note of that salutary point. Of course, someone has to dispose of the waste: it is one of the consequences of that particular form of energy. People might bear that in mind when thinking about Britain's future energy needs and requirements. Clearly expertise lies in Britain—that is why this is happening—but the issues raised by my hon. Friend will have been carefully noted, and I am sure there will be responses.

Mr. John Bercow (Buckingham) (Con): May we please have an urgent debate in Government time on Darfur, western Sudan? Given that aerial bombing, mass shooting, widespread rape, burnings alive, destruction of crops, theft of livestock and poisoning of water supplies are all part of the cocktail of barbarity that has stunned the world, and given that the Prime Minister rightly told the Labour party conference in 2001 that if ever there was a threat of a repetition of Rwanda Britain would have a moral duty to act, does the right hon. Gentleman accept that it is essential for us, in this House of Commons, to have an early debate on how the international community can hold the Government of Sudan to account for despicable crimes against humanity, how we can ensure access for humanitarian aid, how we can protect the camps, and how we can safeguard people who are threatened with one of the worst genocides in the history of the world?

Mr. Hain: I strongly agree with the spirit of the hon. Gentleman's comments. He has worked very hard on this issue over the last year or so. He is absolutely right: the crimes against humanity are despicable, and there needs to be an accounting for them. I am only sorry that the hon. Gentleman is no longer in his Front-Bench post to go on arguing the case so eloquently.

How are we to resolve such a complicated issue? The Foreign Secretary is seeking further United Nations authority to make more progress in getting the Sudanese Government to comply precisely because we need that Government's co-operation, and we need to support the African Union's work in achieving an end to the conflict and devastation of which the hon. Gentleman has spoken so eloquently. We are agreed on the whole approach; it is just a question of how to lever in the resources that are needed to change the situation on the ground.

David Winnick (Walsall, North) (Lab): I shall not make any comment about the ongoing security situation. I was not intending to do so until an investigation has taken place. I would not want to fall foul of you, Mr. Speaker.

Does my right hon. Friend not agree, however, that from the very beginning of Parliament, parliamentarians have insisted that we should be able to conduct our debates without any fear of intimidation or harassment from outside? To a large extent, that is now

[David Winnick]

the cornerstone of our parliamentary democracy. What happened yesterday, the hooliganism and the thuggery, must never be repeated.

Mr. Hain: That was a very interesting question, given the circumscribed nature of these business questions. I entirely agree with my hon. Friend's sentiments. It would be absolutely unacceptable for anything like what happened yesterday ever to happen again: that is why you, Mr. Speaker, and other members of the House of Commons Commission—including me—are determined to implement the proper reforms to ensure that it does not happen again.

May I take this opportunity to pay tribute to the Doorkeepers? [HON. MEMBERS: "Hear, hear."] They had difficulty in coping with the situation, but the failure was not theirs; the failure lay in a more general security breakdown in the Palace.

While I am about it, may I draw attention to what I understand is the last day in the House of the Deputy Serjeant at Arms, whose wife is sitting behind him? I hope that they enjoy a fruitful and happy retirement.

Mr. Eric Forth (Bromley and Chislehurst) (Con): In a typical "Not me, guv" reply a short time ago, the Leader of the House managed to refer in the abstract to "the House authorities", as if they were somehow detached from him. As a House authority and as a member of the House of Commons Commission, which makes all the key decisions on matters relating to the House, can the right hon. Gentleman give us an absolute undertaking that if the Commission were to present radical proposals of any kind to make any change to our organisation, or the relationship between the House and the public, they would be properly and fully considered by Members rather than decisions being made in secret, behind closed doors, and foisted on us before we knew what was happening?

Mr. Hain: The right hon. Gentleman makes a strong point. I shall certainly bear it in mind as Leader of the House of Commons, and I am sure, Mr. Speaker, that we will all bear it in mind in our role as members of the Commission.

There is no doubt that there is urgent need for reform of the House in terms of security and management. That is something in which I strongly believe. I am sure that the right hon. Gentleman will support whatever recommendations come from the Commission in due course; and we will bear in mind his request.

Mr. Speaker: Order. I had better intervene at this point, and say that the House will make the ultimate decision on any reform or change.

Dr. Nick Palmer (Broxtowe) (Lab): I wish explicitly to support the call issued by the hon. Member for Buckingham (Mr. Bercow) on Darfur. However, I rise to ask whether we can have an early debate on the proposed extension of the Nottingham light rail system. I have numerous constituents on both sides of the argument, but everyone is fed up with the delays in the making of funding decisions. The uncertainty is causing blight for home owners, and making it difficult for businesses in my constituency to plan for the future. We need a decision one way or the other.

Mr. Hain: The Government are strongly committed to the policy on light rail. We will need to make a decision on that matter. The strong argument that my hon. Friend has advanced in respect of Nottingham will be borne in mind by the Secretary of State for Transport.

Mr. Simon Thomas (Ceredigion) (PC): May I ask the Leader of the House to ensure that, when the cross-party motion to impeach the Prime Minister on high queens—*[Interruption.]* On high crimes and misdemeanours is prepared and laid before the House, there will be time to debate that motion in the proper manner? We heard yesterday that it was fine to use a 90-year-old Act to force through the Hunting Bill. Therefore, it is fine to use ancient procedures in the House properly to hold the Prime Minister to account. Now that Kofi Annan's announcement has stripped away the last fig leaf hiding the Leader of the House's embarrassment over this illegal war, surely it is right that Back Benchers should have a chance to hold the Prime Minister to account.

Mr. Hain: Back Benchers have the chance to hold the Prime Minister to account every week at Prime Minister's questions and during statements, which he frequently makes on all sorts of issues. As I explained—I assume that the hon. Gentleman was not present last week—the House authorities, the Clerk himself and others have made it absolutely clear that the impeachment process lapsed a long time ago. Plaid Cymru should concentrate on supporting the effort to rebuild Iraq and the creation of a democratic Iraq, instead of resorting to gimmicky proposals that have no relevance to the current situation.

Mr. Harry Barnes (North-East Derbyshire) (Lab): There is a great deal of disturbing news coming out of Iraq day by day, but there are signs of hope, too, none more so than the development of the Iraqi Federation of Trade Unions, the Iraqi TUC. As this matter will be discussed this week at the TUC conference and, I hope, at the Labour party conference, would it not be valuable to discuss it when we return? It is possible for us to agree on certain developments that should take place because those are not matters that divide people, unlike impeachment, inquests about the war or questions of illegality. Let us get together and assist what is taking place in Iraq towards democratisation.

Mr. Hain: I very much agree with my hon. Friend's sentiments, including his support for a strong Iraqi trade union movement. Indeed, I understand that Iraqi trade union representatives are at the TUC conference in Brighton this week. Democratisation of Iraq is a vital priority and my hon. Friend is right that the focus should be on establishing that. The Government are working hard to achieve a democratic Iraq, with trade union rights.

Mr. John Greenway (Ryedale) (Con): I thank the Leader of the House for what he said in response to my

hon. Friend the Member for North-East Hertfordshire (Mr. Heald) about the draft Gambling Bill. We have put a lot of work into it and I hope that we will have a Second Reading debate soon.

May I plead with the Leader of the House, given the length of the overspill, to find Government time for a debate on agriculture—it is a long time since we have had one on the Floor of the House—so that we can reflect on what for many has been a disastrous harvest, and on the implementation of the single farm payments under the common agricultural policy reforms?

Mr. Hain: I will certainly bear in mind the hon. Gentleman's request in respect of agriculture. Although my own constituency has limited farming, I am well aware of the devastating impact of the weather on the harvest during August. The Secretary of State for Environment, Food and Rural Affairs is well aware of that, too, and will want to note carefully the points that the hon. Gentleman has made.

John McDonnell (Hayes and Harlington) (Lab): This morning, the Department for Work and Pensions issued a written statement announcing the start of its process of sacking 30,000 employees. In the statement, it announced that 37 benefit offices, three contact centres and two Employer Direct sites will close. Therefore, by Christmas, thousands of workers who currently administer unemployment benefits will be drawing unemployment benefits themselves. That affects virtually every constituency in the country. May I suggest that it would have been better had that information been given via an oral statement to the House, so that we could have at least asked questions? May we have an assurance that there will be a debate on the matter when we return in a few weeks?

Mr. Hain: I accept that my hon. Friend has raised the matter properly with me. Obviously, he will have a chance to press the Secretary of State for Work and Pensions at questions and to apply for a debate, but the policy that the Government have announced has been discussed on the Floor of the House and reported to the House repeatedly, certainly since the Budget, and all the details of those changes have been fully explained.

Mr. David Heath (Somerton and Frome) (LD): Is there a possibility of a debate on the Environment Agency? I strongly support its work, but I fear that the resources and personnel are not available for it to do the tasks that we set it. My problem relates to a pollution incident in Somerton in my constituency. The agency admits that it failed in the initial licensing and in the monitoring, and it is now failing to meet the commitments that it has entered into with local people, with Somerton town council and with me to keep us informed of progress because it does not answer letters. I fear that there is a problem within the agency. Will we have an opportunity to discuss it at an early date?

Mr. Hain: The hon. Gentleman will be able to table questions to the Secretary of State on that matter and on the wider role of the Environment Agency fairly shortly after we return in October. No doubt he will take the opportunity to do so.

Mrs. Claire Curtis-Thomas (Crosby) (Lab): Thank you, Mr. Deputy Speaker—*[Interruption.]* I am sorry, Mr. Speaker. Will my right hon. Friend find time to assist me with the difficult problem that I have in relation to the port of Liverpool police and the transport police? The problem arises simply because these officers, who are notably police officers, cannot go to the police authority when they have employment-related difficulties. Any appeals that I have made so far to the Department of Trade and Industry and the Home Office on the matter have been rebutted. That splendid group of individuals are left in no-man's-land when it comes to their employment situation. That is unacceptable.

Mr. Hain: By a happy coincidence, the Under-Secretary of State for Trade and Industry, the hon. Member for Bradford, South (Mr. Sutcliffe), is sitting on the Front Bench and heard my hon. Friend's elegant plea and cogent argument. I am sure that he will take close notice of it and that she will have the opportunity to press him and other Ministers further if she does not get satisfaction.

Mr. Nigel Evans (Ribble Valley) (Con): I am delighted to hear that the Leader of the House backs peaceful demonstrations in Parliament square, as they are an important part of our democratic system, and he is a veteran of some peaceful protests himself, but in respect of ensuring the safety of people who come on demonstrations—the vast majority of people who come are peaceful—sadly, there are always some rotten apples, as we saw yesterday. Could new technology and closed-circuit television be used to assist the police in pinpointing the troublemakers, so that even after the demonstration they can be prosecuted and properly convicted? I understand that the independent Police Complaints Authority will look into any allegations of police abuse that may have occurred yesterday. Those same cameras may help—

Mr. Speaker: Order. Mr. Challen.

Mr. Colin Challen (Morley and Rothwell) (Lab): Whatever the arguments about the legality of the war in Iraq, and clearly there are serious arguments—the Secretary-General believes that it was illegal—I believe that the joint United States-United Kingdom resolution that was unanimously supported in June in the Security Council legalises the current position. In an early draft of that, it spoke of affirming the importance of the principle of the rule of law, and perhaps that statement should have remained in the final resolution. However, in the light of these debates, may we have a Government statement on what their doctrine is on pre-emptive action, either military or legal, in respect of this kind of conflict?

Mr. Hain: I know that the Foreign Secretary will pay careful attention to my hon. Friend's question. Indeed, if I am not mistaken, the Foreign Secretary made a speech on that matter relatively recently, addressing the difficulties of intervention, when it can be justified and when not. I am sure that my hon. Friend will want to read that speech and perhaps question the Foreign Secretary on it when he gets a chance.

Mr. Hugo Swire (East Devon) (Con): Following the proper request of my hon. Friend the Member for

[Mr. Hugo Swire]

Ryedale (Mr. Greenway) for a debate on agriculture in the light of the disastrous summer and harvest, may I press the Leader of the House for an urgent debate specifically on the future of our dairy farmers, the inadequate farm-gate price of milk, and the relationship between our nation's food producers and the supermarket chains?

Mr. Hain: I understand that a report has been published on this matter, and I know that there is a great deal of concern among dairy farmers about the question of supermarkets taking their produce at a decent price. The Secretary of State for Environment, Food and Rural Affairs is very aware of this issue and she will want to pay close attention to the hon. Gentleman's question.

Dr. Alan Whitehead (Southampton, Test) (Lab): Will my right hon. Friend find time for a debate on the working of the House of Commons (Administration) Act 1978 with particular reference to the Braithwaite report, which, as he knows, was commissioned under the terms of that Act?

Mr. Hain: I would be very happy for that matter to be dealt with on the Floor of the House. My hon. Friend raises an important issue that we need to consider, and if he wants to put a relevant question or to have an Adjournment debate on it, he is free to apply in the normal way, and to wait to see whether his application emerges from the shuffle. For my part, I hope that it does.

Bob Spink (Castle Point) (Con): Can the Leader of the House kindly help me by finding time for a debate on the operation of the c2c Fenchurch Street line? The overcrowding on the trains on that line is already totally unacceptable, yet trains are to be removed, which will exacerbate the problem and cause reliability and safety problems, as the excellent *Yellow Advertiser* campaign is pointing out locally.

Mr. Hain: I am not aware of the details—and the hon. Gentleman is not suggesting that I should be—but the Secretary of State for Transport will want to pay close attention to the worrying picture that he has painted.

Mr. Stephen McCabe (Birmingham, Hall Green) (Lab): I am not referring to security matters within the House, Mr. Speaker, but given the disgraceful scenes that we witnessed yesterday and the diversion of so many police officers from their proper duties, does my right hon. Friend think it time that we had a debate on what constitutes legal, peaceful protest in this country? Does he share my revulsion at yesterday's acts of violent thuggery, and does he agree that the time has come to impose exemplary sentences on those involved, and to consider imposing financial penalties on the organisations responsible for creating such chaos and disorder?

Mr. Hain: The fact that there was such chaos and disorder is, I know, a matter of great concern to you, Mr. Speaker, and like my hon. Friend I share that concern. It is not for me to comment on how any prosecution should be pursued or the sentencing that might result, but it is imperative to point out that, while the right to peaceful protest should be upheld, the scenes outside the Palace yesterday were totally unacceptable, regardless of who was protesting and whether or not a minority in the demonstration was responsible. In that regard, my hon. Friend's point is well taken.

Mr. Owen Paterson (North Shropshire) (Con): The Deputy Prime Minister is proving to be a public menace in my constituency. In the spring, unknown officials from the Office of the Deputy Prime Minister arbitrarily overruled his own inspector and cancelled a very popular development in Ellesmere. Last night, more than 500 people piled into a hall in Wem to protest about the closure of Wem and Ellesmere swimming pools, which, again, was due to pressure exerted by Deputy Prime Minister's officials on the local council. Can the Deputy Prime Minister come to the Dispatch Box and explain his policy on the provision of popular leisure facilities in rural areas?

Mr. Hain: The Deputy Prime Minister and his officials will have noted the hon. Gentleman's point, but he should recognise that the ODPM has invested huge sums into community regeneration, both urban and rural. Indeed, the latter is backed by the policies and resources of the Department for Environment, Food and Rural Affairs. So the idea that the Deputy Prime Minister is somehow turning his back on the hon. Gentleman's community or any other is a palpable falsehood. He is driving home programmes that are regenerating our communities, but which would be cut by a Conservative Government. Indeed, the Conservatives plan to make budget cuts of £18 billion in their first two years in office, should they be elected.

Mr. Clive Betts (Sheffield, Attercliffe) (Lab): Will my right hon. Friend arrange a debate on early-day motion 1650?

[That this House notes the campaign being mounted by the Civil Service Pensioners' Alliance highlighting the plight of widows and widowers of civil servants who are members of the pre-October 2002 Civil Service Pension Scheme; is concerned that if surviving spouses of these civil servants decide to remarry or cohabit, they automatically lose all rights to their widows' pension; further notes that the recently improved Civil Service Pension Scheme, introduced in October 2002, has removed this condition; recognises that this creates a two-tier system that unfairly excludes widows and widowers from being offered the financial protection now deemed adequate by the new Civil Service Pension Scheme; and calls upon the Government to change the regulations governing this aspect of civil service pensions in order to grant spouses of all civil servants a pension for life.]

The early-day motion, which stands in my name but is signed by Members of all three major parties in the House, draws attention to the unacceptable position of widows and widowers of civil servants who were members of the pre-October 2002 civil service pension scheme. Indeed, widows and widowers of police officers are in the same position, in that they have their pension removed if they re-marry or cohabit. It is perfectly obvious when someone re-marries, but in the end, cohabiting can be proved only through snooping and

spying, which is completely unacceptable and should not form part of modern pension arrangements. Will my right hon. Friend arrange for a debate, so that the Secretary of State for Work and Pensions can explain why the situation should not be changed? In my view, it should be changed.

Mr. Hain: I understand that questions to the Secretary of State for Work and Pensions will take place soon after we return from the forthcoming break—perhaps as soon as the day on which we return—so my hon. Friend will have a chance to question him then. My hon. Friend has made a passionate case, which the Secretary of State will want to note.

Mr. Dennis Skinner (Bolsover) (Lab): Does the Leader of the House not think it a very quaint form of democracy when the whole of the media without exception can talk about, and print articles on, what happened yesterday at will, yet Members of Parliament are prevented from talking about it here? Does he recall that 20 years ago, a not dissimilar incident occurred in the House of Lords? Miners created a disturbance, but Members were allowed to speak about the incident at any given time after it took place. Would it not be unthinkable—unthinkable—to suggest that the current situation is different only inasmuch as the people in question are not miners but, in some cases, Tory toffs who are close to the monarchy?

Mr. Speaker: Order. I say to the Leader of the House that this is business questions and that my statement was very clear. The intention is not to prevent Members of Parliament from speaking about a particular matter; however, these matters will not be raised during business questions. That goes on the record.

Point of Order

1.37 pm

Mr. Paul Tyler (North Cornwall) (LD): On a point of order, Mr. Speaker. A few minutes ago, the Leader of the House, in answer to the hon. Member for Southampton, Test (Dr. Whitehead), indicated that if he wishes to secure an Adjournment debate on matters relating to the administration of the House, he can do so. I have sought on a number of occasions to do precisely that. In particular, I raised with the Leader of the House the need to be able to question and debate the extremely important and interesting annual report of the House of Commons Commission. However, I have been advised that there is no Minister who can reply to such a debate. Can you give me some guidance, Mr. Speaker, on how we can raise such matters? As I understand it, we cannot have an Adjournment debate in Westminster Hall unless there is a Department and a Minister who can respond to it.

Mr. Speaker: As is often the case, the hon. Gentleman is right: there is no ministerial responsibility in this regard. But all Members of this House have access to me, and of course, the hon. Member for Roxburgh and Berwickshire (Sir Archy Kirkwood) answers on my behalf on these issues. So there is a way of raising them, but not through debate on the Adjournment of the House.

CRIMINAL LAW

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Standing Committees on Delegated Legislation),

That the draft Criminal Justice and Police Act 2001 (Amendment) and Police Reform Act 2002 (Modification) Order 2004, which was laid before this House on 19th July, be approved.—*[Mr. Ainger.]*

Question agreed to.

EMPLOYMENT RELATIONS BILL (PROGRAMME) (NO. 4)

Motion made, and Question put forthwith, pursuant to Orders (28 June and 6 November 2003),

That the following provision shall apply to the Employment Relations Bill for the purpose of supplementing the Programme Order of 14th January 2004:

Consideration of Lords Amendments

Proceedings on Consideration of Lords Amendments shall (so far as not previously concluded) be brought to a conclusion two hours after their commencement at this day's sitting.—*[Mr. Ainger.]*

Question agreed to.

Orders of the Day

Employment Relations Bill

Lords amendments considered.

Clause 3

DUTY OF EMPLOYER TO PROVIDE INFORMATION TO UNION

Lords amendment No. 1.

1.29 pm

The Parliamentary Under-Secretary of State for Trade and Industry (Mr. Gerry Sutcliffe): I beg to move, That this House agrees with the Lords in the said amendment.

Mr. Speaker: With this it will be convenient to discuss Lords amendments Nos. 2 to 17, 56, 59 to 67 and 70.

Mr. Sutcliffe: Thank you, Mr. Speaker. I welcome hon. Members to this afternoon's discussions and deliberations. I note the absence of the hon. Member for Gordon (Malcolm Bruce), who is on parental leave. I wish him every success and hope that everything goes well.

This is a large group of amendments, all of which relate to part 1 of the Bill and concern the statutory recognition procedure. Many of the amendments within the group are technical or consequential. For example, amendment No. 1 makes a small change to the way a person's "workplace" is described to ensure that consistent language is used throughout trade union law. However, some of the amendments are more significant than that, and I shall mainly focus on them in my opening remarks.

Amendment No. 2 addresses a situation in which the Central Arbitration Committee is required to hold a ballot, even though more than 50 per cent. of the relevant work force are union members. The CAC must currently take three criteria into account when deciding whether a ballot is held. In particular, if the CAC is informed by a significant number of union members that they do not want the union to bargain on their behalf, the CAC must proceed by arranging a ballot. That has caused problems in practice, because it gives insufficient discretion to the CAC to assess the quality of the evidence put before it, including evidence that workers were pressurised by the employer to write letters to the CAC that did not reflect their true views. The amendment therefore introduces some necessary discretion for the CAC to assess the credibility of evidence in determining whether a ballot should be held.

Amendments Nos. 3 to 5 relate to the definition of unfair practices during recognition ballots in clause 9. Amendment No. 3 changes the definition of an "offer" to induce a person to vote in a particular way or abstain from voting in a recognition ballot. We consider that the current definition may be drawn too widely and might cut across the normal campaigning activity of either the union or the employer in discussing the consequences of recognition. Amendment No. 3 therefore provides more precise wording on the nature of the offer by referring to the payment of money or the giving of "money's worth". That new definition of an unfair "offer" therefore focuses on the things commonly associated with the practice of "bribing and treating", which, as we know, is explicitly outlawed in public elections.

Amendments Nos. 4 and 5 create a new unfair practice of making an "outcome specific" offer. Such offers are not explicitly linked to a person's agreement to vote in a particular way or not to vote at all. Instead, they represent more general offers to make payments to the work force or give them money's worth provided the outcome of the ballot goes a particular way. Such offers are clearly designed to interfere with the ballot and should therefore be categorised as an unfair practice. Again, we have taken the trouble to ensure that that new unfair practice does not impede normal campaigning by either party, or encourage speculative complaints to the CAC that an unfair practice has occurred.

Amendments Nos. 7 and 8 concern the remedies available to the CAC where either the employer or the union is adjudged to have committed an unfair practice during a recognition ballot. When it left this House, clause 9 of the Bill did not define those remedies and provided a power for the Secretary of State to set them by order, which was clearly unsatisfactory. We indicated our desire to introduce amendments in the other place that would set out the remedies and sanctions in the Bill, and these amendments fulfil that commitment.

Among other things, amendment No. 7 empowers the CAC to award recognition, where an employer's practice involves the extreme behaviour of committing acts of violence or dismissing a union activist. It also allows the CAC to award recognition where the employer commits two lesser unfair practices or fails to take any remedial actions that the CAC might order. The CAC has corresponding sanctions to refuse the union's application for recognition, where the union commits the unfair practices.

Amendments Nos. 7 and 8 also provide for ballots to be rerun where an unfair practice has occurred and might have corrupted the initial ballot. In devising that system, we have given scope to the CAC to exercise discretion as needed. For example, it is not required to rerun a ballot where the party that was the victim of an unfair practice has won the ballot.

Amendments Nos. 9, 10, 11, 13 and 14 make the corresponding changes to the definition of unfair offers during derecognition ballots, and they also establish the corresponding system of remedies. They are virtually identical to the amendments that I just discussed, although some additional refinements deal with the special case in which a worker seeks to derecognise the union. All the other amendments in the group are either technical or consequential.

The amendments significantly improve the Bill. They are the product of detailed prior consultation with key stakeholders, and I therefore urge the House to agree to them.

Mr. Henry Bellingham (North-West Norfolk) (Con): I am extremely grateful to the Minister for sending me a comprehensive note on the amendments, which, as he pointed out, are all Government amendments. We take the view that they are sensible: my noble Friend Baroness Miller of Hendon spoke for the Opposition in the debate and discussions in another place, where she made it clear that they significantly improve the Bill.

As the Minister pointed out, the statutory recognition procedure is important. The current definition of offers of inducement either not to participate or to abstain is too wide and could cut into normal campaigning, so the Minister has done the right thing. On amendments Nos. 7 and 8, will he confirm that there would be no need to rerun a ballot in which unfair practices occurred if the injured party wins? On balance, the amendments make sensible, albeit minor, improvements to the Bill.

Sir Robert Smith (West Aberdeenshire and Kincardine) (LD): On behalf of my hon. Friend the Member for Gordon (Malcolm Bruce), I thank the Minister for his best wishes. If and when the good news arrives, I will pass it on.

The hon. Member for North-West Norfolk (Mr. Bellingham) mentioned that the Minister provided him with a briefing. Perhaps our channels of communication are bogged down and the briefing reached my hon. Friend the Member for Gordon but not me, or perhaps the briefing never reached my hon. Friend.

The briefing would have been useful, because the amendments are technical and detailed. The amendments are welcome, because they make sense of how a campaign can be fought. It is sensible to hold the genuine debate about the benefits of recognition in the open, without being sidetracked into whether those benefits are inducements. There is clearly a debate to be had in each recognition ballot, and it should be open for people to make a strong case, if they believe that recognition will advance their cause. I welcome the practical, common-sense approach and the fact that the CAC will have the discretion carefully to judge the balance rather than using a purely numerical measure.

Bob Spink (Castle Point) (Con): I welcome the amendments, which are broadly sensible. On amendment No. 7, when a ballot is rerun after unfair practice, what is the limit on the CAC's discretion? For instance, can the CAC resist a re-ballot if the side that lost wants a re-ballot and there has been some unfair practice? Would the CAC examine the degree of unfair practice and make a judgment whether it changed the result of the ballot, or would it simply allow a re-ballot in any circumstances?

Mr. Sutcliffe: I welcome hon. Members' contributions to the debate, which show that the union recognition procedure generally works, which is why the Bill does not change it substantially.

On unfair practices, the CAC has proved that it is capable of examining such issues in great detail and coming up with the right result. The hon. Member for North-West Norfolk (Mr. Bellingham) fears that the CAC may overstep the mark. However, if unfair practices exist, the injured party does not have to go for a re-ballot. The CAC will have powers to examine all the evidence, and its judgment will be held to account by employment tribunals, which is a clear safeguard.

I welcome the hon. Member for West Aberdeenshire and Kincardine (Sir Robert Smith) and apologise for the e-mail being sent to the hon. Member for Gordon (Malcolm Bruce). No attempt was made to take him out of the process.

Lords amendment agreed to.

Lords amendments 2 to 17 agreed to.

Clause 21

INFORMATION ABOUT EMPLOYEES TO BE BALLOTED ON INDUSTRIAL ACTION

Lords amendment No. 18.

Mr. Sutcliffe: I beg to move, That this House agrees with the Lords in the said amendment.

Mr. Deputy Speaker (Sir Alan Haselhurst): With this it will be convenient to discuss Lords amendments Nos. 19 to 32 and 57.

Mr. Sutcliffe: Lords amendments Nos. 18 to 21 amend clauses 21 and 24. Those clauses simplify and clarify the provisions requiring unions to provide notices to employers in advance of an industrial action ballot and any subsequent industrial action. Unions and employers have generally welcomed both clauses and no serious objections have been raised about them. However, it was brought to our attention that they could be improved on in an important respect if we made allowances for notices to refer to information given by reference to the established practice of deducting union subscriptions at source. That system, known colloquially as "check off" remains widespread in this country and covers many millions of workers. It is a common way of paying union subscriptions in large organisations and in the public sector.

It has been established through case law that unions will often be able to meet their current legal obligations by referring to their members paying by this system in notices. That arrangement has provided unions with a ready means of referring accurately to their members. It has also allowed employers easily to identify individuals through their payroll systems. As currently worded, the clause provided less scope to unions to refer to check-off information as a shortcut to meeting their legal obligations. That was regrettable, and both employers and unions would have lost out as a result.

Our intention in this group of amendments is to ensure that unions can draw on their check-off information to meet their obligations in whole or in part. Lords amendments Nos. 18, 20 and 21 make the necessary changes to clause 21. Amendment No. 23, together with amendments Nos. 25 to 28, makes the corresponding changes to clause 24.

Lords Amendments Nos. 19, 22, 24, 29, 30 and 31 are technical amendments to the notice provisions. They will ensure that consistent wording is used throughout trade union law when describing the workplaces of employees. Earlier this afternoon we agreed a similar technical amendment—Lords amendment No.1 to part 1 of the Bill. I believe that the amendments improve the Bill, providing flexibility and lightening the regulatory burden. It should therefore be easy to comply with the law, especially in complicated situations where many thousands of employees are involved.

[Mr. Sutcliffe]

The effect will be achieved without in any way reducing the quality of the information that the employers receive. Indeed, as I have explained, the option of providing check-off information will often give the employer more complete information than he would otherwise receive. He can access that information very easily with minimal cost through an examination of his pay records, which will normally be computerised.

Lords amendments Nos. 32 and 57 amend the landmark protections against unfair dismissal for employees taking protected industrial action, which were introduced in the Employment Relations Act 1999. Our review of the 1999 Act noted that industrial action has remained relatively low in the UK since the eight-week period of protection was introduced. In fact, the number of stoppages is at an all-time low. On several occasions during the Bill's passage, we have debated the adequacy of the eight-week period. Trade unions have called for indefinite protection for workers taking part in lawful industrial action. However, the Government have always taken the view that it is necessary to place a time limit on the period for which it is automatically unfair to dismiss someone taking protected industrial action. We need to balance the legitimate interests of all concerned.

In the other place, amendments were repeatedly tabled on that topic and we noted the strong views of unions and others. We therefore think that a modest extension of the protected period should be made. I should add that the extension affects only a small number of stoppages each year. This group of amendments extends the protections against unfair dismissal for employees taking lawfully organised official industrial action from eight weeks to 12 weeks. I am confident that the extension to 12 weeks will not adversely affect the amount of strike activity or the climate of industrial relations. Again, I strongly urge the House to agree to the Lords amendments.

Mr. Bellingham: As the Minister pointed out, the amendments are once again the result of considerable discussion in the other place. I have discussed them with my noble Friend, Baroness Miller of Hendon, and reflected on the debates in the other place. I agree that the amendments improve the system of industrial action ballots and ballot notices.

1.45 pm

Will the Minister clarify one particular point? For those individuals who do not pay subscriptions via the check-off system, the requirements in the clauses still apply, but how will the two different groups of employees be treated under the balloting system? The Minister mentioned that, but I would be grateful for some further clarification. Otherwise, we have no difficulty with the amendments, which go a small way towards improving the Bill.

Sir Robert Smith: At this late stage, just one matter occurs to me. In using the check-off system, is there absolutely no risk of conflict with data protection provisions? Has the legislation been drafted in such a way that no one could suddenly upset the system by careful use of data protection? That is my only concern.

Mr. Sutcliffe: I am grateful for Opposition Members' inquiries. The check-off procedure operates in large workplaces in the public sector where there is a large union membership. It is an effective and efficient way of collecting subscriptions without impeding productivity. It is different in smaller workplaces. The Bill does not affect either method of collection. We checked the possibilities relating to data protection and I am happy to say that it is not a problem.

Lords amendment agreed to.

Lords amendments Nos. 19 to 32 agreed to.

Clause 28

INDUCEMENTS RELATING TO UNION MEMBERSHIP OR ACTIVITIES

Lords amendment No. 33.

Mr. Sutcliffe: I beg to move, That this House agrees with the Lords in the said amendment.

Mr. Deputy Speaker: With this, it will be convenient to discuss Lords amendments Nos. 34 to 43 and 58.

Mr. Sutcliffe: This group of amendments makes two sets of changes to the clauses of the Bill that implement the European Court's judgment in the cases of Wilson and Palmer. Let me start with amendments Nos. 34, 35 and 38. The Joint Committee on Human Rights has drawn attention to the fact that new section 145B, which would be inserted by clause 28, provides rights to the members of recognised unions only. It considers that, in cases where a union is seeking recognition, new section 145B needs to provide comparable protections to ensure that members have the right not to be offered inducements by the employer for the purpose of securing that their terms will not be determined by collective agreement in the future.

Having looked at the arguments put forward and having consulted the stakeholders, we concluded that the Joint Committee's analysis is correct. So to ensure our compliance with the judgment of the European Court of Human Rights, we believe that the scope of new section 145B should be extended. Lords amendments Nos. 34, 35 and 38 make the necessary changes to clause 28.

Let me now describe the second set of amendments, which cover the other nine in the group. In combination, the amendments change the definition of a "worker" for the purposes of new sections 145A to 145E, and for the purposes of the existing sections 146 to 150 of the 1992 Act. The current definition of worker for those purposes is provided in section 296 of the 1992 Act. The Bill covers people "seeking work" and is not limited solely to those in employment. It was never our intention that the protections should extend to those seeking work. Their trade union rights are contained in section 137 of the 1992 Act.

These amendments therefore adjust the definition of worker to ensure that it does not cover those seeking work, thereby ensuring that the rights are confined to

the target group and that overlapping rights for workers seeking employment are not created. The first set of amendments implements a recommendation of the Joint Committee on Human Rights and the second makes necessary technical changes to the Bill. I urge the House again to agree to the amendments.

Mr. Bellingham: Again, the Minister has explained clearly that this group of technical amendments flows from the Wilson and Palmer case, and they certainly improve the Bill. In Committee, we discussed at some length the definition of workers who enjoy rights. The Minister is right to say that it was always intended that that should cover all workers in employment. At the time, despite his many civil servants, he did not spot that the provision also unintentionally covered workers seeking employment. The Opposition should have spotted that small anomaly, and I dare say that my colleague the hon. Member for Gordon (Malcolm Bruce) should have done so too, but I think that we can be forgiven. There may be a good legal reason to explain why we missed it, but the amendments ensure that the coverage is limited to the target group of those in employment. That must be positive, and we welcome the change.

Sir Robert Smith: These amendments prove the worth of our bicameral system, which ensures that errors get spotted before it is too late. I also welcome the fact that the concerns of the Joint Committee on Human Rights have been addressed. That shows how useful it is to have a human rights factor in our legislation, as it means that we can try to get our law right so that people do not need to waste time going to a foreign court to ensure that their rights are implemented.

Mr. Sutcliffe: These amendments arose from a complicated and complex investigation of the ECHR judgment. That is how the question of the definition came to light, so hon. Members should not be too hard on themselves for not spotting the problem. Members of the House of Lords consider these matters line by line and issue by issue and over many years they have accrued a great deal of expertise. It is right that the processes available in this House enable other bodies to submit their views. The Joint Committee expressed its view very clearly, and we responded with this solution. I admit that the solution does not meet all requirements, but we believe that it is a fair attempt to protect all workers who are affected.

Lords amendment agreed to.

Lords amendments Nos. 34 to 43 agreed to.

Clause 32

EXCLUSION AND EXPULSION FROM TRADE UNIONS ATTRIBUTABLE TO CONDUCT

Lords amendment No. 44.

Mr. Sutcliffe: I beg to move, That this House agrees with the Lords in the said amendment.

Mr. Deputy Speaker: With this, it will be convenient to consider Lords amendment No. 45.

Mr. Sutcliffe: During the Standing Committee stage of the Bill, I brought forward a new clause to give unions the latitude to deal adequately with political activists who pursue a racist or xenophobic political agenda. At that time, I indicated that the Government and the TUC were giving further consideration to the drafting of the remedies provisions.

I am glad to be able to say that we brought forward amendments on this point in the other place that expressly refer an employment tribunal to the union's objectives, as well as its rules, when determining whether the minimum award should apply. That was a key issue for the TUC, which was worried by the fact that many unions do not refer to their equality or anti-racist policies in their rule books.

The provisions affected by these amendments operate where a person is excluded or expelled from a union mainly because he or she is a member of a political party but partly because of other conduct. In combination, the amendments disapply the minimum award where the other conduct in question is contrary to the union's rules or objectives, provided that it was reasonably practicable for the person concerned to have ascertained the objectives in question.

The amendments give the degree of transparency that we have been aiming for, and improve the practical implementation of this clause. They satisfy the TUC's concerns on this point and, for these reasons, I hope that the House will agree to them.

Mr. Bellingham: These amendments were proposed when trade union legal eagles decided that the Bill needed to be improved. Opposition Members have had discussions with the trade union movement about the Bill, and I have met TUC general secretary Brendan Barber. We may not agree about much, but we do agree about some things. We are pragmatic and practical when it comes to improving the Bill, and common sense is our watchword. We support the amendment.

Mr. Sutcliffe: I thank the hon. Gentleman, and welcome his optimism about the relationship between the Conservative party and the trade union movement. I know that he has met Brendan Barber, and I encourage other Opposition Members to do the same.

The matter at issue here was important, and had the potential to open up a legal minefield. Again, I ask the House to support the amendment.

Lords amendment agreed to.

Lords amendment No. 45 agreed to.

Clause 34

DISAPPLICATION OF QUALIFYING PERIOD AND UPPER AGE LIMIT FOR UNFAIR DISMISSAL

Lords amendment No. 46.

Mr. Sutcliffe: I beg to move, that the House agrees with the Lords in the said amendment.

Mr. Deputy Speaker: With this, it will be convenient to consider Lords amendments Nos. 47 to 50, 68, 69 and 71.

Mr. Sutcliffe: This group of amendments relates to part 3 of the Bill, and covers three topics, which I shall deal with in turn.

[Mr. Sutcliffe]

Amendment No. 46 is a purely technical amendment designed to ensure that the existing provisions relating to employment tribunal cases, where there may be implications for national security, achieve the scope originally intended on their introduction in 1999.

Amendment No. 47 introduces a protection for employees who are dismissed or otherwise detrimentally treated because they serve on juries or are summoned to do so. Amendments Nos. 68, 69 and 71 are consequential to amendment No. 47.

Earlier this year, the Criminal Justice Act 2003 removed the categories of ineligibility for jury service and excusal as of right from jury service, and thus increased the numbers of people eligible to serve on juries. We are concerned that this wider eligibility may prompt some employers to ill treat employees, either by dismissing them or in some other way, because they find it inconvenient to release them for jury service. At the moment, there is no special protection for employees in that position. They can, of course, claim under the general unfair dismissal legislation, but to do so they must have completed a year's service with their employer, and claims are subject to an upper age limit. Moreover, there is no protection against detrimental treatment short of dismissal. We believe that it is right that special protection should now be introduced. As Lord Sainsbury said when he introduced these amendments in the other place, they are important new protections.

Amendments Nos. 48, 49 and 50 make purely technical amendments to clause 38, addressing a drafting inconsistency relating to the operation of the flexible working law. They amend incorrect cross references in the Employment Rights Act 1996 to avoid unnecessary confusion.

Mr. Bellingham: As the Minister said, these amendments give extra protection to employees who might be disciplined by employers for serving on a jury. Jury service has been extended substantially, and some of the exempt categories have been removed.

It would beggar belief if an employer were to discriminate against an employee because that person had been asked to serve country and community by serving on a jury. The Minister is right to grant special protection for employees treated in that way, or who received detrimental treatment short of dismissal. My only regret is that Opposition Members did not spot this gap in the Bill during the Committee stage and so did not table an amendment of our own on this matter. Had we done so, we might have succeeded in getting that amendment accepted by the Government.

Sir Robert Smith: I strongly support the message sent by the amendments that jury service is a civic duty that should not be impeded in any way by an employer and, in particular, the recognition that not only dismissal but unfair treatment could be used to stop someone from carrying out that duty. If we are to respect jury service, employers should not be allowed to stand in the way of people undertaking it. The legislation sends a strong signal to confirm that we recognise the importance of jury service.

2 pm

Mr. Sutcliffe: Again, I am grateful for the contribution from both hon. Gentlemen. The hon. Member for North-West Norfolk (Mr. Bellingham) should not be too hard on himself. He made many eloquent speeches to the Committee over a long period of time. We listened carefully to most of them but were unable to accept any of his amendments. However, we have acted on the intentions behind them in some instances. Jury service is important to our communities and it is right that people are protected in the few cases where problems occur.

Lords amendment agreed to.

Lords amendments Nos. 47 to 50 agreed to.

After Clause 41

Lords amendment No. 51.

Mr. Sutcliffe: I beg to move, That this House agrees with the Lords in the said amendment.

Mr. Deputy Speaker: With this it will be convenient to take Lords amendments Nos. 52, 53 and 55.

Mr. Sutcliffe: One always seeks to take note of instructions from the Whips, but I shall not speak for an hour on these amendments. This package of amendments improves the procedures for enforcing the minimum wage. The purpose of the amendments is straightforward. Under the National Minimum Wage Act 1998 as presently drafted, compliance officers are unable to withdraw enforcement notices, which set out the arrears due to workers, even if they realise they have made an error or new evidence has come to light. The position is the same for penalty notices, which are issued when employers refuse to comply with enforcement notices. That means that tribunal hearings are the only way to rectify notices that both sides know to be incorrect, and that then delays the process and wastes the time of the tribunals.

The amendments therefore allow officers to withdraw enforcement and penalty notices and replace them with corrected notices where necessary. That area of enforcement is technically extremely complex and that is why the clause is so long, but that is the essence of it. The amendments are uncontroversial and were accepted as sensible by both sides in the other place.

In asking the House to support the amendments, I wish to encourage other hon. Members to take part in this debate.

Mr. Bellingham: I thought that amendment No. 51 was on union modernisation. Can the Minister clarify the position?

Mr. Sutcliffe: Union modernisation is the subject of amendment No. 54.

Mr. Bellingham: I thank the Minister for explaining that. He sent me a helpful note, but it is possible that the numbering of the amendments has changed. On the

basis of what he said about the amendments we are considering. I endorse the Government's actions on this matter.

Sir Robert Smith: It is common sense not to have to go to a tribunal if both sides recognise that something is wrong. Therefore, the amendments are eminently sensible.

Mr. Sutcliffe: I do not wish to be accused of racing through the amendments and I wish to be sure that hon. Members fully understand the implications of the amendments before us.

The minimum wage was a major piece of legislation for this Government and it is important that it is effectively enforced. On rare occasions, employers are not prepared to pay the minimum wage, and enforcement activity is required. The purpose of the amendments is to try to simplify the procedure and make clear the circumstances in which enforcement will be used. I know that most good employers pay well above the national minimum wage. Concerns were expressed that the national minimum wage would have an impact on the number of jobs created. That was not the case, and I welcome the belated acknowledgement from the Conservatives about the impact it had. I hope that the way in which we have outlined the amendments, and the overall implementation and enforcement of the national minimum wage, will mean that it will reach all those who deserve it.

Lords amendment agreed to.

Lords amendments Nos. 52 and 53 agreed to.

Clause 51

PROVISION OF MONEY FOR UNION MODERNISATION

Lords amendment No. 54.

Mr. Sutcliffe: I beg to move, That this House agrees with the Lords in the said amendment.

When the Government announced their intention to establish the union modernisation fund earlier this year, I made it clear that money received from the fund by unions should not be spent for political purposes. As I explained in this House, that is in accordance with the provisions of the Trade Union Labour Relations (Consolidation) Act 1992, which set out that all union expenditure on "political objects" must be made from a separate political fund, which is subject to the approval of all members. Those rules prevent unions from transferring money from their general funds into political funds.

During the passage of the Bill through the other place, there was some consensus that, despite the safeguards, there remained a risk that some people would perceive the fund as a means of injecting money into trade union political funds, from which the Labour party might benefit. Such misperceptions are dangerous and detract from the excellent reasons for the establishment of the fund, which is intended to assist unions in better performing their valuable role in contributing to productive employment relations to the benefit of the economy as a whole.

In order to put the matter completely beyond doubt, the amendment therefore clearly sets out on the face of the Bill a clear prohibition on any payment from the union modernisation fund into the political fund of a trade union. In conjunction with the rules on union political funds in the 1992 Act, the amendment categorically rules out the use of the fund to bolster union political funds, either directly or indirectly. It also ensures that the Secretary of State must take all reasonably practicable steps to recover money that is illegally added to a political fund. In addition, it makes it clear that the Secretary of State may impose contractual obligations on unions that receive money from the fund that provide for additional sanctions in cases of abuse. The amendment therefore removes all scope for misunderstandings about the purpose of the union modernisation fund. It achieves its purpose by prohibiting money provided by the Secretary of State under new clause 116A from being added to the political funds of unions. It also entitles the Secretary of State to recover money that has been used by unions in contravention of the prohibition, while ensuring that the Secretary of State may still provide money from the fund on terms providing for additional sanctions where such a contravention occurs.

The fund has been much misunderstood. The unions look to the Government for help in the same way that the Government support businesses in developing new structures and modern procedures. In the past few years, the number of trade unions has diminished as more amalgamations have taken place. That has meant a fall in the number of full-time trade union officers, and the gender balance and age profile of those officers need to be considered.

There was never any intention that the unions could use the fund to contribute to their political work. Indeed, when we debated the issue, many Conservative Members described it as a bung to the trade unions in return for political favours. I resented such remarks then, and I resent them now. In a modern economy, all parties need to be able to work together to meet the challenges of globalisation and maintain the level of employment in the UK. We have more people in work than ever before and the lowest level of unemployment.

We must also meet the changing needs of the work force, whether due to demographic change or people's perception of the world of work nowadays.

We have seen and continue to see the trade unions as a force for good. We want trade unions and employers' organisations to meet the challenges of a modern economy and we believe that the union modernisation fund, with clear rules on governance—we shall consult about governance—will be viewed in the same way as the partnership fund, which provided many excellent opportunities for employers and unions to work together.

The fund is vital and I hope that hon. Members take the opportunity to move away from yah-boo politics and support the principle of the fund. The Government will ensure that it is used appropriately.

Mr. Bellingham: The Minister said that the fund was important. He pointed out that the unions needed to modernise and that they required Government money to do that. When the Bill was first discussed, we took a tough line and made it clear that we did not believe that the fund was a good use of public money. We emphasised that we believed that the scope of clause 51

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was far too wide. Indeed, it provides that the Secretary of State can give a trade union money to enable it to do many different things, such as

"improve the carrying out of any of its existing functions; prepare to carry out any new function; increase the range of services"

and so on. Furthermore, there is no cap on the fund.

We had a bust-up over the clause. We believed that it was one of the provisions about which the Government were wrong, not least because they introduced it at the last moment. We believed that they should have included it at the beginning of our proceedings and consulted employers much more widely. The Minister said that unions need the money for modernisation just as employers' organisations receive money. However, organisations such as the Confederation of British Industry, the Federation of Small Businesses and the Institute of Directors do not receive money from the Government to modernise or communicate better with their members.

I expressed my concern in Committee, on Second Reading and in discussing the programme motion. Let us assume that the Government make public funds available to the trade unions for modernising, increasing their membership and communicating better with their members, and a specific trade union receives £250,000 or £400,000 for those purposes. It is possible that the money will be used in that way, but what about the rest of the union's money? If Government money had not been made available, the other money, which would otherwise be allocated for the tasks that I outlined, would be available for a poljtical fund. The Minister knows that if the amount of cash in a trade union's coffer is topped up, it will have scope to do all sorts of different things. Although the safeguard in the Lords amendment is welcome, it will not completely prevent abuse.

The fact that the House of Lords had to amend the measure is a vindication of the concern that we expressed. We shall continue to express that anxiety. Although I have made it clear that there is much in the Bill that the official Opposition support, we are committed to reviewing the union modernisation fund because we do not believe that it is a good use of public money and we feel that it is unfairly weighted to one side of the industrial equation. I congratulate the Minister on the small improvement to prevent abuses, but we believe that the clause is fundamentally wrong.

Sir Robert Smith: I must welcome the amendment because it was tabled in another place in response to an amendment from my colleagues in the House of Lords. It was designed to place on the face of the Bill the assurance that money that went into the modernisation fund would not go into a political fund. As the hon. Member for North-West Norfolk (Mr. Bellingham) said, it is sad that the Government could not recognise the importance of that from the start and that it took the Bill's passage through another place to provide that reassurance. It shows that it is dangerous for a Government to introduce such a controversial provision at a late stage. If it had been included at the outset, progress might have been smoother and more measured.

When the fund is allocated, it will be important to ensure that it is properly audited and policed to ensure compliance with the clause. Perhaps the Minister can make clear the way in which the Government envisage policing the clause and implementing the assurance on the face of the Bill.

2.15 pm

Mr. Sutcliffe: It is sad at the end of the process to have discord about the fund. On that subject, the objectives and motivations of the parties are different. Although I acknowledge that the hon. Member for North-West Norfolk (Mr. Bellingham) has tried through his discussions with Brendan Barber and his positive consideration of many aspects of the Bill in the new culture of industrial relations that the Government are trying to engender, the deep-rooted suspicion of the role of trade unions remains. He could not help himself; he could not say that trade unions are or could be a force for good in a modern society. I suspect that he could not say that because the Conservative party took great delight in trying to destroy the trade union movement, which it described as "the enemy within". Government Communications Headquarters was a prime example of that.

I hope that we have moved on from those days and that we all want a modern, vibrant economy. There was a furore in the House when the clause was introduced but the Government were not trying to hide something at the last minute. We used the same procedure when we established the partnership fund, which produced good work between employers and employees. We used the same method then. However, we listened to the debate and were surprised when not only the Conservative party—for, I am sure, understandable reasons from its past—but the Liberal Democrats objected to the union modernisation fund. They said that it was a step too far. Again, there was the suspicion that the trade unions would not use the money appropriately. Yet all hon. Members should know from experience in their constituencies and elsewhere that trade unionism locally, regionally and nationally can enhance the country's productivity. We have only to consider the union learning representatives and the union learning fund to understand that.

Let me deal with the points about safeguards. The fund will go out to consultation, which will include employer organisations, trade unions and any other stakeholder who believes that there is a need to consider the projects. I personally believe that the outcome will be a board that is similar to the partnership board and comprises trade unions and employers who will evaluate the bids as they are made. I believe that that will provide the safeguards and answer hon. Members' concerns.

The union modernisation fund is a major part of what we are trying to achieve in a different culture of industrial relations. It is not true that business organisations are not funded. They are funded through the way in which we deal with projects; I envisage dealing with projects through the fund in the same way. I hope that Conservative Members will view the matter positively and support the principles of the fund in the context of trying to change industrial relations in the United Kingdom. We have already achieved that in the legislation that has been passed since 1997 to ensure that the Government can set minimum standards. However, the best way to resolve industrial relations issues is in the workplace. We need to equip people to carry out that job.

We are reaching the end of our deliberations. I want to place on record my thanks to all hon. Members who have taken part in the debates and the evaluation of the Bill and, of course, all the officials who have worked so hard throughout to ensure that we have a credible and important measure.

Mr. Bellingham *rose—*

Mr. Deputy Speaker: Order. The hon. Gentleman will have to take his comments as read. I am sure that he has expressed them on a previous occasion. However polite his contribution was intended to be, it would be out of order.

Lords amendment agreed to.

Lords amendments Nos. 55 to 71 agreed to.

HIV/AIDS (Developing World)

Motion made, and Question proposed, That this House do now adjourn.—*[Vernon Coaker.]*

2.19 pm

The Secretary of State for International Development (Hilary Benn): First, may I say how glad I am—I am sure that this will go for other hon. Members—to have this opportunity to debate the impact that AIDS is having on the prospects for development around the world? May I take this opportunity in our first such debate to welcome the hon. Member for Rutland and Melton (Mr. Duncan) to the Front Bench? We look forward very much to hearing what he has to say on this extremely important issue.

Very simply, AIDS presents an unprecedented challenge to the developing world. It is one of the greatest threats that we currently face to the eradication of poverty and therefore to the achievement of the millennium development goals. I say that because, if one looks back on the history of the past two generations, we have seen in developing countries real improvements in life expectancy. Since the mid-1960s, average life expectancy in developing countries has increased by 18 years, but HIV/AIDS is now in the process of wiping out all that gain in life expectancy in some countries—in other words, reversing four decades of progress. The massive cost in terms of human life and the enormous economic burden on families and communities should not be underestimated.

The first AIDS cases were identified in the 1980s, and the number of people affected by HIV has risen rapidly since then. Today, about 58 million people—no one knows for sure—around the globe are HIV-positive. So far, 20 million people have lost their lives to the disease. Women and young children, including the rising number of children orphaned by AIDS, are particularly vulnerable. Six million young people are living with HIV in sub-Saharan Africa, three quarters of them female.

Twelve million children have lost one or both of their parents to AIDS. Perhaps the House would just pause for a moment to contemplate losing the most important source of support that we rely on, certainly when we are young—our parents, one or both. Think of all those children who are growing up without the care of a mother or father. To make matters worse, that number is estimated to become a staggering 18 million children by 2010. One of the consequences is that an entire generation of grandparents now have to look after an entire generation of their grandchildren, because the generation in between—their children's generation—is in the process of dying. If there is one thing that we as parents fear more than anything else it is that our children will die before we do, because that is not how it is meant to be; it is not in the natural order of things.

In June, the all-party group on Africa published its report "Averting Catastrophe: AIDS in the 21st century", which said:

> "Sub-Saharan Africa is home to between 25.0 and 28.2 million people infected with HIV. UNAIDS estimate that, in 2003 alone, 2.3 million Africans died of AIDS. Despite high death rates, the number of people infected continues to rise as new infections outstrip the number of deaths. In 2002, seven countries saw infection levels surpass 30 per cent. in the age band 15–49 years."

I want to take the opportunity of the debate to congratulate my hon. Friend the Member for City of York (Hugh Bayley), who chairs the all-party group on

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Africa, and all his colleagues—some of whom are in the Chamber today—on that outstanding piece of work, which is a real beacon to all-party groups in demonstrating what they can do when applying their minds and expertise to a subject of such importance.

Last week, I was in Nigeria, which is home to one in 10 of the world's HIV-positive population. The number of infected people in that country is estimated to reach 15 million by 2010. Those figures will outstrip the current number of people who are HIV-positive in southern Africa, where many people would agree that crisis point has already been reached. Yet it is still possible that, if we collectively do the right things now, we could avert the catastrophically high levels of infection that have been predicted, thereby reducing the subsequent death rates. It is important for the House to acknowledge that this is not just about Africa, although that is where we see the scale of the epidemic manifested most clearly. Asia and eastern Europe also face rapid increases, and there is a real danger of a generalised epidemic unless we take action now.

The UK Government are committed to doing what we can to help to halt AIDS and to reverse the spread of HIV globally. Hon. Members will have seen the "Call for Action" document that we published in December last year and the document "Taking Action: the UK's strategy for tackling HIV and AIDS in the developing world", which was launched by the Prime Minister on 20 July. In that document, we sought to set out the practical steps that we are trying to take in working towards all the internationally agreed targets to fight AIDS—in particular, the millennium development goals, the UN General Assembly declaration of commitment and the UN International Conference on Population and Development action plan.

We have pledged to work with others to try to prevent infections—the international target is to reduce the rates among young people by 25 per cent.—to increase access to sexual and reproductive health services; to support the World Health Organisation to get 3 million people into treatment by 2005; to meet the needs of orphans and vulnerable children; to put in place the three "ones"; to increase research; and to meet the millennium development goal target of being

"on track to slow the progress of HIV and AIDS by 2015".

Given the expertise on this subject that there is in the Chamber, hon. Members will recognise that those targets are extremely ambitious, and we are not currently on track to meet many of them. That is especially true of some of the 2005 targets, and in particular the WHO target. Although we recognise that it is likely that some of them will not be met, it is important that we hold on to ambition and aspiration in trying to tackle this terrible epidemic.

UNAIDS calculates that £6.6 billion is needed to tackle AIDS next year. Although a significant funding gap remains, we have seen in the past few years a significant increase in the international attention given to AIDS and the amount of money that countries are committing to fight AIDS. The US President's initiative on AIDS has committed $15 billion over five years. The UK, too, is seeking to play its part in meeting that need. We are the world's second largest bilateral donor, according to UNAIDS.

We have committed ourselves to spend at least £1.5 billion over the next three years. That is a consequence of the outcome of the comprehensive spending review, which will involve further significant increases in the international development budget, including at least £150 million for orphans and other vulnerable children, especially in Africa. We made that commitment because when we consulted on our call for action, which we published in December last year, one of the messages that came back very strongly was that people did not think that the world or, indeed, the UK were doing enough for orphans and vulnerable children, and we reflected that in the strategy that we published in July.

In July, I also announced that, over the next four years, the UK will give £36 million to UNAIDS, which plays such an important role in co-ordinating the global fight, and £80 million to UNFPA—the UN Population Fund—to support its hugely important work in HIV prevention and its sexual and reproductive health work, particularly with women. We also announced that we would double our support for the global fund, which fights AIDS, tuberculosis and malaria, to £150 million over the next three years. We have therefore pledged £250 million to the global fund to support its work until 2008. To date, we have pledged the third highest amount of any G8 country and the fourth most of any donor to support the fund. I am proud of that record of support for that very important fund.

Bob Spink (Castle Point) (Con): I congratulate the Government on all that they are doing; they are certainly moving apace, as they should. However, will the Secretary of State pay tribute to the part that the private sector in this country plays? In particular, will he pay tribute to Merck Sharp and Dohme and the Gates Foundation, which have each pledged £33.3 million to the African comprehensive AIDS partnership? Merck is also providing free medicines in some cases.

Hilary Benn: I readily pay tribute to the work that a number of trusts, funds, voluntary organisations and, indeed, the pharmaceutical companies themselves are doing, including the work that has been done to reduce the price of anti-retrovirals—a point that I shall return to later. In this fight, we need all the help that we can get. I genuinely pay tribute to the contribution that the hon. Gentleman has described.

Money, however, is not the only answer, as I think everybody recognises. We also need stronger political leadership. I congratulate my hon. Friend the Member for Walthamstow (Mr. Gerrard) on his outstanding leadership of the all-party group on AIDS. I think that it is one of the world's foremost cross-party responses to the crisis. He, together with colleagues right across the House, has done outstanding work to make sure that we debate the issue and that the Government are kept to task in ensuring that we take the right steps to make a difference.

We need such global leadership, because as we move to 2005—the UK will have the presidencies of the G8 and the European Union—we need to encourage everyone, including other leaders and other countries. All the evidence shows that when there is strong political leadership, we can halt and reduce the spread of HIV.

Let us take the example of Uganda, where there has been courageous political leadership. By that, I mean that it has been open and honest about the disease, how one gets it and what one can do to protect oneself. It has been fighting stigma and discrimination, and politicians and others, including community leaders, have been open and honest about the issue. All that work has helped to turn the tide of infection. Despite the fact that Uganda once had one of the world's highest infection rates, year on year the number of new infections continues to fall.

In Senegal, HIV never really took off. That was not good luck; once again, there was strong political commitment. People were brave and they spoke out. A free media provided information and a determined effort was seen to make things happen and to change people's behaviour. In Thailand, HIV raged at very high levels among the most stigmatised in society—sex workers and drug users—and then it turned around. There, the Government, working alongside others, helped to take the steps that were needed to save people's lives. They have succeeded in that country.

The truth is that we need a continued concerted effort on the part of the whole international community while recognising, however, that the people who face the biggest burden are the Governments and health ministries of the developing countries that are most severely afflicted by the AIDS crisis. To be honest, they are struggling with the task. It would be enough to make any Government struggle. However, we also have a practical as well as a moral responsibility to make sure that this increased international effort, the increasing resources that we are making available, and the desire to help are used in a way to help hard-pressed Ministers and officials in health Departments, doctors and others to deal with the disease.

In that context, I have talked about the successes in Uganda, but I also point out that, in 2003, 25 separate AIDS donor planning missions went to that country. The honest truth is that we can all turn up in succession, knock on the door and say, "We have come from the United Kingdom, you have a terrible AIDS crisis and we want to help. Here's our programme. Can we discuss how we are going to work together and how you will report to us on how you are using the money that we will make available?" That is very well meaning, but if there are another 24 people in the queue outside, we take up the time of Health Ministers and officials and that means that we are not pooling our resources, effort and desire to help in a way that will make the biggest difference.

For that reason, support for the three "ones" is important and that is why the UK Government have played their role in arguing that we should all sign up to them. The principles are very simple. They are not terribly profound but, boy, do we need them. They are that, in every country, we should have one plan for tackling AIDS; one body with responsibility for doing it; and one way of monitoring the progress that is being made. In other words, we should pool the effort, the energy, the money, the good will and support around one plan, one body and one way of reporting. When I was at the World Bank spring meeting in April this year, we organised an event to get major donors to sign up to these principles.

Mr. Julian Brazier (Canterbury) (Con): The Secretary of State is making a number of important points. However, in making the point about the three "ones", will he also acknowledge that part of the reason why Uganda was so successful was that the effort was not only politically led? Uganda brought in many other outside bodies—the Churches, communities, non-governmental organisations and so on.

Hilary Benn: Indeed, I acknowledge that. The hon. Gentleman is absolutely right. Leadership is required from everyone. When I used the phrase "political leadership", I did not mean just party political leadership or leadership from politicians. As the hon. Gentleman said, the role of NGOs, Churches and others is to provide leadership in this debate. Without that support, there would not have been the progress made in Uganda.

I was about to say that the principles are good, but the question is: how do we turn those principles into practice on the ground? If countries want donor funds to be provided through a pooled funding mechanism, we are happy to do that. We will ensure that, by replacing any lost funding, the measures do not reduce the resources that are available. We will also continue to work very closely with UNAIDS, the World Bank, the World Health Organisation, UNICEF, the UNFPA, the European Community and the global fund to ensure that all the countries that are affected by AIDS are able to tackle the crisis effectively and not just those where the UK happens to have a country programme. Of course, we do not have programmes everywhere, and the World Bank, the European Community and the global fund are major funders of AIDS programme and we support them, too, through our financial support.

The other truth is that success will depend on action by developing countries themselves. The first point to make is that prevention is the fundamental building block. If we can prevent people from becoming HIV positive in the first place and going on to develop AIDS, we deal with many of the problems with which we would otherwise have to cope. Therefore the UK's funding is used to support many innovative programmes throughout the world.

When I was in Nigeria in December last year, I went to the local market in Abuja and saw a creative performance taking place on the back of a converted lorry in the market square. It was funny, engaging and made the point about prevention and openness. Afterwards, the performers—we are supporting this project—went out into the crowd to distribute leaflets and answer questions. That is one small example of a practical approach to get information about the disease, how one gets it and what one can do to protect oneself out to people who need it in such a society.

In another practical contribution, we are helping to provide condoms in many countries. UNFPA says that, in 2003, the UK helped to pay for 490 million condoms around the world. We often work closely with other donors, especially the United States, to support innovative marketing campaigns to get male and, indeed, female condoms to those who are most at risk.

We also have to recognise that AIDS is far more than about just health. It affects education, social structures, cultures and economies. For example, girls who spend longer in school are less likely to get HIV. In Kenya, we support work in about 2,000 schools, and the first

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18 months have already resulted in significant changes such as the delayed onset of first sexual experience, less sexual activity and the increased use of condoms. We are now expanding the programme to reach 5,000 schools.

Malawi, like all countries, depends on education to teach the next generation and to build the skills that the country will need to sustain its economy. However—this is another of the statistics that makes one stop in one's tracks—teachers in Malawi are currently dying faster than they can be trained. In such circumstances, what prospects are there of getting all kids into primary school let alone dealing with the AIDS epidemic? Effective prevention and treatment are not just about saving lives; they are also about reducing poverty and helping economies to develop.

We need to be determined to ensure that treatments reach the poorest people, which is why we are trying to make sure that half of those who benefit are women and girls. Getting women on treatment is good not only for women themselves, but for society, because if mothers live longer, there will be fewer AIDS orphans and the figures will not turn out to be as bad as was feared.

That is a reason why we, with others, continue to invest heavily in supporting the establishment of health services. The UK has invested over £1.5 billion in that since 1997. We are working with communities and people with HIV to help them to play their role in treatment and care. One-a-day drugs have simpler treatment regimes than other therapies, so it is easier not to forget to take them. We need better ways of distributing drugs so that people may access them more easily. Despite the welcome fact that drug prices have come down, only about 440,000 people in developing countries were on anti-retroviral therapy in June, which shows how far we have yet to go to reach the World Health Organisation "3 by 5" target, so we must work harder. We must understand that even if the drugs were free and available in huge numbers, health services, with doctors and nurses, would be needed to administer, treat and care for patients, so we must work on both those fronts.

We must address stigma and discrimination because they often inhibit people from getting the care and treatment that they need. Women may be too frightened of being beaten or rejected by their husbands to get tested for HIV, even though that could help to save their lives or stop their children from becoming HIV-positive. Stigma and discrimination can literally kill, so promoting human rights and tackling the problem, while dealing with issues involving sexuality, represents an important aspect of what must be done.

Many people in developing countries are frankly too frightened of HIV to get tested or to access the prevention services that they need, which is why we are working with the most vulnerable groups in many countries as part of our programmes. For example, when I visited Yunnan province in China earlier this year, I saw a programme that we are supporting with drug users and sex workers. That is a leading province in China owing to the fact that the country needs to address the AIDS threat, so it was heartening to see what it was doing with strong leadership from the top.

We must acknowledge the fact that there is no instant solution to the crisis. If we are to beat AIDS, long-term predictable funding and support are required, which is why as well as increasing our AIDS budget, the Chancellor has proposed the international finance facility as a way of raising additional finance more quickly, which could provide more support for the fight against HIV/AIDS. Predictability is important because ART cannot be turned on and off. Countries need to know that if they start the process—and individuals need to know that if they start taking the drugs—the treatment will be available in the long term because it does not work any other way. Encouraging and supporting developing countries to use the treatment and sustain it over the long term will be a big challenge. We must appreciate that such countries will face difficult choices about who gets the treatment.

Ms Sally Keeble (Northampton, North) (Lab): Does my right hon. Friend agree that a problem is developing owing to the short-term use of anti-retrovirals? Sometimes the courses are stopped after six months, so can he tell us what is being done to deal with that problem?

Hilary Benn: That is the exact problem to which I am referring. There are worries about the development of resistance, so long-term sustainability is vital. Ministers and health officials in developing countries say that they need to know what they will receive in the long term so that they can plan ahead and thus avoid the problem that my hon. Friend raised.

Research can make a contribution towards tackling the epidemic. The UK Government were the first to fund the international AIDS vaccine initiative, which is an attempt to speed up the process of developing an AIDS vaccine. Of course, such a vaccine is the holy grail because we would be in a very different position if we had it. This year, we joined other G8 members in establishing the global HIV vaccine enterprise, which is another attempt to speed up the difficult process of finding a vaccine.

We also need to develop new HIV prevention technologies, and the UK is supporting microbicides research. That cutting edge hard science is an attempt to develop an effective microbicide—trials are currently taking place in Africa—that women will use. That would enable them to take decisions about their protection, given that it is sometimes difficult for them to get a partner to use a condom. That is one reason why microbicides are important, so we have invested £18 million in the research since 1999.

I say in all honesty that the world faces no bigger development challenge than beating the epidemic. If children's parents die of AIDS, their lives will be much harder than they would otherwise be. If teachers die of AIDS, we will not be able to educate all the kids whom we want to get into primary schools. If nurses and doctors die of AIDS, they will not be able to administer anti-retrovirals or distribute condoms to people in their communities. If workers die of AIDS, the prospects for economic development in many developing countries will be severely damaged. For every one of those reasons, in addition to the terrible human cost of the disease, we all have a practical and moral responsibility to do everything possible to beat the epidemic.

2.46 pm

Mr. Alan Duncan (Rutland and Melton) (Con): I thank the Secretary of State for his warm welcome to me in this job and his broad and informative review of the growing world crisis. There is little difference on both sides of the House about the problem. Indeed, it is a bit of a challenge to follow the Secretary of State without reiterating everything that he said over the past half hour, but I am nevertheless glad to have the opportunity to debate the matter because it is important to the well-being of the world. No one in the Chamber is in any doubt about the magnitude of the HIV/AIDS crisis and how vital tackling it is to our future and that of others. It is probably the most harrowing cause of misery and poverty in the world today.

The problem in Britain is bad enough because it is estimated that 50,000 people are living with HIV, which is the highest number ever. We are confident, however, that although the situation is appalling for sufferers, we can at least treat the problem because we are a rich country. For the world as a whole, and especially its poorer countries where the crisis is most acutely concentrated, the problem is far worse.

It is hard to comprehend the scale of the tragedy. I have written in my speech that 38 million people are now living with the disease, but I have to correct myself because the Secretary of State says that the figure is 58 million—I am sure that he is right. The suffering that comes with the disease is spreading and the virus is on the increase. Last year, nearly 5 million people became infected with HIV, and 2.9 million died from AIDS. The magnitude of those figures is of course appalling, but the situation is worse than that because the disease often strikes the most vigorous and youthful.

In sub-Saharan Africa alone, some 12 million children have lost one or both parents to AIDS and it is predicted that the number of AIDS orphans will rise to 25 million by 2010. The Secretary of State said that the figure is 18 million, but the scale of the problem is so massive that it almost does not matter how many millions we cite. We must remember that the sufferers live in countries with a national income per head that is typically a small fraction of ours. In the fight against the disease, AIDS to Africa is the equivalent of the Somme to this country in 1916, or even much worse.

As the Secretary of State said, the AIDS crisis is now evident in Asia. India ranks second only to South Africa on numbers of infections. It reaches that high number although only—one says "only"—about 0.9 per cent. of the adult population is HIV-positive, compared with more than 20 per cent. in South Africa.

However, if India's rate of infection were to rise to a mere—in comparative terms—5 per cent., not only would millions more Indians be condemned to death, but so could millions of their neighbours. India's population alone is far bigger than Africa's. If the disease were to spread to Bangladesh, Nepal and Pakistan, we would face a regional epidemic affecting more than a quarter of those alive in the world today. Surely that means—to be fair, I think the Secretary of State said this—that although Africa is the worst affected area at the moment, and thus the natural primary focus of our efforts, there is compelling evidence that future programmes must be designed to arrest a potential massive explosion of HIV/AIDS elsewhere as well.

The figures are appalling and the agony that they represent is especially severe for the developing world: children without parents; parents without children; children unable to go to school because they are orphans; countries unable to create wealth because their work force is dying of AIDS. This is a crisis that the world must know about and we cannot ignore it. So we fully support the millennium development goal to begin to reverse the spread of HIV/AIDS. HIV/AIDS, poverty and the state of civil society are all linked. That goal must be central to any poverty reduction strategy and if, when we have the presidency of the EU and the G8, we make it a high, if not the top, priority, then all the better.

I certainly welcome the Department's HIV/AIDS strategy paper and congratulate the Secretary of State on his Department's work. However, a number of concerns arise from the National Audit Office report on the response by the Department for International Development, which I am sure the Minister will mention when he winds up the debate. The report says that there have been problems with sharing new knowledge on tackling HIV/AIDS with the Department's in-country teams. That is worrying, but I am sure the Minister will address it. The report also states that more guidance and advice on treatment could be given to country teams. That again is vital. There are also concerns about how well the Department measures its strategy's effectiveness. Those are serious issues and it will be interesting to hear the ministerial response.

I recognise DFID's substantial funding of £123 million to India's National AIDS Control Organisation, but that, too, received some criticism from the World Bank, which described the organisation as deficient in its handling of AIDS control schemes. That is a concern when so much money and so much else is involved. I hope, again, that Ministers will say how they think taxpayers' money is being diverted, or used, for that good cause. Of course, it highlights the significance of the debate, which will not go away, which is the relationship between the direct funding of Governments and the role of non-governmental organisations.

The crux of the matter globally is the balance between prevention and treatment. One prevention strategy, the prominence of which has risen, is the promotion of abstinence. It would be untrue to say that any promotion of abstinence is absolutely naive or misguided because it is not. After all, it forms a third of Uganda's successful ABC strategy—abstinence, be faithful, condoms—which is credited with the drop of infection rates from 30 per cent. to 6 per cent. over the past 12 or so years. However, we must be realistic about human nature. Most people are not born as natural monks or nuns and the promotion of abstinence will only ever go so far. Although we can try to change people's way of life by encouraging abstinence before marriage and faithfulness during marriage, people are bound to engage in sexual activity in more risky circumstances. So, above all, prevention must be about creating a culture of condom use.

In Britain, buying condoms is as normal as buying a pint of milk. I do not for a moment underestimate the challenge of spreading that safe sex culture, but it is the key to stopping the virus spreading, and I commend the Department for taking that approach. It is also why Thailand is praised as an exemplar in the fight against

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AIDS. The number of new infections in that country fell from a peak of 140,000 in 1991 to 21,000 in 2003 because of the Thai Government's persistent message on the vital need to use condoms.

So I hope that the Secretary of State, in his usual adept and diplomatic way, will continue to say to our friends in the American Administration and elsewhere that condoms are a top priority. After all, within the United States prevention of HIV/AIDS has been mainly tackled by encouraging safe sex, and what is right for the United States is also right for the developing world. Resources devoted to tackling HIV/AIDS are precious and we should recognise the American Government's generosity in giving $15 billion over five years towards that aim. However, it would be a terrible shame if some of that were not used as effectively as it might be.

Prevention is also, of course, cost effective, but there remains the question of the vehicle for changing cultures. NGOs have an invaluable role to play in that, and I wonder whether the Secretary of State thinks that the emphasis in direct budget support in recent years has, to some extent, been at the expense of the effectiveness of NGOs. As my hon. Friend the Member for Canterbury (Mr. Brazier) said in his question on Uganda, NGOs often have a reach that governmental organisations cannot match. In communities in which faith plays a major role, faith-based organisations, for instance, can tie in very effectively with the institutions of civil society to achieve changes in behaviour.

Before HIV/AIDS can be prevented, however, there must be popular recognition that the problem exists. That cannot be solely provided by the richer countries of the international community. Indeed, it would be quite wrong to do anything other than recognise that the willingness to tackle HIV/AIDS must come from within each country. That can never fully happen without political leadership from the top, as Kofi Annan has said.

Only if people are told the truth about HIV/AIDS and if the disease is, as the Secretary of State said, not stigmatised can we hope to defeat the epidemic. That is why Chief Buthelezi deserves the highest praise. His family has suffered horribly from the disease and it is real statesmanship to break the stigma and denial of AIDS in South Africa. I hope that the Government will draw President Mbeki's attention to what Chief Buthelezi has said. It really is extraordinary that the President of a country that has 5.3 million sufferers from HIV/AIDS could deny knowing anyone affected by the disease. South Africa is the regional leader and if the Secretary of State and the British Government are prepared to be frank with President Mbeki about the example he sets, the Secretary of State will have the full support of the Opposition.

It would be a terrible mistake, though, to think that an emphasis on prevention should mean that we regard treatment as a secondary issue. Although prevention and treatment may compete for funding, we must not see them as a matter of either/or. Treatment, after all, gives hope. It changes HIV/AIDS from a death sentence to a lifelong illness. That is what having the disease now means in America and Europe. It is quite simply the difference between life and death.

A decade ago, treatment cost perhaps $10,000 a year; now it can cost as little as $200—still unaffordable for most in the developing world, but at least within reach if there is adequate budgetary support. Developed donor countries have an essential role in funding treatment, and we must remember that anti-retroviral drugs, like anything else, benefit from economies of scale. The more funding there is for them, the more affordable they will continue to become for the poorest people in the world. Perhaps the most striking and disturbing statistic of all those mentioned today is the fact that only between 400,000 and 500,000 people in the developing world are receiving the treatment from which others could benefit if there was wider access to those drugs.

We can also hope to see the spread of effective generic anti-retroviral drugs help to dispel belief in magical cures. For some people to preach that certain foods can address the problem is perhaps one of the most evil political deceits of the modern age. With real cures properly available, the word would soon get around that fantasy cures are just that.

I hope that the Secretary of State agrees that to ensure that resources are devoted to the development of affordable and effective anti-retroviral drugs, a generous proportion of the global health fund should be ring-fenced solely for the propagation of pharmaceutical research into such drugs. We shall reach the ultimate goal of a vaccine or a cure for AIDS only if we spend money on researching treatments.

AIDS can be tackled if there is a will. I do not doubt that that will permeates every shade of party allegiance or opinion in the House. The Department for International Development is doing its best. It is doing a good job, and I look forward to its doing an even better one.

3 pm

Ms Sally Keeble (Northampton, North) (Lab): I shall focus on one aspect of the problem, orphans and vulnerable children in sub-Saharan Africa, and examine some of the problems that they face and the measures needed to tackle those problems. Both my right hon. Friend the Secretary of State and the hon. Member for Rutland and Melton (Mr. Duncan) set out well the global statistics on HIV/AIDS. I welcome the hon. Gentleman to his new portfolio and hope that his commitment to a similar level of work and political commitment from the Conservative party to tackling HIV/AIDS will be matched by a commitment to funding support should his party ever get back into power. The crisis in the developing world has been brewing for some time and it will take a long time to overcome the problems. Both cross-party political support and long-term financial support are needed.

As has been said, there are about 12 million HIV/AIDS orphans in sub-Saharan Africa, but it is possible to get a much stronger, sharper picture of the scale of the problem by looking at individual countries. Zimbabwe has some 980,000 such children—in other words, 14 per cent. of its children are orphans as a result of HIV/AIDS. Lesotho has 100,000 such children—a smaller number, but one that represents 10 per cent. of that tiny country's children. Kenya—one of the worst affected countries—has about 650,000 such children. Approximately 10 Members are present in the

Chamber, so if we assume that each of our constituencies has between 50,000 and 70,000 voters, the figures I have given on the number of HIV/AIDS orphans are roughly equivalent to the entire population of all the constituencies of the Members now present.

We sometimes become so mesmerised by the size of the problem that we miss some of the human grief that lies behind it. The stories behind the statistics—what actually happens to some of those children—are far worse. Colleagues, including my hon. Friend the Member for City of York (Hugh Bayley), might remember seeing a video featuring a Kenyan girl who was being helped by an organisation there. In the video, she appeared to be at death's door, but I met her on a visit to Kenya and found that, after a short course of treatment, her condition had improved. There are not the drugs to treat her for long, but her condition has improved. What the video did not show clearly was that, like many other HIV/AIDS patients, she also had tuberculosis—there is a terrible link between the two diseases—and when I met her, she had also only recently completed a course of treatment for tuberculosis. In the short time since the video was shot, both of her siblings who were shown in the video had died of HIV/AIDS, as had her father, although her mother was still alive.

There are plenty of children like that little girl. As I said, the stories behind the statistics are grim. I commend to Ministers at the Department for International Development the excellent proposals on tackling the problem of HIV/AIDS orphans in the all-party Africa group's report. I congratulate my hon. Friend the Member for City of York on his work as chairman of that group. I also commend the five principles set out in the UNICEF framework: to strengthen the capacity of families, to examine community-based responses, to ensure that orphans and vulnerable children get access to services, to provide protection to such children and to raise awareness. I am sure that those principles will be amplified in the forthcoming Capetown conference on the problems of HIV/AIDS orphans.

Careful and detailed consideration must be given to the enormous role that the British Government and DFID can play in supporting countries in the monumental task of putting those five principles into practice. Let me illustrate that with examples from countries where I have seen the work carried out with orphans and vulnerable children. In Lesotho responsibility for work with such children rests with the office of the first lady: she is a superb champion of the cause of those children and an inspiring and highly qualified woman, but she is not part of the Government. She is doing interesting work to influence traditional community figures to take seriously the problems of the orphans, but she pointed out to me the uphill struggle that they face.

Lesotho's economy is in difficulty because it has lost most of the income it derived from migrant labour; it is also experiencing drought and food shortages. Many of the parents who used to work in South Africa are not getting work there any more; furthermore, migrant labourers are especially susceptible to HIV/AIDS problems. The scale of the deaths has led to a lack of community support systems, so there is real difficulty in supporting children. In addition, there is no legal framework to tackle many of the problems affecting the children, such as with their inheritance and property rights: for example, HIV/AIDS orphans have been threatened with having their houses bulldozed or taken away by family members, or questions have been raised about their parentage. The first lady pointed out that, as well as resources, there was a need for support for the structures and legal frameworks needed to unpick some of the complicated problems.

Zimbabwe has about 980,000 such children—about three or four times the population of Leeds, Central. The social services department in Zimbabwe's second city, Bulawayo, has no qualified social workers—they have all left the country. There are more Zimbabwean social workers in one London borough that I know than there are in the whole of Bulawayo. Simple work like managing the procedures affecting the children are impossible, because there are no people who are trained and able to do the work.

Home care systems lack resources, partly because of the Government's problems, so home care is largely carried out by networks previously established by NGOs and other organisations to provide food. Those networks do not have any equipment or food at present, and lack the kits that DFID has funded in other countries. The home carers are extremely good at providing sympathy, warmth and support for children who are about to lose their parents, but they cannot provide anything more tangible. The networks, however, are unable to tackle big increases in school fees and food shortages.

There is a pressing need to support organisations that are trying to provide child care services but whose trained, qualified and committed staff leave because of the political situation. There is a serious need to deal with security problems. In its response to the paper produced by the all-party group on AIDS, DFID asked exactly what those problems were. Quite simply, there has been a big increase in street children, and children experience problems once they become orphans. In Zimbabwe, I visited a shelter that took children in to prevent them from being harassed by the police on the street. Such services are hard to provide even in this country, where we have robust institutions, plenty of trained staff and sufficient financial resources, but it is much harder to do so in countries with a collapsing infrastructure or which lack a basic legal framework on such issues.

The political and economic framework in Kenya differs from that in Zimbabwe or Lesotho and, although organisations working with orphans and vulnerable children do not struggle to pay school fees, which are paid by the new Kenyan Government, they struggle to pay for school books, pencils, uniforms and so on. We may not appreciate the enormous lengths to which some organisations go to try to save children from an early death and to improve their health. I saw a little girl, for example, caring for her mother, who was dying from HIV/AIDS. The little girl did not have HIV/AIDS, but she had contracted tuberculosis from her mother, and it had entered her spine. She had substantial physical disabilities, needed to wear a special corset, and required corrective surgery at some stage. That is expensive in this country, but African organisations that are working with those children and saving them from otherwise certain death and putting them on the road to

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recovery are scratching around to find the money to provide a complex range of services and give those children a reasonable life.

As I said earlier, drugs are being misused. Time and again, people are given a six-month course of treatment, but they are not properly monitored so the side effects of those powerful drugs are not picked up. Once the course is completed, the patient's health is maintained for a while, only for it to deteriorate again. They may receive more drugs to which they may have an adverse reaction. We must make sure that the drugs that people try to get by hook or by crook because they regard them as a miracle cure are provided in a continuous, safe supply.

It is widely acknowledged that the UK is at the forefront of donor work and that the UK Government have pioneered the thinking behind that work, but I hope that in developing its commendable work on HIV/AIDS, DFID will carve out a special role for support work with orphans and vulnerable children. I accept that we must make sure that we have enough teachers, protect the economy and support active members of society, but I wonder what will happen when those 12 million children grow up. They will not have gone to school and will not necessarily have secure homes. At best, their health will be compromised and it may be downright poor. In addition, they will not be socialised and will not understand how to relate to society or how to participate in adult life.

If we sow the wind, we reap the whirlwind, and a generation of children will grow up without parents or the support networks available to most children. If four UK cities each equivalent in size to Birmingham contained only orphans, or if all our constituencies comprised only orphans, the problem would be recognised for what it is—a major calamity needing a range of educational, health, financial and social measures to resolve the difficulties that those children face. I urge my right hon. Friend the Secretary of State and the Minister to take on board the need to counsel them so that those children can come to terms with the grief with which they have to cope, and to make sure that the society of the future is not beset by the problems that those children experience.

3.16 pm

Tom Brake (Carshalton and Wallington) (LD): I welcome this debate. Although the Secretary of State and the Minister have been generous with their time in recent months on the issue of HIV/AIDS and there have been regular debates in Westminster Hall, I welcome the opportunity for debate on the Floor of the House. I echo the praise that the Secretary of State offered a number of hon. Members who, through their participation in various all-party groups, are pushing the issue of HIV/AIDS and the way in which the UK can respond to the problem. I congratulate the hon. Member for Rutland and Melton (Mr. Duncan) on his speech. A couple of days into the job, he has already identified the fact that the international development portfolio is a consensual one. That has positive results in ensuring the continuity of international development, but it is not quite so positive from the point of view of an international development spokesman.

I should like to concentrate on "Taking Action: the UK's strategy to tackle HIV and AIDS in the developing world", focusing on a small number of targets that it identifies including the target that 25 per cent. fewer young people should be infected by HIV in Africa by 2005 and globally by 2010, as well as the target to increase access to sexual and reproductive health services for women and girls by 2005. I shall then look at the target that 3 million people, including 2 million in Africa, should receive treatment by the end of 2005, and that at least half of those people should be women and children. Finally, I shall look at the target of being on track to slow the progress of HIV/AIDS by 2015.

The Government, as the Secretary of State explained, have agreed to fund HIV/AIDS-related work to the tune of £1.5 billion over the next three years, which is a positive commitment. We need to ensure that fewer young people are infected with HIV and increase access to sexual and reproductive health services. In July this year, the Government published a position paper on sexual and reproductive health and rights, in which DFID expressed its commitment to addressing social, cultural and economic barriers; to using a rights-based approach; and to tackling issues outside the health sector.

I think that such an approach is vital to ensuring effective HIV/AIDS prevention, treatment and care, because as we know, HIV is more than a health issue and has a multitude of social, economic and cultural implications.

The Secretary of State referred to sex workers—the group that is perhaps most at risk. The rights and interests of women sex workers are particularly vulnerable, and they are disproportionately affected by HIV as a result. DFID's stated commitment is that it will use a rights-based approach to sexual and reproductive health issues, including HIV, and if the approach is properly implemented, it will contribute to enhancing rights, reducing the risk of HIV and mitigating its impact. However, as I think he acknowledges, DFID's rights-based approach is not necessarily pursued by other donors.

I want to bring to the attention of the House and the Secretary of State—I am sure that I do not really need to do so—the impediments imposed by the US Government in respect of making sex work safer. As the House will be aware, in 2003, the US Congress passed the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act. The passing of the Act saw a massive and very welcome increase in US appropriations with regard to HIV prevention, treatment and care internationally. However, it creates a number of funding limitations, including a requirement that no funds made available to carry out the purposes of the Act be used to promote or advocate the legalisation or practice of prostitution. One could argue about whether it is appropriate to fund or advocate the legalisation of prostitution, but I do not think that anyone can argue with the fact that the practice is widespread and has been for centuries, if not millennia, and therefore needs to be recognised and addressed.

In respect of HIV/AIDS and sex workers, experience from many programmes in different regions of the world indicates that successful programmes must have four core elements: building knowledge and self-esteem; providing sex worker-friendly health services; creating

an enabling environment for sex workers and their programmes while promoting solidarity and social inclusion through participation of sex workers; and ensuring maximum coverage through forging partnerships with many groups. I do not believe that those aims can be achieved in an environment of seeking to eradicate prostitution, even if the eradication is sought through rehabilitation rather than by the use of criminal law. It is already clear that some groups that have been actively supporting initiatives to improve the health and well-being of sex workers, but are financed by the US Government, have chosen to withdraw from such work. Other such groups are rephrasing the ways in which they describe their activities.

In the long term, such developments may be more damaging to improving the status of sex workers than the withdrawal of funds. Of course, withdrawing programmes that support sex workers has an impact not only on sex workers, but on their clients, who will continue to use them. I am sure that all hon. Members will agree that one of the many lessons that AIDS has taught us is that we need to be open and honest about sexual activity. That is based on more than 20 years' experience and prevention work, and we need to maximise efforts to reduce stigma and improve protection of rights and interests. It is ridiculous to pretend that restricting funds provided to AIDS prevention and support organisations that work in that open and honest way to reduce HIV risk in general, but in respect of sex work in particular, will be effective.

I hope that the Under-Secretary will set out the Government's position and tell the House what opportunities he and the Government have had to raise the issue with the US Government. If the work has not already been done, I urge him to try to document what impact the Department expects. Has there already been an impact, and if so, can the Government quantify it?

It is a further target that 3 million people, including 2 million in Africa, should be receiving treatment by the end of 2005, and that at least half of them should be women and children. The Secretary of State referred to the "3 by 5" initiative. It is an aim of the World Health Organisation that 700,000 people should be on anti-retroviral therapy by December 2004, with 1.6 million people on such therapy by June 2005 and 3 million by December 2005. As hon. Members will know, the WHO will not purchase or supply ARVs, but will work in partnership with a range of organisations.

The Secretary of State has acknowledged that that programme may not deliver the target of having 700,000 people on ARV therapy by the end of 2004. According to UNAIDS, 40 million people were living with HIV/AIDS at the end of 2003. At the end of November 2003, only 400,000 people were living with HIV and assessing ARVs in developing countries, and more than a quarter of them lived in Brazil. Furthermore, 400,000 is only 7 per cent. of the total number of people who need treatment. The estimate at the time was that about 6 million people should be receiving it. Currently, only 2 per cent. of those in Africa who need treatment are receiving it.

There is some good news. As I am sure the Secretary of State is aware, the Brazilian authorities have reaffirmed their commitment to building a pharmaceutical plant in Mozambique that will produce generic ARV drugs. A new plant has recently opened in Nigeria to manufacture ARV drugs, thanks to an initiative by Nigerian health professionals working in the US. According to the African AIDS action initiative and the Secretary of State, however, it appears that the "3 by 5" initiative will not deliver. I hope that the Under-Secretary will explain whether he agrees that the initiative will not deliver, and tell us by how much he expects it to fall short and whether the UK Government can introduce any measures in the interim to try to get closer to achieving the target.

I believe that the Under-Secretary has had a meeting with those in the African AIDS action initiative on the subject of its proposal to establish a not-for-profit ARV manufacturing facility in Kenya. It thinks that it could produce affordable treatment that would be accessible to 7.5 million Africans at a cost that is very cheap compared with that of the generic drugs that are currently available. There is one hitch, in that $550 million is required to set up the initiative. I expect a meeting to take place if it has not done so, and perhaps he will set out any feedback about the initiative and tell us whether he thinks that it is credible. As the Secretary of State and the Under-Secretary will be aware, the "3 by 5" initiative kicks in automatically for the countries that are hardest hit, but what can the Government do to ensure that other countries that are affected are also covered?

On the target to slow the progress of HIV/AIDS by 2015 and the vexed subject of the poaching, or recruitment, of foreign health workers, clearly, human resources are crucial in fighting the HIV epidemic in low-income countries, and yet, regrettably, in the UK, a large number of health workers still come to this country from abroad. For some developing countries, although not all, that is a significant issue. Clearly, South Africa is in the camp for which it is a significant issue, whereas, according to local embassies at least, India and the Philippines are in the camp for which it is not.

Interestingly, I raised this issue with the Bulgarians, whose concerns are entirely different in that they have a significant surplus of health workers, and were keen to enter into a memorandum of understanding with the UK Government to formalise some exchange arrangements. Admittedly, that correspondence dates back to February this year. I wonder whether there have been any positive developments in that respect, and whether it has been possible to draw up a memorandum of understanding with the Bulgarians, so that the surplus workers that they say are available and qualified can come to the UK and replace some South African health workers who are desperately needed back in South Africa. The Minister may not be able to respond on that point now, but perhaps he can investigate it and take it up with the Department of Health.

On the issue of foreign health workers, the Government's strategy "Taking Action" clearly states:-

> "We will make sure that the UK's own practices for recruiting to the National Health Service do not further exacerbate countries' human resource constraints. We will take action to strengthen the impact of the Code of Practice on the recruitment of healthcare workers, to prevent the use by the NHS of agencies that recruit healthcare staff directly from developing countries unless a bilateral agreement has been negotiated with the country concerned. We will encourage independent-sector agencies and employers to adopt consistent principles."

[Tom Brake]

There has been a further announcement—it was made three or four weeks ago—on that subject. In "Taking Action", it is not immediately clear how much more forcefully those rules can be applied than the current ones, which, regrettably, have not been terribly effective at stopping a brain drain of workers from the poorest developing countries. I hope that the Minister can be more specific about what the Government can do on that front.

On the Global Fund to fight AIDS, Tuberculosis and Malaria, the UK has increased its funding, which is welcome. According to several non-governmental organisations, however, the UK is still well short of its contribution if we take into account the UK's share of the global economy and the stated resource needs of the global fund. There is also still an issue—certainly, there was back in May—about how much the global fund is delivering in terms of disbursements, and how many projects are up and running. Back on 10 May 2004, in a written answer, I was told by the Secretary of State that

"The total amount pledged to the Global Fund to fight Aids, Tuberculosis and Malaria is currently US$5.3 billion. Disbursements by the Global Fund currently total US$285 million."—[*Official Report*, 10 May 2004, Vol. 421, c. 60W.]

Interestingly, of the $285 million that has been disbursed, $54.6 million, which I work out at roughly 20 per cent., was on administrative costs. First, therefore, it seems that relatively little has been disbursed, and if the ongoing administrative costs of running the fund are to be 20 per cent., that sounds a rather high figure. Perhaps the Minister will comment on whether the rough calculation that I have made is correct, or whether he would expect those administrative costs to go down, which is possible as things gear up and more projects come on board.

The hon. Member for Rutland and Melton, who has returned to his place, referred to the NAO report. I would also welcome clarification from the Minister as to whether the Government now have a better understanding of how much money is being spent by the UK on HIV/AIDS projects.

My final point on the target is the issue to which the hon. Member for Rutland and Melton, who has got up to speed quickly on his brief, referred: the frontiers of the epidemic. Those are countries where prevalence is low but where it could get much higher very quickly, particularly in Asia and eastern Europe. One third of people living with HIV in the world are in countries that do not yet have a generalised epidemic—nearly half the 4.8 billion people in least developed countries live in areas where the epidemic is not yet widespread, even among those most likely to be exposed to it.

In other words, the potential for a massive expansion is there. Even a small increase in infection rates in populous countries such as China, India or Mexico would represent a massive worsening of the global AIDS burden.

Ms Keeble: It is of course important to think seriously about what might happen in China or elsewhere in Asia if an HIV/AIDS epidemic got out of control, but there is a difference between what is happening in Asia and what is happening in sub-Saharan Africa, where high rates are compounded by dire poverty and, in some instances, collapsing economies.

Tom Brake: I agree to an extent, but we should not neglect the potential for an epidemic in Asia or eastern Europe. Irrespective of the conditions that prevail, there is still the potential for an epidemic on the scale that we have seen in many African countries.

Many populous regions in west and north Africa do not yet have generalised HIV epidemics, yet there is considerable migration in those areas. Let me mention in passing that I recently returned from a visit to Ghana with the previous Conservative spokesman on international development, the hon. Member for Buckingham (Mr. Bercow). I suggest that I should not share a visit with the hon. Member for Rutland and Melton, as the consequence appears to be a downgrading.

It was clear that the Ghanaian authorities were responding positively to the epidemic. A range of posters and billboards were on show. One billboard displayed the bottom half of a man's body—clad in trousers, I hasten to add—and the caption "If you can't keep it zipped, keep it covered". I thought that that conveyed the message very effectively. There was also a poster recommending abstinence, so there was an equal balance between the different views on how the problem should be tackled.

The Secretary of State mentioned education. I am glad that he has agreed to meet me, along with the former Conservative spokesman, to discuss our visit. Let me put on record now that there are problems with the fast track in relation to Ghana. Ghana has delivered a plan for education, but is short of funds. I hope that the UK Government will be able to respond.

I spoke earlier of the need to tackle the frontier of the epidemic. There is clearly a rationale in favour of focusing investment in HIV prevention on vulnerable countries where the epidemic is not yet general. In many such places, particularly throughout Asia, eastern Europe and the Caribbean, the HIV risk is not uniform. Key populations are especially at risk, including injecting drug users, men who have sex with men, and sex workers. When the Minister responds, will he tell us how much DFID is providing for the frontiers of the epidemic, as opposed to areas such as Africa where, regrettably, it is already well established? I should also like to know about the Department's policies and strategies for working with the populations that are most at risk.

Hugh Bayley (City of York) (Lab): I am slightly puzzled by the hon. Gentleman's references to the "frontier" of the disease. The one encouraging aspect of all this is that every child who is born without HIV has a chance of that continuing until puberty. Is not every one of those children the "frontier"? Should we not respond in a way that helps people at the frontier, whether they are in Africa, Asia or eastern and central Europe?

Tom Brake: Obviously I cannot disagree with that. I am simply saying that we need to focus on countries where HIV is prevalent, but also take account of countries where, although it is not yet prevalent in the same way, the potential is there.

HIV/AIDS is causing death and destruction on a scale not seen since the plague. The UK Government are taking the lead in the fight against HIV/AIDS. They deserve credit for that—I am happy to put that on the record—but even the UK is falling short in its contribution to initiatives such as the global fund.

With the presidencies of the G8 and EU, the UK has a unique opportunity next year to right that wrong and thereby to help unlock the wallets of less generous donors. I urge the Government to exploit their presidencies ruthlessly. If they do not, tens of millions more people will die.

3.40 pm

Mr. Neil Gerrard (Walthamstow) (Lab): I welcome the fact that we are having this debate and can discuss the strategy that DIFID published in July. I was a bit worried when the Minister started to flatter me earlier because that does not usually do me much good with people whom I associate with politically, but I return the compliment by saying that it is important that there is political leadership. Both Ministers in the Department and the officials in its HIV team have made some important changes in the past year or two. There has been a shift in priorities in the Department.

The strategy was inclusive in the way in which it was produced. There was a lot of discussion during the development of the consultation paper and the strategy with people who work in the sector, with non-governmental organisations and with hon. Members whom the Department knew were interested. That makes a difference when such strategies are produced. It is a lesson that one or two other Departments could learn when developing policies. If there had been a little more inclusion of that sort, we might have avoided some of the problems that we have had in other policy areas in the past year or two.

Tom Brake: Top-up fees.

Mr. Gerrard: That is a perfect example.

The strategy said, and the Prime Minister has said this on a number of occasions, too, that the G8 and EU presidencies next year would be critical from our point of view, that, during those presidencies, the UK would ensure that AIDS was at the centrepiece of what we were doing, and that it was an issue of high political importance. I hope that that will be true for the Commission for Africa, too. I hope that, over the next few months, the Department and perhaps the Prime Minister will give some more detail of how we will ensure that, while we have the presidencies of the EU and G8, we will do something in terms of the global HIV strategy. I want to see what was said by the Prime Minister and in the strategy actually happen next year.

Tom Brake: Does the hon. Gentleman agree that time is short in relation to the UK's presidencies because they start in January and the Government need to be doing the ground work now?

Mr. Gerrard: Clearly, those presidencies last a fairly short time. I am sure that work is being done. It needs to be done now, so that we can move in and be able straight away to have the sort of influence that we want.

The other issue that I want to raise in relation to the strategy is about co-ordination. The Secretary of State talked about donor co-ordination and the three "ones". Another thing that the strategy mentions is the need for coherence in the UK's development of policy. Page 3 of the strategy refers to improving

"coherence across UK policy-making on AIDS by establishing an informal cross-Whitehall working group on AIDS".

Perhaps the Minister can tell us what progress has been made on that. It has been said already this afternoon that AIDS is not just a health issue. We want to see action by other Departments, including the Department of Trade and Industry and the Department for Education and Skills. The all-party group on Africa report, which I have no doubt my hon. Friend the Member for City of York (Hugh Bayley) will talk about later, referred to what could be done perhaps by the Department for Education and Skills to help to train people and to develop skills that will be relevant in African countries.

So perhaps we can hear a little more about what is being done to set up the cross-departmental working group, so that we can ensure that all the relevant Government Departments are involved in implementing the strategy.

The third issue, which I have raised for the past two or three years, is our level of commitment to the global fund. I certainly welcome the doubling of our commitment, but despite that doubling, some 10 per cent. only of our spending on HIV/AIDS is going through the global fund. I wonder whether that 10 per cent. versus 90 per cent. spending balance is quite right. Important initiatives that have already been mentioned, such as the "3 by 5" initiative, are going through the global fund. At the present rate of progress, we will get nowhere near the "3 by 5" initiative commitments. That is very sad, and it sends an important political message. The making of big commitments not just by the World Health Organisation but by all the Governments who signed up to the "3 by 5" initiative was symbolic. If we fall well short of them, we will send a really negative message.

I do not want to dwell on statistics but it is worth considering one or two of the current figures. Of course, all figures are somewhat speculative because they depend on the extrapolation of diagnoses; however, most people who are infected with HIV do not know that they are infected. Our figures depend on such extrapolations to whole populations, on the diagnoses that do take place, on the testing of pregnant women, and so on. This year's UNAIDS report, produced at the Bangkok conference, suggested that between 34 million and 42 million people are currently living with HIV, the median of which is about 38 million. Some 58 million people have been infected at some point, 20 million of whom are already dead.

The report of the International Labour Organisation, which was also produced at Bangkok, suggests that some 26 million of the international work force are infected and therefore at risk. That shows the potential scale of the economic impact. I was also struck by a figure from South Africa, the scale of which is difficult to comprehend. Johannesburg, a city with a population half that of London, is intending to build five new cemeteries of 120 acres each to cope with the anticipated deaths and burials over the next decade.

[Mr. Gerrard]

I want to say a little about the figures for the rest of the world, but to do so is in no way to diminish the importance of what is happening in Africa, which my hon. Friend the Member for City of York will discuss in due course. The situation in eastern Europe and central Asia gives real cause for concern. In 1998, some 30,000 people in that region were diagnosed as being probably HIV-positive. In 2004, that figure has risen to 1.5 million—a fiftyfold increase in just six years. In India, 5.1 million people are already infected. The rate of increase in infection in eastern Europe and central Asia is indeed frightening. To date, there have been 58 million infections throughout the world, yet according to the latest estimates, there could be 70 million new infections in Russia, India and China alone by 2010.

That is only six years away, which is a huge cause for concern.

I may be straying a little beyond the terms of the debate, but I want to say a few words about Russia—not usually talked about as a developing country. More than 250,000 HIV infections have been reported in Russia, but the real number is probably three, four or five times that. In the Ukraine, 70,000 infections have been reported, when the real figure could be as many as 500,000. We are already starting to see the impact on the economies of those countries and on health spending. It is possible that, purely as a result of HIV infection, Russia's general domestic product could be 10 per cent. down in a few years. The population decline that is already happening there could be grossly accelerated by new infections.

Russia is reaching the point of having a 1 per cent. infection rate in the general population, and I recall another country being mentioned earlier where it was 0.9 per cent. That 1 per cent. rate is usually regarded by UNAIDS and other UN development programmes as being the point at which the epidemic really tips over into the general population. We have seen what has happened before to infection rates in other countries. Once that 1 per cent. threshold is exceeded, it can be incredibly difficult to turn things back.

We need to be really concerned about these emerging epidemics. If we do not act now, we could see similar problems developing elsewhere as happened in sub-Saharan Africa. We need to reflect on the lessons of what has worked elsewhere, which is not easy because there is little hard evidence about what interventions appear to have worked in certain places. It is not that easy to take an approach that has worked in one country and transfer it to another. The reasons are often highly complex.

Uganda is cited again and again. One of the biggest problems there was probably the ending of the civil war. There is no doubt that the spread of HIV has been associated with civil war in parts of Africa. Whatever the reason, it is certainly complex and it is never easy to transfer across to other countries, but we have to take those risks. We need to look at what has worked before and be prepared to spend a bit of money. We are sometimes too demanding in what we expect from experimental programmes that we invest in. We need to be a bit more relaxed. Yes, we are expected to justify the spending of taxpayers' money, but sometimes I feel that we are too demanding in the degree of success that we expect. We should be prepared to take a few more risks because the nature of the crisis is such that, if we are not prepared to do so, some countries will be overwhelmed with the problem.

I hope that the Department for International Development will, over the next few years, become much more engaged with what is happening in the countries where epidemics are emerging—India, China and eastern Europe, for example, where there is real potential for disaster if we do not act. If we act now, we may be able to do something, but in three or four years' time, it may be too late.

My final point is about the consequences for us in the UK. Both the existing and the emerging epidemics have serious consequences for us. A very high proportion of those infected are in Commonwealth countries. If the epidemics develop as they might in Asia, even more people will be infected in Commonwealth countries, and many people in or on the borders of the EU could be infected. It is futile to pretend that international mobility will decrease.

I am sure that the opposite will happen, and with increased international mobility it is pointless to believe, as some on the right would like us to, that we can stop the spread of HIV through physical borders and migration controls.

People in the UK sometimes discuss "imported infections", which worries me, because it suggests that they think that we can put up barriers and insulate ourselves. We must recognise that the growing infection rate in parts of the world with which we have close connections and increased international mobility mean that we are part of the international epidemic. Too often, we talk as if what is happening in the UK is completely different from what is happening in the rest of the world, but there is one epidemic. The HIV virus does not care about immigration controls and international boundaries.

I hope that the Minister will confirm that we will not try to impose mandatory testing on people who enter this country, which would be bad for public health. The hon. Member for Canterbury (Mr. Brazier) raises his eyebrows, but mandatory testing would encourage people to avoid testing and find ways around those tests, such as producing false test certificates, which is a good way to spread infection.

We want people to take the test and receive treatment. I know that we cannot act as the NHS for the world and that we must have rules on who is eligible for treatment, but it will be extremely bad news if we go down the road of mandatory testing. Mandatory testing would sit strangely with the Secretary of State's opening remarks about the need to deal with stigma and discrimination on HIV, and I hope that the Minister will tell us that mandatory testing will be rejected.

I welcome the development by DFID of an HIV strategy, which is a significant step forward. Let us give the Chancellor credit for the last couple of spending reviews, which have provided big increases in funding. Some of us who have been involved with HIV for a good number of years are pleased by the political interest in the matter. A debate such as this would not have occurred 10 years ago, but now we have a strategy. Ministers who are interested in the subject and a Prime

Minister who says that the issue is central to the EU and G8. I want to see the maintenance of that priority status and the implementation of the proposals in the strategy.

3.58 pm

Tony Baldry (Banbury) (Con): As on so many international development issues, the House is broadly agreed on this topic. I would not gainsay or disagree with anything in the Secretary of State's comprehensive opening speech. I compliment my hon. Friend the Member for Rutland and Melton (Mr. Duncan) on his excellent debut at the Dispatch Box in his new role. Given that he was appointed to his brief only early this week, his grip on the detail of such a complex subject was impressive, and we look forward to hearing him frequently at the Dispatch Box.

I will try not to repeat anything that has been said before, but I shall begin by reinforcing what the Secretary of State said about the report produced by the all-party group for Africa, which is chaired by the hon. Member for City of York (Hugh Bayley). He is a colleague on the International Development Committee and his group has produced an exemplary report. The group received secretarial support from outside bodies, but its use of the expertise available in both Houses and of expert witness testimonies meant that it was able to produce a first-class report. It is a model for anyone interested in this matter, and I hope that people will take the time to read it.

As has been noted by both the Secretary of State and the hon. Member for Walthamstow (Mr. Gerrard), however, the problem of HIV/AIDS is not confined to Africa. There is a danger that people sometimes regard HIV/AIDS in the developing world as an African phenomenon, but the disease is growing in intensity in India, China, and in the former republics of the Soviet Union and central Asia. The hon. Gentleman said that some 70 million people may be infected in those countries alone.

One of the most pernicious aspects of the disease is that many people can be carriers for a very long time without knowing that they are infected. As a result, they do not appreciate that they are harming and affecting other people. We must therefore recognise that it threatens all the developing world and not just Africa—even though the situation there is clearly desperate.

No one would gainsay anything in the Government's call for action. I am very pleased that the Secretary of State's comments, and Government policy, acknowledge the need to focus on children orphaned by HIV/AIDS. The change in today's business did not allow time for the Select Committee's evidence on orphans and HIV/AIDS to be tagged on to this debate, but anyone interested in this matter should know that the Select Committee took oral and written evidence on orphans and children made vulnerable by AIDS. That evidence offers some compelling reading.

In its report, the all-party group stated that analysts were already talking about Africa's orphaned generation and that, at current rates of infection, that was unfortunately no exaggeration. It said that at the end of 2003, UNICEF had estimated that 11 million children under the age of 15 in sub-Saharan Africa had lost one or both parents to HIV/AIDS. The report said that, by 2010, there will be 42 million orphans in the region, of whom 20 million will have lost one or both parents to AIDS.

The population of the UK around the end of the second world war must have been about 42 million. It is staggering to think that, in Africa by 2010, the equivalent of the UK's population in 1945 will be AIDS orphans. As many people have said, being a member of the International Development Committee is sometimes harrowing but it is also a privilege. When the Committee travelled to Africa to look at DFID projects, one of our collective concerns was whether sufficient attention was being paid to those orphans. At present, as the Secretary of State said, many are being cared for by grandparents whose own life expectancy is limited. Others are being cared for by NGOs, but care arrangements are often totally random.

Members of the Select Committee were worried whether there was sufficient registration that would ensure that orphans did not get lost in the system. It is vital that those children be registered at birth and have birth certificates; if they do not, they will very often lose out on the little support that is available.

I recall a harrowing cameo at a feeding station in Malawi. Mothers were queuing to get supplementary feeding rations, and a little girl of 12 came forward with a younger sibling of about six. Their parents had died but because the elder child was not a mother according to the technical definition of the feeding programme, and because no documentation was available, those two children were denied any supplementary food. In fact, they were probably two of the most deserving and needy people in the queue that day.

In his response to the Committee, the Secretary of State said about birth registration that

> "the UK does not have an independent policy position on birth registration, but will continue to follow the UNICEF lead in this area. Birth registration is important . . . We recognise the need to advocate more strongly that governments do more to develop birth registration services. In the short run community identification is a pragmatic solution to the problem."

The Secretary of State also acknowledged that there had been a slow national response to children orphaned by AIDS in Africa, and it is an issue to which we will have to pay more attention.

Earlier this week, the Prime Minister made a speech on climate change in which he set some tough tests for how he will judge the success of the UK presidency of the G8. I would hope that the Prime Minister and the Secretary of State could set themselves some G8 benchmarks for international development, especially HIV/AIDS. I listened closely to the Secretary of State's speech, but the only possible benchmark I heard was when he talked of the need during the G8 presidency to try to ensure closer donor co-ordination. Of course that is vitally important, and with so many potential donors—state and NGOs—we cannot have them all knocking at the doors of underfunded ministries of health. However, it would be helpful to give a clear indication of what the Prime Minister hopes to achieve during the G8 presidency in relation to development and, especially, HIV/AIDS.

The Secretary of State mentioned health systems in countries such as Malawi. Those of us who have visited Malawi know that about a quarter of the education budget there now goes to pay for the funerals of teachers who have died. However, we must be careful when talking about the health systems of such countries, because we strip out so many trained nurses and doctors

[Tony Baldry]

from them. Before the summer recess, Ministers in the Department of Health talked about reinforcing the NHS code on the recruitment of nurses from overseas. Early in September, the Minister of State issued a further statement. I have read the statement closely and the code still appears to be only voluntary. I am sure that the House will wish to return to the issue—perhaps in an Adjournment debate in the Chamber or in Westminster Hall—but I am far from convinced that we will avoid the danger of saying on the one hand that we need to do more for health services in countries in Africa and other developing countries and, on the other, continuing to strip out large numbers of nurses from them. One of the saddest scenes that I have seen recently was at the Lilongwe central hospital, which seemed to have almost no qualified medical staff. Prisoner patients with TB were shackled to their beds. A nurse training school cohort had just finished their training, but almost all of them were coming to the UK. Of course, we cannot prevent people with skills using them as best they can in the world markets, but we will have to consider the issue further.

My hon. Friend the Member for Rutland and Melton talked about condoms. There is a danger in HIV debates that we talk a lot about statistics and funds, but do not always address the two means of prevention—condoms and the search for a vaccine. I hope that perhaps one of the targets for the G8 presidency will be better international co-ordination, through the global health fund and other organisations, of the search for a vaccine. My hon. Friend the Member for Castle Point (Bob Spink) mentioned the work being done by Merck Sharp and Dohme and others, but however good that work is, it is still pitifully little.

A press release that Merck issued for the debate states that it has opened six major treatment centres since January 2002 in the worst affected regions of Botswana—one of the southern African countries with the best governance and best civil society—that 10,000 patients have been enrolled on the anti-retroviral treatment programme, and that 6,700 people have started therapy. Of course, that is worth while but the resource is tiny when compared with the overwhelming need. We all agree about the problem but much greater focus and energy need to be devoted to finding a vaccine for HIV.

I want to make a rather boring, machinery-of-government point, which the Secretary of State did not cover. I am not sure why the National Audit Office chose, out of all the Department's programmes, to have a go at its HIV/AIDS programme. In its criticisms of the role of specialist advisers in countries, the letters "HIV" could almost be replaced with "livelihoods", "health" or "gender". With the best will in the world, there must be an element of subjective value judgment about what specialist advisers in the Department's offices say. Not everything can be reduced to hard statistical outcomes—it is difficult to do that. At some stage—perhaps when the Select Committee next goes through the Department's corporate plan and annual review with the permanent secretary—we may need to consider why the Department believes that the NAO picked on that specific issue and what lessons need to be learned about value for money. It is clearly in all our interests to ensure that people outside do not say that money has been wasted.

We have all read articles in some newspapers that suggest that the HIV/AIDS threat is grossly exaggerated and that the estimates and predictions are wholly unrealistic. When the Under-Secretary winds up the debate, perhaps he could say why he believes that the NAO picked on that specific aspect of the Department's activities—it is one of the few times that the NAO has criticised it—and what the Department believes to be an appropriate response.

I hope that I have not repeated other hon. Members' remarks in the debate. It is good news that the Government have decided to discuss the issue on the Floor of the House; it demonstrates the importance with which we collectively view it.

4.13 pm

Hugh Bayley (City of York) (Lab): At its heart, the debate is not about a disease, drugs or development assistance but about people. It is about children without parents, hospitals without nurses, schools without teachers and fields without furrows because the farmers are too weak to plough the land. It is about death rates that are hugely inflated by the pandemic, knocking holes in the society and economy of many countries in many parts of the world.

The death toll from AIDS will continue to rise dramatically for at least a decade in Africa and, as other hon. Members have said, in other parts of the world such as Asia and eastern Europe. In the worst affected countries, which are in sub-Saharan Africa, economies will collapse, security will disintegrate and orphaned children will be abandoned as their families and communities are overwhelmed by the worst pandemic and health emergency in human history.

In those places and countries, decades of development progress will be simply wiped out, and far from achieving the millennium development goals, some of them will move further away from them by 2015.

The Secretary of State in an excellent introduction to the debate made the point about the fall in life expectancy in so many African countries. In 1960, the average length of life in Botswana was 47 years. By the mid-1980s, it had risen almost to a European level—62 years. Now, the average life expectancy in Botswana is 37 years. In 1960, in Zimbabwe, life expectancy was 50 years. By 1980, it had risen to 59 years, and it has now fallen to 43 years.

When we look at the scale of the crisis in Africa, we are bound to ask whether it could have been avoided. The answer to that question is, to a great extent, yes, if the political leadership and resources to fight the disease had been there earlier. Again, as the Secretary of State said, there are examples—Uganda and Senegal—where action was taken early and hundreds of thousands of lives have been saved as a result. This is a real lesson for India, China and countries in eastern Europe and central Asia that needs to be learned and acted on. Brazil has learned and acted on it, as has Thailand.

I congratulate the Government on their "Taking Action" strategy, particularly my hon. Friend the Minister, who has led a remarkable invigoration and

change of Government policy. It is really a step change in the UK's response, and it will make a difference to the lives of people in many developing countries around the world. The new strategy puts the UK in a leadership position among donor countries, and other countries need to follow suit. If they do so, an even bigger difference will be made to the lives of more people in developing countries. I am utterly delighted that the Prime Minister has decided to give this issue priority during the UK presidencies of the G8 and the European Union next year. That provides the best opportunity to replicate the sort of step change that we have seen in this country's policy in other donor countries.

On funding, there is still a need for substantially more money to fight this pandemic. Last year, UNAIDS said in its annual report that donors spent £2.6 billion on HIV and AIDS assistance around the world. It estimates that £6.6 billion will be needed next year and £11 billion by 2007. The UK is rising to the challenge. When the Government came to office in 1997, the UK was spending £40 million of donor assistance on combating HIV/AIDS. Last year, that had risen to £250 million, and the UK's £250 million compares with the United States' £303 million in aid.

The contributions of other donors around the world are much smaller, however. The third biggest donor is Germany, which contributes about £60 million in aid a year. If the amount of aid given to combat this great health emergency is compared as a proportion of each country's gross national income, Ireland comes top of the list, contributing £430 for every £1 million of its income. That is interesting because it is a Catholic country. Catholic parts of the world have been criticised sometimes for not giving this emergency sufficient priority.

Second in the list comes the United Kingdom, which spends £300 per £1 million of gross national income, and Norway spends almost exactly the same amount. The Netherlands spends half as much as we do—£150 per £1 million of gross national income. Germany and the United States spend about £60, or one fifth of what we spend as a proportion of our national wealth. Italy, France and Japan spend just £20 per £1 million of their gross national income.

I would like to say a word or two about how the money is used. One of the things that it is used for is to buy condoms. Development assistance from all countries buys globally about 1 billion condoms a year, but half of them come from one donor country—from this country—and 1 billion is far too few. Yesterday, my all-party Africa group and the all-party AIDS group, led by my hon. Friend the Member for Walthamstow (Mr. Gerrard), met a distinguished South African AIDS activist and campaigner, Zackie Achmat. He told us that, across Africa, three condoms are provided per sexually active man per year, so it is perfectly clear why the disease is still spreading. In South Africa, the richest country in Africa, the figure is just 10 condoms per sexually active man per year, and there is only one female condom for every six women in South Africa. It is hardly surprising that the sero-prevalence rate among girls is three or four times higher than it is among boys.

I turn now to the all-party Africa group's report and the Government's response to it. I am embarrassed by the kind things that Members on both sides have said about my role, which should not be said because the work was very much a collective effort by Members of both Houses and all parties. I want to say a particular word of thanks to my hon. Friend the Member for Walthamstow. Ours is a fairly newly established group and, at the beginning of our project on HIV/AIDS, we took advice from him and colleagues in his all-party group. That advice was invaluable, and they continued to give us help and advice throughout the production of the report.

As chair of the all-party group, I should perhaps declare an interest. To produce the report, we received funding from five sources and we are grateful to all of them—the Royal African Society, the Henry J. Kaiser Family Foundation, Merck and Co. Incorporated, CAFOD and ActionAid.

I thank the Secretary of State for the detailed and comprehensive written response that he made to the report. We shall make that available, alongside the report itself, on our website and the Royal African Society's website. He was kind to congratulate the committee on the work that it has done, but it is relatively easy to develop policy. It is much harder to commit oneself to policy as a Government. It is heart warming and reassuring to see that so many of the all-party group's recommendations have been fully endorsed by the Government, who have the responsibility to fund the recommendations and carry them out.

I particularly welcome the statement that the Secretary of State made in his response that prevention must remain the mainstay of action. Of course, it is necessary to put large sums of money into medication for those who are HIV positive, but that must not divert resources from prevention, otherwise this epidemic will continue to grow.

I was also especially pleased to find out that the Department for International Development will support Governments to incorporate nutrition and food security into their AIDS strategies. That is essential because a good diet is the first line of defence against this disease. I welcome our Government's commitment to work on nutrition with the World Food Programme and UNICEF on their planning on HIV/AIDS.

I could spend a long time telling the Government how much I welcome and support their response, but there are four aspects of policy on which I would like them to push forward a little further. When the group took evidence, we were told that some €10 billion were unspent in present and former European development funds, so we suggested that the money should be reallocated to programmes to combat HIV/AIDS. I am especially grateful to the director general of the EuropeAid Co-operation Office, Koos Richelle, who responded in detail to us and clarified the situation, as did the Secretary of State in his formal response to our report. We overstated our case, so I am happy to backtrack on that point. However, €1.4 billion of the €11 billion remaining in EDFs six, seven and eight is committed to projects that are currently dormant, and I was glad that the Secretary of State said that that money needs to be recommitted to new projects. When the Under-Secretary winds up the debate, will he give us an indication of the proportion of the €1.4 billion that might be reallocated to work on HIV/AIDS? If, as I

[Hugh Bayley]

suspect, he cannot answer that today, will he undertake to discuss the matter further with the new European Commissioner?

The group heard evidence from Dr. Peter Piot, the executive director of UNAIDS, that Uganda's Finance Minister had told him that he was unable to use all the aid offered to the country to deal with HIV/AIDS because doing so would breach the International Monetary Fund's public expenditure ceilings. We raised the matter with the IMF and Peter Heller, the deputy director of its fiscal affairs department, came to Westminster to meet us. He subsequently convened a meeting in Washington DC on 28 June of the IMF, the World Bank, the relevant UN agencies and donors, including the United States Agency for International Development and DFID. He reported back the following day to a meeting of the NATO Parliamentary Assembly's Economics and Security Committee, which was in Washington at the time. I was pleased that he said that the Bretton Woods institutions were examining ways to get around the problem.

Mr. Heller made the important point that it would be less difficult for the Governments of poor countries to accept aid if it were provided as grants rather than loans because it would put less pressure on their public finances. He also said that aid must be predictable because macro-economic problems are created if aid flows stop and start—my right hon. Friend the Secretary of State referred to such problems in his response. Erratic aid flows also create clinical problems. If people are prescribed anti-retroviral drugs for a year or two, but then the money dries up and they no longer receive them, one consequence, in additional to the dire human consequences for the people concerned, is that viral-resistant strains of HIV will emerge. Those strains will no longer be controllable by drugs and will spread to Europe and other parts of the world.

So there are good clinical and economic reasons for aid flows to be planned years in advance and to be consistent. That underlines the importance of us getting commitments from other donors to do what we have done and to increase dramatically the funding for this particular aid purpose.

I was especially pleased to see the commitment in the Secretary of State's response to work

"with partners including the Bretton Woods institutions to ensure that HIV/AIDS funding is treated as exceptional investment and not delayed or reduced because of expenditure frameworks."

There could not be a clearer commitment to the need for the Bretton Woods institutions to redefine their policies.

In previous debates on the topic, I have stressed my view that clear guidelines about who will be supplied with anti-retroviral drugs need to be used in developing countries. I have suggested that it might make sense for donors to create a toolkit that developing countries could use to help to work out where the health priorities lie. Clinical priorities are fairly clear about the stage of the disease when it is most appropriate to prescribe drugs, but there are other more difficult issues of social criteria, such as keeping the parents of small children alive so that they do not become orphans, and of economic criteria, such as keeping health services and schools functioning.

I recognise that it is a difficult policy area, especially for people in Europe because it would be extremely difficult if we were seen to be setting policies here about who should live and who should die in Africa. For reasons that I understand, Ministers have been unwilling to go as far as I should like. In the summer, I went on holiday to Kenya and spent a little time with DFID health advisers looking at the work that our aid programme is doing on HIV/AIDs in and around Kisumu. I saw that clear guidelines are being developed to ensure that priority is given to those who need it most. I was particularly glad to see in the Government's response to the all-party Africa group's report the statement:

"We fully support the work of UNAIDS, WHO and other UNAIDS co-sponsors in developing normative guidance and toolkits for developing effective multi-sectoral HIV and AIDS responses."

They have grasped a difficult issue and I am pleased to see a clear statement of policy as a result.

I welcome the Government's recognition of the need for African Governments to assess current and future impacts of the epidemic on key sectors of the economy, such as health care and education. The Government's response gives examples of where they have supported assessments of the impact of the disease—that is to say, the impact of a number of people dying—on education in Rwanda, Zimbabwe and Botswana. However, a similar assessment needs to be done in every country where prevalence is high—perhaps where it is higher than 5 or 10 per cent. It also needs to be done in all sectors of the economy. Health care and education are probably the two most important, but public sector management, banking and the legal profession could also be considered. The impact on agriculture should certainly be assessed.

When I was in Malawi during the famine two years ago, I sat around a table with 14 senior officials from its Department of Agriculture. We talked about what would happen if, in a few years' time, they faced another famine. I was interested in how they would cope with it and whether they would learn any lessons, but it was not clear how the lessons would be learned. Afterwards, someone explained that a majority of those 14 officials were HIV-positive and would not be there if there were a famine in five years' time. It is impossible to replace that kind of expertise in two, three or five years. We need to deal with the impact of the disease on key sectors of the economy and to plan now the training of sufficient numbers of people to deal with future needs.

As a first step, every country affected by the crisis needs not only an assessment of the impact, but the development of a training strategy to enable the human resource gaps that exist now and that will grow in the coming years to be filled. One of the difficulties of training people is that the trainers are dying as fast as those they train. The Secretary of State told us that Malawi is losing teachers more quickly than it can train them, but it is also quickly losing those who train teachers.

The all-party group asked the Government to examine whether the UK's experience of distance learning—through the Open university, for example—and the BBC World Service's considerable experience of distribution of distance learning packages through broadcasting in developing countries could be applied to Africa. In their response the Government say that

"Such programmes would need to be implemented through African educational institutions."

The Government are right—only in-country institutions will know what shape the training should take, how best to distribute it, and how to integrate broadcasting and other distance learning methods, such as internet training packages, with other parts of their training framework. I agree strongly with the Government in that respect. Some important work has already been done: an open university has been established in Tanzania, and our Open university collaborates with the university of South Africa, their distance learning university. I hope that the Government will continue to work on that idea.

My final quote should be from an African—Zackie Achmat, whom some of us met yesterday and who is a South African AIDS activist and campaigner. We in the UK are not accustomed to NGOs congratulating the Government, but Zackie Achmat said:

"Blair has done a superb job on increasing the budget for HIV".

Before Ministers smile too widely, I should say that I am sure that NGOs abroad are just as fickle as NGOs here, and our Government will have to continue innovating in policy terms and strengthening our commitment in this field if they are to retain NGOs' support.

The G8 and EU presidencies next year will provide enormously important opportunities to get a greater level of commitment from other donor countries. I wish the Government every success in using the presidencies to build a bigger international base of support for the work that they are leading. I shall urge Members of Parliament whom I know in other G8 and EU countries to press their Governments to deliver when they attend summits chaired by our Prime Minister, and I hope that colleagues here will do the same. If we all pull in the same direction, we might achieve not only in this country, but throughout donor countries and the rich world as a whole, the change of policy that is needed because of the nature of the crisis.

ROYAL ASSENT

Madam Deputy Speaker (Sylvia Heal): I have to notify the House, in accordance with the Royal Assent Act 1967, that the Queen has signified her Royal Assent to the following Acts:

Sustainable and Secure Buildings Act 2004

Public Audit (Wales) Act 2004

Employment Relations Act 2004

HIV/AIDS (Developing World)

Question again proposed, That this House do now adjourn.

4.39 pm

Mr. Hugo Swire (East Devon) (Con): It is with a degree of hesitancy that I rise to take part in this afternoon's debate, not least because those who have spoken thus far have shown far greater knowledge of the subject than I have. They represent the International Development Committee, the all-party Africa group and the all-party AIDS group, all of which have done sterling work on this problem.

I wanted to take part in our debate, because I believe that it shows the House of Commons and Members of Parliament at their best, in stark contrast to yesterday's proceedings, which showed the House of Commons at its worst. This debate is relevant to the fears and aspirations that my constituents and other people have for our own country and the future of the world. I have been interested in the subject for some time, but I fear that I have nothing original to add this afternoon and will be guilty of repeating points that have been made far better by others. If nothing else, however, that repetition will bring home the horror of the situation.

Until I decided to speak in our debate, I confess to being woefully ignorant of the devastating nature of the AIDS epidemic. In the mid-1980s, a glamorous lady called Marguerite Littman, who was married to a leading QC called Mark Littman, was—perhaps because she was American, ahead of the game. When AIDS first entered our consciousness, especially in London, she became involved at an early stage with the London Lighthouse, and persuaded the Princess of Wales to take an interest in the Terrence Higgins Trust. As a result, AIDS began to lose its stigma, at a time when the condition was not properly understood. Marguerite Littman's mantle passed to celebrities such as Sir Elton John, and I pause to pay tribute to Bob Geldof, Bono and others, who have campaigned hard on the issue and strengthened the Government's resolve to do something about it.

The Secretary of State talked about the need for long-term planning and support. In the two decades since the mid-1980s, 65 million people have become infected with HIV and 20 million have died. My hon. Friend the Member for Rutland and Melton (Mr. Duncan) said that about 50,000 people are infected in the United Kingdom. As a better-off country we can control the epidemic, but developing countries simply do not have the resources to do so. The hon. Member for Walthamstow (Mr. Gerrard) believes that as many as 70 million people could be affected over the next few years, once we know the figures for what might be termed the developing countries in the former eastern bloc. It is estimated that 3.2 million children under 15 live with the virus, and the United Nations forecast for world population growth has been revised down, because nearly 300 million people are expected to die of AIDS before 2050.

We have talked a lot about how to cure or prevent AIDS. I should be grateful if in his winding-up speech the Under-Secretary would tell us how we can solve the lottery for anti-retroviral drugs. There is a desperate need for a solution, as 6 million people could benefit

[Mr. Hugo Swire]

from those drugs, but only about 300,000 receive them. How many of those individuals receive the treatment for as long as they need it, and how many have it withdrawn at a critical time? We have heard the problems to-which that can lead, including mutation of the disease.

It makes any father of small children and any son, and indeed anyone, weep to think of the devastation that this epidemic is causing in Africa—a continent that has enough of its own problems, including the droughts and famines that we all know about and, unfortunately, the corruption of so many of its leaders. On top of all that, there is the AIDS epidemic, which is a far greater threat than all those other things put together.

The worrying thing about all the figures that we have been bandying around is how uncertain they are and how many people are still living with the time bomb of not realising that they have AIDS. We have an enormous way to go on education, to which I shall return in a moment.

We are clearly failing to educate the educators, as so many of them are dying. A figure that struck me as horrific was that 20 per cent. of the adult population in Malawi has HIV, with almost 800,000 orphans needing care. What about the infrastructure of that country? My hon. Friend the Member for Banbury (Tony Baldry) said that a quarter of its education budget is being spent on burying teachers. Can that really be so? The Secretary of State himself said that the teachers are dying more quickly than replacements can be trained. Again, we know that the situation has arisen, so what are we going to do? How can we help that country to have the education and teachers that it so desperately needs to prevent that situation from getting any worse?

The announcements made in the past few months, following the Government's call for action, are extremely welcome. The church and voluntary groups in East Devon are genuinely heartened by the steps that the Government are taking, but some fundamental outstanding problems still need to be addressed. We have heard again this afternoon about how the drug companies are trying to reduce the price of drugs and make them available at a cheaper price than in Europe. For most people, however, the drugs are still far too expensive.

Whenever we have tried to help Africa, we have seen a problem in terms of distribution. We have still not got our distribution right, as we see when we try to deliver food aid and so on, as there is insufficient infrastructure. I believe that we will have to concentrate on that issue far more in future.

I do not want to steal the thunder of my hon. Friend the Member for Canterbury (Mr. Brazier), who will make the winding-up speech for my party, but I wish to mention a few proposals that I believe go in the right direction, although I do not know whether they go far enough. I believe that we need a far more co-ordinated strategy in which we work closely with the host Governments, pharmaceutical companies and NGOs. I am confused about one thing in that regard—the approach in Uganda. There has seemed to be conflict this afternoon as to whether the multi-agency approach—I think that the Secretary of State said that 20 different organisations had gone into Uganda—was causing confusion. Surely, the fact that those different agencies are going into a country allows them to achieve things that one organisation might be frustrated in trying to achieve. I think that the approach was a positive move.

The Secretary of State will remember that, some months ago, I came to him on world water day and presented him with a large tap. I have the photograph; indeed, I sent him one to commemorate the occasion. That is another issue that is part and parcel of how we deal with controlling the epidemic. Basic sanitation and hygiene play an important role in combating this dreadful epidemic.

The question of anti-retroviral drugs needs to be thought through more closely. For instance, should we give more to pregnant women? The hon. Member for City of York (Hugh Bayley) talked in terms of it being a lottery and having to make judgments as to the best application of those drugs. We must consider that, although it is a difficult choice.

My final point is on the question of stigma. I started my brief contribution by recollecting the stigma of AIDS when it first came on to the public stage in London 20 or so years ago. People in this country who are HIV-positive, or who have AIDS, no longer suffer that stigma, which is all to the good. In Africa in particular, however, the culture is different. We all know about Chief Buthelezi being so much more open—because so many of his family have died—than President Mbeki, who has been living in a world of his own on the question of AIDS. If we consider the figures for South Africa, it is unbelievable that someone in such a position of responsibility can behave in that way. I urge the Secretary of State to use all his powers to try to put this question on the table again and again when he meets the leaders of those countries.

The UK's presidency of the G8 and EU next year gives us the opportunity to show how much we care about this epidemic. Equally, we should not ignore the problem in this country, small as we may think it to be. On that point, I part company with the hon. Member for Walthamstow, who is returning to his place, on the question of screening people coming into this country. I do not believe that to be divisive; it is common sense, and we would be foolhardy not to take it seriously. In addition, when we talk about AIDS, perhaps we can use our presidency of the G8 and EU to discuss in detail the whole question of the sex trade, and the number of people coming into the united Kingdom from eastern countries, which will cause huge problems and could have far-reaching consequences in relation to the AIDS epidemic in this country.

This afternoon's debate has been on HIV/AIDS in the developing world. We have concentrated mainly on the African continent. Equally worrying, however, are the statistics that we will start to discover in relation to the eastern bloc, to which Members referred earlier.

At the outset, I said that I had nothing particularly useful or new to add to the debate. But I am passionately convinced that the British Government have a duty to lead from the front on this. Clearly, apart from the United States, other countries are not doing as much. We have a moral responsibility, and having heard the debate this afternoon—a non-partisan debate—I believe that we have the courage and determination to

put this issue back on the agenda and raise public awareness of what, for many people, as I said at the beginning, is the defining challenge of our era.

4.53 pm

Mr. Julian Brazier (Canterbury) (Con): After a number of excellent debates on this subject in Westminster Hall, it is absolutely right that it has been brought to the Chamber. I am delighted to welcome it. It is a sobering thought that, night after night, we see the most harrowing pictures of what is going on in the Darfur region of Sudan, on which I had a meeting just this morning, yet the total death toll so far in that region, with all the horror involved, would amount to only a few months of the grim toll being exacted by AIDS around the world.

We have had an excellent debate, starting with a speech by the Secretary of State, who set out clearly the Government's programme, which to a large extent commands support in all parts of House.

My hon. Friend the Member for Rutland and Melton (Mr. Duncan) made an outstanding speech, striking a note that echoed around the House—a note described in flattering terms by the hon. Member for Carshalton and Wallington (Tom Brake), who also made a thoughtful speech. Of course, we all expected my hon. Friend not to be controversial.

This is indeed a grave subject. The hon. Member for Walthamstow (Mr. Gerrard) rightly pointed out that in five or six years twice as many people in the world might be infected. I did not agree with him about screening—I think that we should consider it seriously to protect our own population—but that does not for a moment absolve us from our duty to help other countries, and I am proud that we are the second biggest donor.

Listening to the hon. Member for Northampton, North (Ms Keeble), I thought of Stalin's cynical observation that one person dead was a tragedy and a million deaths were a statistic. In the individual cases she described, she clearly demonstrated just how much misery, throughout country after country, this ghastly pandemic is bringing.

My hon. Friend the Member for Banbury (Tony Baldry), Chairman of the Select Committee on International Development, made a number of important points. Perhaps the most important involved the Prime Minister, who has said that he will move this issue up the agenda at the G8 meeting. It would be interesting to know what he will press the G8 to announce as benchmarks for dealing with this ghastly problem.

I join a long list of people in praising the hon. Member for City of York (Hugh Bayley) and his all-party group for their work. Because he has raised the point before, the Minister should tell us what pressure we can put on the European Union to tackle the huge sums that are tied up in dormant projects. Let us invest them in AIDS projects, and other good causes. We should not leave them sitting there doing nothing.

My hon. Friend the Member for East Devon (Mr. Swire) described himself as hesitant, but I heard no hesitation. He gave us plenty of food for thought. He referred to trafficking in prostitutes, particularly minors. We had a good debate on that in Westminster Hall yesterday. It requires more action, not just from our Government but from the west as a whole.

AIDS is a silent enemy, still often hiding behind the wall of stigma and discrimination—even, to some extent, in this country. Although drug treatments and public education have curbed its spread in most parts of the developed world, that is certainly not the case in nearly all third world countries. In Africa alone, 25 million people are living with HIV. There are 12 million AIDS orphans, who have been referred to again and again. The disease is spreading fast in other parts of the third world, particularly in Asia and especially in the Indian sub-continent.

This is a disease that hits hardest where there is widespread poverty and inadequate health care, where many people go hungry and malnourished, where men leave their rural homes and travel to cities to find work, and where girls and women are ignored when they refuse to have unprotected sex. To be blunt, one of the saddest aspects of AIDS is that it spreads fastest in countries where rape is common, as it is in a number of African countries.

As a number of speakers pointed out, AIDS is not just a health issue. It affects individuals. It is a disease that shatters families, communities and whole countries. Beyond the huge personal cost of losing a loved one, there is the economic loss to the country—and, of course, the even greater economic loss to the family. In some countries, AIDS is wiping out whole sections of the work force—teachers, farmers, health workers, civil servants and young professionals.

We have heard a lot today about the deaths of teachers. To give a different statistic, according to the United Nations, in Swaziland, school enrolment has dropped by more than a third because young girls and, to some extent, young men too have been taken out of classrooms to act as carers.

I make no apologies for returning to the subject of Uganda, the most successful example of all: it has achieved an 80 per cent. reduction in the rate of new infection. I was puzzled by the remarks of the hon. Member for Walthamstow on that matter. The fighting has not entirely stopped in Uganda. There is still a major civil war going on in the north. However, even if it had stopped, I do not understand his logic. The fact that fighting has stopped obviously makes it easier to tackle the problem. However, in most cases, other countries that did not have civil wars have not tackled the problem anything like as effectively.

Mr. Gerrard: I was not suggesting that Uganda had not been successful, because clearly the Ugandans have made a significant difference. The point that I was making is that there is surprisingly little hard, research-based evidence about why certain interventions work and others do not. Sometimes, we make assumptions about what has worked, rather than knowing why something worked. There is no doubt that, in many countries in Africa, civil war has been a factor in the spread of HIV. I know that there is still violence in Uganda, but it is not at the level that it was. I am sure that that has been a factor.

Mr. Brazier: The hon. Gentleman is right that where there is greater stability it is much easier to tackle the problem. The fact that the bulk of the country is now peaceful has made it possible to tackle it. I agree on a

[Mr. Brazier]

further point. It is difficult to build a picture of what works and what does not. I strongly suspect that what works best in one country and one culture is not necessarily what will work best elsewhere, but two points about the Ugandan position are important. The first, which has already been mentioned by several hon. Members, is the ABC programme, which is based on a balanced mixture: abstinence, being faithful to the partner and condoms. Interestingly, someone mentioned Botswana, where there is a small Government programme. There is quite a large private sector programme there organised by De Beers. The Ugandan ABC approach has been taken straight off the shelf and is being adopted.

Secondly, I want to come back to the intervention that I made on the Secretary of State. I understand what he means by the three "ones". He could pass that on to some of his colleagues in other Departments—charities are faced with lots of competing Government Departments giving them small sums of money with different strings attached. However, the point must not be carried through to the extent that one says, "It has all got to be organised by the Government."

Hilary Benn *indicated dissent.*

Mr. Brazier: I am delighted to see the Secretary of State shake his head. That clearly was not what he meant. One thing that clearly did work in Uganda was that an awful lot of different agencies all pulled together in the same direction. There was strong political leadership, but the Churches, NGOs, local government and the private sector—employers—were heavily involved.

So many things need to be done. We have covered a large number of them in the debate, but I will dwell on just a couple more; I do not want to detain the House much longer. There has been much reference to the importance of building the infrastructure necessary to administer medical care, focusing particularly on drugs. I particularly like the idea of the hon. Member for City of York of using distance learning through the Open university to rebuild nursing, teaching and training—all the different areas that are needed to rebuild infrastructure. The situation is so bad in some countries that we need a large-scale programme to turn it around. That is one method of getting what in the defence field is often called the multiplier effect.

Tom Brake: Does the hon. Gentleman agree that, by using distance learning, capacity will be built in developing countries, but the health workers will then come to the UK to work unless we deal with that problem?

Mr. Brazier: I thoroughly agree. The Government argue that some third-world countries are producing a surplus in certain categories, but it is absolutely monstrous that we are a net importer in categories such as nursing in particular—but also in medicine and teaching, among others—from countries that have critical shortages of such skilled professionals. However we choose to organise our public services, it should not be done at the expense of those countries.

Hugh Bayley: I thoroughly agree with the point made by the hon. Member for Carshalton and Wallington (Tom Brake), and with the hon. Member for Canterbury (Mr. Brazier) when he said that we must stop taking African countries' precious resource of skilled personnel. One possible answer is to train people to do an African health worker's job—to work as a barefoot doctor—or an African teacher's job, so that their skills are tailored to Africa's needs. Incidentally, as a result those skills would be less transferable.

Mr. Brazier: The hon. Gentleman makes a very powerful point, and such an approach would improve the situation from both angles. Training could probably be completed faster if it were tailored to the local situation, and the non-transferability would be of considerable benefit. Some international bodies would doubtless object to that idea, but it seems to me a splendid one.

Drugs are at the heart of this issue. The long-term search for a vaccine is vital—literally so; it means the difference between life and death for millions of people—but in the meantime we must focus on anti-retroviral drugs. It is a shame that more credit has not been given where it is due: to the pharmaceutical companies, which have shown considerable responsibility through their willingness to sell drugs in Africa at a tiny fraction of their market price. For example—perhaps I should not pick an example out, but this one comes to mind—six of GlaxoSmithKline's HIV/AIDS medicines are available in the poorest countries at prices that are discounted by up to 90 per cent. compared with developed world prices. We need to bring all the parties involved together to make this work, not just all Governments.

There is another small but important point. In order to establish whom to treat, we have to think about how to extend testing, which is a question not only of removing stigma, but of making the necessary resources available. Sadly, in some countries the ongoing disproportion between the resources available and the numbers of people involved make such discussions fairly academic. None the less, in countries where the situation is in the balance, and in those that are moving towards the 1 per cent. and 2 per cent. level, testing is absolutely critical in order to prevent that figure from increasing.

It is far too easy for us in the developed world to think of HIV/AIDS as somebody else's problem. On one point I do agree with the hon. Member for Walthamstow: although I am in favour of screening, it will never work completely. Doing something to tackle the problem is right not only in itself—all who are present today believe it right to do something—it is also vital to our own self-interest. It is easy to think of this as somebody else's problem, affecting nameless, faceless people who live a long way away. It is up to us not to pass the buck to another generation. We have to assist and educate; we have to nurture the sufferers and their orphans; we have to warn those who are not yet infected, but whose ignorance about the illness is one cause of its

continuation. What our generation does about this problem will determine the course of history for a large part of the third world.

5.9 pm

The Parliamentary Under-Secretary of State for International Development (Mr. Gareth Thomas): It is a genuine pleasure to respond to what has been an excellent debate. I pay tribute to my hon. Friend the Member for Northampton, North (Ms Keeble), who has been a consistent advocate of more funding and more support for orphans and vulnerable children. I also pay tribute to my hon. Friends the Members for City of York (Hugh Bayley) and for Walthamstow (Mr. Gerrard), whose chairmanship of two all-party groups added considerably to the debate that preceded the preparation and presentation to the House of our strategy, entitled "Taking Action".

I am not sure that I would ever describe appearing before the Select Committee chaired by hon. Member for Banbury (Tony Baldry) as a pleasure, but I welcome the International Development Committee's emphasis on AIDS orphans, which helped us in our preparation and our work. I also pay tribute to the hon. Member for East Devon (Mr. Swire) for his helpful remarks in the debate. As ever, it is a pleasure to be presented with a long list of questions about what the Government are doing by the hon. Member for Carshalton and Wallington (Tom Brake), and it is also a genuine pleasure to be able to respond to the hon. Member for Canterbury (Mr. Brazier). I take this opportunity to congratulate the hon. Member for Rutland and Melton (Mr. Duncan) on his new position and to wish him a distinguished, but lengthy, spell as the shadow spokesman.

As all hon. Members have said, it is the scale of the AIDS epidemic that truly shocks. Some 25 million people are infected in sub-Saharan Africa alone, with 3 million of them becoming infected only last year. About 2.2 million people have died in Africa as a direct result of AIDS. If that were not blight enough, we can expect the 11 million orphaned in Africa to rise to 18 million by 2010, which is truly shocking.

It is right that the focus of our response to the epidemic is on sub-Saharan Africa, but the potential of AIDS to devastate communities in Asia, in the Caribbean, eastern Europe and central Asia must also drive our response to the epidemic. It is estimated that 7.4 million people have already been infected with HIV in Asia and that, outside South Africa, India already has the largest number of people living with HIV. We have a real window of opportunity now to prevent what has happened in sub-Saharan Africa from devastating India and other parts of Asia and the Caribbean. We must seize that opportunity.

I want to focus in my opening remarks on a comment made by Kofi Annan, who described the face of AIDS today as being increasingly that of a woman. It is worth mentioning that to the House. In sub-Saharan Africa, some 57 per cent. of infected adults are women, and some 75 per cent. of young people infected are women or girls. We know that women are more biologically vulnerable to HIV infection than men, but their susceptibility is reinforced by their lack of social, political and economic power in too many developing countries. That is why, as the hon. Member for Rutland and Melton mentioned, an abstinence-only response to HIV/AIDS is entirely inappropriate. Sadly, most HIV-positive women in Africa have been infected by their husband or sole monogamous partner. We need to recognise that in our response.

At the heart of the "Taking Action" document that we published in July are five aspects of what we believe to be the necessary response. First, political leadership is important. I hope that the House will agree that the fact that the Prime Minister launched the document with the Secretary of State is a sign of the UK Government's commitment to driving the issue up the international agenda. I shall provide more detail later of what we intend to do on HIV/AIDS during our G8 and EU presidencies. AIDS is consistently part of the agenda of both the Secretary of State and myself in our discussions with the Governments of developing countries.

In order to help promote our political leadership, I agree absolutely that civil society has a key role to play, as do faith communities. The hon. Member for East Devon rightly pointed out that some people far more famous than us, such as Bono and Bob Geldof, have played a crucial role in raising the issue high on the international agenda.

International action is the second pillar of our response. We must strengthen the multilateral system, which is one of the reasons why we have increased our funding to UNAIDS and to the World Health Organisation.

Funding is, of course, the most important factor that we must address in the coming months, and the commitment by the Chancellor of the Exchequer and the Prime Minister in the comprehensive spending review signalled to the international community the need to do more given the funding that the UK has committed. The EU has a role in providing more funding, and we will address the issue raised by my hon. Friend the Member for City of York on the European development fund with the Commission. It is worth putting it on record that the Commission and European member states have provided more than 50 per cent. of the global fund.

Fourthly, we need better AIDS programmes. Hon. Members and organisations outside the House rightly said that we needed to do more on orphans and vulnerable children. I hope that they recognise that we have listened to those concerns, and that orphans and vulnerable children have been raised up our agenda in terms of both funding and assistance that DFID country offices offer to developing country Governments.

Crucially, our decision, which the Secretary of State announced last September, to support the funding of treatment is a significant addition to better AIDS programmes and a more comprehensive response. The final element is better long-term solutions, including better funding for microbicide and vaccine research and—many hon. Members alluded to this point—consistent and continuing funding to develop health systems in country.

The hon. Member for Rutland and Melton asked a number of specific questions, and I shall try to address them. He asked about the support that we are giving to

[Mr. Gareth Thomas]

the National Aids Control Organisation in India. NACO has a new head, with whom I am scheduled to hold discussions when I visit India in three weeks' time, and NACO's attitude and response has changed. Sonia Gandhi deserves considerable praise for her speech at the world AIDS conference, which highlighted the fact that India must do more to respond to the threat of AIDS. Our official discussions with NACO and the ministerial discussions that we hope to hold will provide further opportunities to offer support in tackling the epidemic in India.

The hon. Gentleman asked about South Africa's attitude, which has changed dramatically, and that of President Mbeki in particular. South Africa has embarked on a comprehensive treatment programme on which 8,000 people are already being treated. The South African Government acknowledge that the implementation of their strategy has been slow because of weaknesses in some of their health care systems. Working with organisations in civil society, we have introduced a £10 million programme on AIDS in South Africa, and I hope that the experience of that programme will help the South African Government.

The hon. Gentleman and a number of other hon. Members asked about the National Audit Office report. The hon. Member for Banbury asked why DFID was particularly targeted, and it was a surprise to us, not least because we were about to start an internal evaluation of our response—perhaps the NAO got wind of it.

The hon. Member for Rutland and Melton asked whether we have a separate system for monitoring the impact of the money that we spend. The NAO report recognises that we monitor our response through our core business reporting systems in country. We recognise that we must respond to that specific recommendation, and we are looking to do so. It is also worth recognising that the NAO praised DFID's flexible and country-led response to the epidemic.

The hon. Gentleman asked about the US attitude. As the Secretary of State said, we must recognise the considerable contribution made by both President Bush and the US Congress and Senate in allocating some $15 billion to the fight against AIDS.

When President Bush visited the UK last November, he insisted on establishing with us a task force to look at how we can work more efficiently together in five African countries—Uganda, Kenya, Ethiopia, Zambia and Nigeria. That work is being taken forward. We have worked closely together to offer advice to the Kenyan Government, and all the relevant officers in the five countries that I listed are working with their American counterparts to provide the necessary advice and support.

I also wish to put on record my appreciation of the support and engagement extended to us by Randall Tobias, the American AIDS tsar. He has, quite rightly in my opinion, been the leader of the work to achieve co-operation.

The hon. Gentleman alluded to what he called the tension that arises when money is given to civil society organisations, as opposed to budget support. I think that there is a place for both options. The Government's funding of civil society organisations has increased by about 30 per cent. since 1997. By comparison, budget support represents about 15 per cent. of our bilateral funding programme. Where the conditions are right and there is good dialogue about AIDS and other matters, budget support is entirely the right option, but we must never forget the contribution made by civil society organisations, and especially those that are faith based. In many parts of Africa, they provide the tangible response and also the leadership that is needed in the communities that they represent.

Several hon. Members alluded to the huge benefits arising from the fall in drug prices. Clearly, we need to continue to work with the many pharmaceutical companies that have offered their support to the Governments of affected countries by, among other things, reducing the prices of anti-retroviral drugs. We need to continue to press for lower prices for those drugs, but we must also meet the challenge of getting anti-retroviral drugs out to the communities that need them. Continued support for strengthening health systems in those countries will be fundamental to that process.

Several hon. Members spoke about the need for better funding for vaccine research, and about the need for better co-ordination in the search for a vaccine. The House will know that the question of an AIDS vaccine was discussed at the American-led G8 summit at Sea Island. The British Government will lead the G8 summit next year, so it will be our responsibility to take that work forward. In due course, we will announce how we intend to progress the vaccine enterprise to which the G8 countries are committed.

I should point out that the British Government were the first donors to support the international AIDS vaccine initiative. In 2000, we offered some £14 million for that purpose and we are considering making further funding available to drive forward our response.

The hon. Member for Carshalton and Wallington asked a series of questions about the global fund. He was right to say that Britain will double the funding that it will make available over the next three years, and we have committed £250 million to the fund over the period until 2008. He asked whether the Government were entirely convinced about the global fund's effectiveness, and it is important that we recognise that the fund is still in its infancy.

Teething problems at country level are bound to arise. We have worked closely with the global fund to sort out problems highlighted by our officers, and we have had a very good response at all levels of the fund. Its director, Richard Feacham, has made a huge contribution to the fight against AIDS, and I want to place on record my appreciation of his work.

Improved and more effective co-ordinating mechanisms are in place. There is a problem-monitoring and evaluation strategy for the global fund's work, but we shall continue to work with the fund to make it even more effective in-country.

My hon. Friend the Member for Walthamstow asked whether we considered that we had got the right balance in our funding to the global fund. We must recognise that other international bodies have an important contribution to make in the fight against AIDS. That is why we continue to fund the WHO, and why we have

offered additional funding to support that body's "3 by 5" initiative. It is also one of the reasons why we are continuing to support UNAIDS and have actually increased our funding. It is the lead international body when it comes to co-ordinating our response.

We are now offering the right level of funding to the global fund. We announced the increase at this point because the global fund is likely to have to go back to other donors next year to ask them for more money in advance to fund its further programmes. We are demonstrating our confidence in the global fund by committing double the level of support, and I hope that that will help to lever in further resources from other G8 donors and from the private sector for the global fund's important and crucial work.

The hon. Member for Carshalton and Wallington and my hon. Friend the Member for Walthamstow, and others, asked me about the G8 and EU presidencies and how AIDS will feature in them. In the call for action that we published in December, we said that we would make AIDS a centrepiece of both presidencies and that remains our intention. As I have said, we need to produce our response to the American-led initiative at Sea Island to promote a G8 vaccine enterprise, and we shall do so in due course.

During the Irish presidency of the EU recently, we worked closely with the Irish and Dutch Governments and the Commission to support events with a major focus on microbicides. We are committed to taking that work forward, not least because the prize of a workable microbicide is genuinely in sight. Those in the know suggest that we might be only four or five years away from that point. If we were to develop a microbicide that was only partially effective, some 2.5 million lives could be saved. The development of a microbicide is much more likely in the short term than a vaccine, unfortunately, and that is why we must not lose sight of the importance of funding for microbicide work.

My hon. Friend the Member for Northampton, North specifically asked about the issue of orphans and vulnerable children. In the evidence I gave to the Committee, I highlighted the fact that fewer than half the countries in Africa had completed a proper analysis of the AIDS epidemic in their country, only six had developed a national policy on how to respond to the OVC crisis, and only four had in place the protective legislation to make the policy a reality. One of our key tasks, which we pledged to undertake in the "Taking Action" document, is to work with UNICEF to put in place the proper responses in the 17 countries in Africa where we are working. I look forward to having the opportunity to demonstrate to my hon. Friend how that work is progressing.

Several hon. Members mentioned the impact of the private sector. The pharmaceutical sector has a crucial role to play and many British pharmaceutical companies are already doing considerable work. I welcome that. However, it is worth acknowledging how the pharmaceutical market is split at the moment. Some 50 per cent. of the market is in the US, some 25 per cent. is in Europe and just 1 per cent. is in Africa. It is worth bearing in mind the scale of the work we have to do to even up access to medicines, not only for AIDS but for other diseases in developing countries. I look forward to helping to take that work forward.

My hon. Friend the Member for Walthamstow asked about the work of the cross-Whitehall group. We are working with the Department of Trade and Industry on a proper response from the British pharmaceutical industry. We are working with the Department of Health on our engagement with the World Health Organisation and on health worker recruitment, which other hon. Members also raised. We have a code of practice and we have worked to strengthen it. One of the problems so far has been that while it covered NHS organisations, it did not cover many of the private sector organisations that provide health workers for the NHS.

We are trying to address that by strengthening the code of practice. We have memorandums of understanding with a series of developing-country Governments where health worker leakage—for want of a better phrase—is not a problem. However, we must also recognise that there are many domestic reasons why health workers are leaving and try to address them in country. That involves continuing to focus on ways of strengthening the health systems in those countries.

The Foreign and Commonwealth Office has done an excellent job of ensuring that our embassies around the world emphasise the call for action and the strategy and highlight to their interlocutors in developing-country Governments what else they can do to promote action against AIDS.

HIV/AIDS is an enormous challenge and one of the greatest threats to eradicating poverty and achieving the millennium goals that hon. Members of all parties support. However, we believe that the challenge can be met. I hope that hon. Members acknowledge that the call for action and strategy that we published in July constitutes a significant step forward in Britain's response to the fight against AIDS. I look forward, as does the Secretary of State, to continuing to work with hon. Members in implementing that strategy.

Gillian Merron (Lincoln) (Lab): I beg to ask leave to withdraw the motion.

Motion, by leave, withdrawn.

PETITION

Post Office Closures

5.31 pm

Mr. Laurence Robertson (Tewkesbury) (Con): I wish to present a petition on behalf of residents of Tewkesbury, bearing 1,710 signatures.

The petition states:

The Petition of residents of Tewkesbury declares

That the Petitioners oppose plans to close post offices in the Innsworth, Churchdown and Leckhampton parts of the Tewkesbury constituency.

Such closures would cause inconvenience to a great many senior citizens and others in receipt of Government benefits and in need of various Post Office services.

[Mr. Laurence Robertson]

The Petitioners further declare that these closures would cause people to drive to their alternative branches in order to access Post Office services. That would increase car journeys, thereby causing further environmental damage.

The Petitioners therefore request that the House of Commons urge the Government to take immediate steps to protect postal services in Tewkesbury and throughout the country.

And the Petitioners remain, etc.

To lie upon the Table.

Travellers (Planning Law)

Motion made, and Question proposed, That this House do now adjourn.—*[Gillian Merron.]*

5.32 pm

Mr. David Ruffley (Bury St. Edmunds) (Con): I am grateful for the opportunity to bring Travellers and planning law to the House's attention once again.

My concern arises over land that is owned by Travellers or occupied by them with the consent of a landowner and is developed before planning consent is granted. Setting up apparently permanent dwellings by Travellers before anyone knows whether local roads, schools and general practitioner surgeries can cope with such development is simply not sensible. It does not seem to be in the interests of either villagers or Travellers.

Many hon. Members from all parties have experienced the phenomenon. My hon. Friend the Member for North Wiltshire (Mr. Gray) explained on 19 November how, in Startley and Minety, Travellers purchased and moved on to agricultural land. My hon. Friends the Members for Bilericay (Mr. Baron) and for Brentwood and Ongar (Mr. Pickles) raised similar cases earlier this year.

My constituents in Elmswell and Woolpit have been confronted by a Traveller problem. Travellers moved on to land and made changes to it without planning consent in August.

Very many of my constituents in those two villages are worried about development that has been carried out prematurely before the appropriate planning procedure has been undertaken. It seems to them like a fait accompli, and they want to know why the character of their villages may be changed without their having any real say in the matter at all.

A group of Travellers moved on to a site off Norton road between Elmswell and Woolpit on or about Thursday 29 July this year. They immediately started fencing off plots and laid down a hardcore surface to form an access road. By Tuesday 3 August, the field had been sectioned off into 18 plots, with six caravans already on the site. It was then made known that pipes and sewerage lines would be laid later.

Mr. Bill Olner (Nuneaton) (Lab): I congratulate the hon. Gentleman on securing this Adjournment debate. What he describes is mirrored in my constituency. Unfortunately, he still has a long way to go. Given all the due legal processes, it has taken three years to remove the Travellers from the site in my constituency. That is not the end of the story: they are still illegally camped in the area. Something must be done to stop what is not a breach of planning regulations but an invasion of land, on which they descend in very ugly order and do such things.

Mr. Ruffley: I am grateful to the hon. Gentleman for that intervention. I hope that I do not have three years of letters to come from constituents. The example from his constituency demonstrates what I want to develop in my argument: we have a set of planning laws that do not seem to address residents' concerns.

To return to the history of the problem in my constituency, my office contacted the leader of Mid Suffolk district council and was told that a council officer had already visited the site and been assured that it was only temporary and would be vacated in a day or two. That proved completely inaccurate. Subsequently, the Travellers told Mid Suffolk district council officers that they had purchased the site and were the legal owners. Throughout 2 and 3 August, my constituency office received calls from concerned villagers, many of whom preferred not to be identified. During the following week, the issue at Woolpit and Elmswell in my constituency attracted national media attention in *The Times* and the *Daily Mail*, as well as coverage in the *East Anglian Daily Times* and regional TV and radio.

In the light of concern in Woolpit and Elmswell, and the nearby villages of Tostock and Norton, I sent out a leaflet to householders to ask them for their views about the development. I congratulate Woolpit, Elmswell and Tostock parish councils on all discussing the issue very promptly and deciding to oppose a retrospective planning application that the Travellers had made on 10 August. Those parish councils, together with Norton parish council, have proactively and commendably formed a joint forum to keep one another and myself informed of developments.

Mid Suffolk district council set a deadline of 1 September by which affected residents could make representations about the retrospective planning application. Rather unfortunately, although I have received well over five dozen letters to my office and numerous phone calls objecting to the application by the Travellers, many of my constituents have said that they are afraid to make their concerns formal, as all letters of objection to the council are, of course, in the public domain.

I want to make it clear, however, that the Travellers have stated that they wish to have happy and harmonious relations with the villagers. To my knowledge, there has been no incident that would seem to cast doubt on the Travellers' expression of good will, and it is only right and proper to make that clear.

Mid Suffolk district council has advised the Travellers that the works that they have done on site are not authorised and that the council will not rule out possible future enforcement action.

We are all waiting for the council to set a date for a hearing on the retrospective planning application to be heard by the council's planning committee.

My constituents in those villages feel strongly that no group of people, whether Travellers or established building companies, should be able to go into the countryside, occupy land—whether purchased by them or not—and claim a fundamental human right to develop it without following the planning rules. Many constituents say that, whenever they want to build, say, an extension or a large shed in their garden, they sense the full force of the law will come down on them pretty swiftly if they do not stick to its letter.

The Minister will no doubt point out that numerous long-standing powers are available to local authorities in the form of enforcement notices, stop notices and injunctions. But they are time-consuming and costly procedures for councils, especially those councils, such as Mid Suffolk district council, with small budgets that understandably have to be extremely careful about taking action that inevitably racks up large legal and administrative costs.

I have to say that—this has been the experience of other Members as described in the debates that they have called in the past year—Travellers seem to be particularly well resourced when it comes to obtaining pretty expensive expert legal advice on planning. That seems to be a growing trend. I venture no explanation as to why that might be. In the case in my constituency at Woolpit and Elmswell, an enforcement notice has not so far been sought by the council. It prefers first to take a decision on the pending retrospective planning application.

The growing perception that Travellers seem to enjoy better rights than those of non-travelling established residents is shown by the extraordinary national reaction in the press to the recent judgment by Judge Weeks QC at Bristol High Court on 2 August this year in the case of North Wiltshire district council *v.* Toseland and others. In that case, the judge agreed with the council that,

> "The establishment of such a large site and the rapid installation of the infrastructure was a flagrant and deliberate breach of planning control and obviously a pre-planned operation. There was no attempt to comply with paragraph 20 of circular 1/94 which encourages gypsies to consult planning authorities before buying land. The planning application on 8 August"—

of 2003—

> "was little more than a token gesture."

Notwithstanding his finding in that regard, the judge found in favour of the Gypsies and against the council's application for an injunction. He did so on the ground that the granting of an injunction would have caused immediate hardship and suffering sufficient to outweigh the public interest in having planning law upheld to the letter.

Although he was insistent that that should not be construed as an invitation to flout the law, I and many other people doubt that his judgment will be read in that light. The picketing of the judge's house by affected Wiltshire residents who lost the case—that was widely covered in the national press—suggests that they had similar doubts to mine.

Existing planning enforcement is best able to deal with traditional permanent dwellings and buildings rather than mobile homes or caravans. Powers are available ultimately for the demolition of a dwelling or building developed in contravention of planning law, but that deterrent is likely to be less effective in the case of mobile structures, such as mobile homes or caravans, that can be easily installed and removed at comparatively little cost to the average Traveller if the Travellers wish to stay in an encampment.

I am extremely careful to point out that I do not wish to prejudge the case of the Travellers at Woolpit and Elmswell but, as I contemplate a potentially controversial few months—I hope not years—for my constituents in the affected villages, I invite the Minister to explain one or two things about the planning regime and how the Government view it.

Why have the Government not taken up suggestions for strengthening our planning laws more practically in the following respects? When my hon. Friend the Member for Billericay introduced his Greenbelt

[Mr. Ruffley]

Protection Bill, it proposed that there should be a requirement on local authorities to provide authorised sites. He suggested that that should be carried out with central Government, regional bodies and county councils. As he pointed out, the allocation for each authority could be met using publicly or privately owned sites. The mandatory requirement in the Bill, which did not proceed, was for local authorities to have an obligation to provide sites, although it seemed rather onerous.

Will the Minister tell us what steps the Office of the Deputy Prime Minister is taking to provide more authorised sites for Travellers? How many such authorised sites with full planning permission and the blessing of local authorities have been created in East Anglia over the past two years? Such authorised sites would have gone through a rigorous planning procedure that would have taken account of residents' feelings and whether the local infrastructure, such as roads, schools and doctors' surgeries, could cope with the extra demand caused by Travellers. Above all, those sites could provide decent facilities for travelling people and their families and protect the freedom of Travellers to follow their traditional way of life, which all of us would say should be respected in the modern, moderate, civilised and compassionate society in which we all want to live in this day and age.

When the Minister answers my question about more authorised sites, which would represent a positive way forward, will he tell us whether he agrees with the Country Land and Business Association, which said in its submission to the Office of the Deputy Prime Minister Committee's inquiry on Gypsy and Traveller sites that a predict and provide approach on sites is rather problematic? It makes the point that the demand for authorised sites from Travellers is difficult to quantify. It is hard to predict when groups of Travellers are likely to move to an area and where they will go.

St. Edmundsbury borough council, which is also in my constituency, told me this week that it reviews the need for sites for Travellers from time to time. Its last review was conducted 18 months ago when it was determined that there was no need at all for the provision of authorised sites in the council area, which covers the town of Bury St. Edmunds, Haverhill and the areas in between. It told me:

"Travellers tend to pass through St. Edmundsbury stopping for only relatively short periods."

That is the council's recent experience, but no one knows whether that is likely to change with more travelling families coming to the area and setting up permanent or semi-permanent sites.

The matter is topical because I note that the Commission for Racial Equality has this week inspired amendments about authorised sites to the Housing Bill, which is going through the other place. The amendments would put a statutory duty on local authorities to facilitate the provision of sites for Travellers. There will clearly be a public resource implication for increasing the number of authorised sites that are managed in a proper and controlled way, but when the case for such sites is considered, any such costs must be netted off against the current cost to councils of wrestling with the current system, which many believe to be inadequate.

According to the House of Commons Library, the Cardiff university Traveller law research unit has estimated that the cost to councils and constabularies across the UK has amounted to as much as £18 million. Those costs are associated with moving Gypsies and Travellers on from illegal encampments. I gather that when a group of Travellers were moved on from a site in Chelmsford earlier this year, the total cost to the local authority was reported to be more than £300,000—a staggering sum which excluded the cost of officer time.

What about other practical solutions? Perhaps the Minister could turn his mind to the following proffered idea. As planning policy guidance note 18 on enforcing planning control explains, it is not an offence to carry out development without first obtaining any planning permission required for that development. However, if there is a wilful, premeditated and deliberate breach of planning laws, with development being undertaken in the full knowledge that planning permission should have been sought in advance, does the Minister think that there is a case for criminalising that activity? Has he considered that? If the Government and his Department have discounted it, will he share his thinking with us?

As for other practical solutions, will the Minister reconsider the proposal by my hon. Friend the Member for Isle of Wight (Mr. Turner), who during the course of discussions on the Planning and Compulsory Purchase Bill last year sought to introduce an amendment to restrict—not abolish—the use of retrospective planning applications? He wanted to place a duty on local planning authorities and those ruling on appeals to consider any retrospective application as though no development had taken place. That would remedy the situation in which planning applications are viewed with consideration of what has already taken place on a site.

Clear messages must be sent out to those who wilfully flout planning control. The Town and Country Planning (Enforcement Notices and Stop Notices) Bill, introduced by my hon. Friend the Member for Brentwood and Ongar, was specifically designed to address the problem of residential caravans or mobile homes being stationed on land with the consent of the owner but in breach of planning control. His Bill did not proceed, but it would have allowed caravans to be removed much more expeditiously from a site if they were on land in breach of an enforcement or stop notice. Does the Minister think on reflection that the Bill's proposals should be reconsidered?

In a timely question in Prime Minister's questions yesterday, my hon. Friend the Member for Billericay highlighted

"the growing problem caused locally by Travellers buying land and then immediately developing it."

The Prime Minister gave the honest response:

"I will go back and have a look at the issue again, but it is worth pointing out that we have strengthened the law and the advice we are receiving—although I will check it carefully—is that the law is sufficiently strong . . . to deal with the problem . . . I will look into it carefully myself."—[*Official Report*, 15 September 2004; Vol. 424, c. 1265.]

I hope that the Prime Minister does that. I suggest he starts by expediting the Government's much vaunted policy review on the position of Gypsies and Travellers. That was set up in 2002, yet we do not appear to have a firm date for the publication of its no doubt important

conclusions. There has been far too much delay in making those conclusions known. I hope that the Minister can give a specific date when publication will occur and undertake to create parliamentary time in this place for a full debate on the review's conclusions because the issue is exercising many hon. Members on both sides of the House and many thousands of our constituents.

In conclusion, residents and Travellers alike feel that not enough is being done by the Government and by the political process to address their respective needs. I hope that the Minister will respond with a set of constructive solutions to meet those needs.

5.54 pm

Mr. Peter Luff (Mid-Worcestershire) (Con): I am grateful to my hon. Friend the Member for Bury St. Edmunds (Mr. Ruffley) and to the Minister for allowing me to participate in this debate. Fortunately, we have some extra time, so it is possible for me to speak. I say Minister, but I think that the hon. Member for Gillingham (Paul Clark) remains, in fact, a Whip—although Whips are Ministers, of course. Perhaps this debate is the result of a conspiracy between the three of us to give ourselves the opportunity to make a contribution to the House—something that Whips are sometimes not able to do easily.

I am grateful to my hon. Friend for the way in which he expressed his concerns. I think that he struck precisely the right note, and I was encouraged to see the hon. Member for Nuneaton (Mr. Olner) nodding frequently in response. The topic commands strong consensus among those who have experienced the problems that my hon. Friend outlined so clearly.

My hon. Friend the Member for West Worcestershire (Sir Michael Spicer) and I had a most constructive and productive meeting with the Under-Secretary of State, Office of the Deputy Prime Minister, the hon. Member for Pontefract and Castleford (Yvette Cooper), who is currently on maternity leave—I understand that she is now a mother again, which I am delighted to hear. We were most encouraged by her attitude and the Government's attitude as it was reflected during that meeting. The Government are to be congratulated on the way in which their thinking is developing.

In my remarks, I shall refer to specific sites in my constituency. As the Minister did not know that I would speak in the debate, I do not expect him to respond to those site-specific points. In addition, some of the cases in question are being considered by the Minister for Housing and Planning in his quasi-judicial role, so it would be improper of the Government to comment. I fully understand and accept the limitations on what can be said today.

Travellers have rights—rights that must be respected. We in Worcestershire owe a great debt to the travelling community. Down the years, without the Travellers, the growers of the vale of Evesham would have found their lives extremely difficult. Travellers have served this country well and we have a duty to repay them for some of the things that they have done for us in the past. It is important to understand that context.

However, something might be changing within the travelling community. Part-time seasonal jobs are no longer available in the vale of Evesham as once they were. The jobs are becoming all-year-round jobs and those who service them now are typically members of ethnic minorities, asylum seekers and other immigrants who work—some short term, some long term—not only in the fields when produce is growing, but in the packhouses during the winter when produce is imported from other countries to provide a continuous flow of product to the supermarkets, which sadly no longer respect seasonality. I think that it is a great loss to British society that we no longer celebrate the seasons and that, instead, foods are available all year round.

Many of the jobs are now permanent. As a result, Travellers might be finding that there are fewer seasonal jobs to do and that their need to travel is decreasing. It is important to make a distinction between sites provided for Travellers, and sites provided for Travellers who wish to settle. I believe that neither planning law nor human rights legislation as it is interpreted by the courts takes sufficient account of the phenomenon that I have described. A change is taking place that planning law must address.

I am delighted by the spirit of co-operation that characterises debate on the future of planning law and Travellers. Next week in the constituency of my hon. Friend the Member for West Worcestershire, in the Pershore headquarters of Wychavon district council, which serves my constituency, there is to be a meeting between all the parish councils of Wychavon and the residents of Cottenham. The latter have, in many senses, been leading the debate on the future of planning law and the problems associated with unauthorised encampments. The meeting will explore, through an honest and friendly dialogue, how improvements can be made.

We need a better balance. In my constituency, the permanent settled residents—and sometimes the permanent settled Travellers—voice concern to me that, because of the way in which the planning system is operating, the new people are getting effective rights that they themselves would be denied. That is the problem that must be addressed by planning law.

I shall explain some of the issues confronting us. At the village of Cleeve Prior in my constituency there has been a heavy concentration of Travellers' sites down the years, and on most of them permanent settled accommodation has been erected.

It being Six o'clock, the motion for the Adjournment of the House lapsed, without Question put.

Motion made, and Question proposed, That this House do now adjourn.—[Gillian Merron.]

Mr. Luff: Across the border in Warwickshire sites have been closed, and Travellers have moved to Cleeve Prior. The failure to establish a national strategy on site provision is part of the problem. Historically, Worcester city and Wychavon district councils, two of the few councils to be given designated status under the Caravan Sites Act 1968, have established a large number of sites for the travelling community, unlike many surrounding districts in Worcestershire and neighbouring counties. That generosity has made those sites a honeypot, attracting people to an area that has already done a great deal to meet its obligation to the travelling community. Some time ago, there was a dramatic development at Wyre Piddle analogous to the

[Mr. Luff]

phenomena described by my hon. Friend the Member for Bury St. Edmunds—the tarmackers came and the caravans were on site before people knew what had happened. A small village has grown up beside the Wyre Piddle bypass, which is a sensitive issue currently under consideration by the Minister. The sheer visibility of the settlement has caused considerable concern, and it is unthinkable that anyone would ever have received permission to build a dwelling there. The courts, however, have taken an extraordinarily lenient view of that development, where there was a careful conspiracy to build, for reasons to do with the misunderstanding of the nature of Travellers, which I discussed earlier. I hope that the Minister makes the right decision.

Mr. Olner: It took three years to clear a site in Nuneaton and complete the process that the hon. Gentleman is talking about. We had to go through the planning laws and other legislation, an appeal and an inquiry before achieving enforcement and eviction. That lengthy process is frustrating for good constituents in many areas and is expensive for local authorities. Court costs alone were more than £150,000 for my local authority, which also had to bear the cost of clearing the site and so on. There is a failure in the planning system, as we are not talking about Joe Bloggs wanting to build an extension but a deliberate invasion of land. Most of our builders would not be allowed to buy a field in the green belt and build 40 bungalows on it—that is the difficulty that we face.

Mr. Luff: The hon. Gentleman made two points. First, the cost to district councils is a serious concern, as they operate on tight budgets, and the threat of a Government cap hangs over them if they exceed council tax increases. Their residents expect them to take strong legal action against abuses of the planning system, but the costs can be huge, so it may be extremely difficult to do so. Secondly, there is a dramatic illustration of the imbalance of the planning system at Wyre Piddle, because next door to the site a local man wants to put up a huge mobile advertisement for turf. Quite rightly, the district council has been brutal, and insisted that he move it. In the field next door, however, there is an authorised but permanent encampment, which is the subject of a planning inquiry instigated by the Minister. Two different planning standards were therefore applied to those adjoining fields. The district council was right to fight both cases. The courts, however, are against one, but not the other.

A site at Upton Warren is part of the same problem as Wyre Piddle, but when local people explained to the Gypsies and Travellers that what they were doing, while not illegal, was unacceptable, they backed off and are applying for planning permission in the proper way, which I am pleased about. At the village of Aldington, which I visited last week, there have been extraordinary uncontrolled developments, which are subject to enforcement notices from the district council. It will be interesting, however, to see whether those notices can, in fact, be enforced.

There was a striking demonstration of changing attitudes in Eckington in the constituency of my hon. Friend the Member for West Worcestershire. The local paper, the *Evesham Journal*, had a big spread on the front page in which travellers said that they wanted to settle and send their children to local schools.

It invited our sympathy for those people. Well, I am delighted that they should settle. If they now need to settle, I wish us to do all we can to accommodate their doing so, but it must be done in a legal and proper way that does not cause resentment in the other settled community, which would not be allowed to settle in the same place.

The technique that people used in this case was to apply to all the service providers in good time, so water and electricity supplies were in place. Service providers cannot refuse to provide services. A customer could say, for example, that he was keeping a pony and needed an electric light and a bit of water for its trough. In such circumstances, the water and electricity will be laid on, and the tarmackers will move in late on a Friday, ideally just before a bank holiday weekend. The settlers will whack in a planning application at five o'clock on a Friday, as the district council offices are closing. They know that that means that they can say to the courts that they have applied for planning permission, and they will have the whole bank holiday weekend to construct the development.

In the case of Eckington, the district council was magnificent. Officers went out over the bank holiday weekend, sacrificing their holiday, to monitor what was going on and explain the limitations. The temporary stop notices might have helped, if they had been able to issue them so close to the bank holiday weekend. The technique is very clever, and it is used in an organised and consistent way that should alarm all of us. It is that abuse of the planning process and the cunning way in which people are getting around it that cause such resentment.

I commend the hon. Member for Hull, North (Mr. McNamara) on his early-day motions on this subject. In particular, early-day motion 1538, which is headed "Cottenham Residents Gypsy and Traveller Declaration", demonstrates the extraordinary range of interests that one would think were inimical to a solution, but which can be brought together if the language and approach are right. The motion points out that there has been a

"ground-breaking dialogue . . . commended by the Commission for Racial Equality, Bishop Patrick O'Donoghue of the Catholic Bishops' Conference, Michael Evans, Bishop of East Anglia and the Right Reverend Richard Harries, Bishop of Oxford"

on a "bridge-building initiative". That is what can be done if the matter is approached in the right way.

Ministers should not be afraid of being firm with those who are seeking to abuse the system. I am attracted to the idea of my hon. Friend the Member for Bury St. Edmunds about allowing no retrospective permission where there is a wilful attempt to breach planning regulations, as there clearly was at Eckington, and, I would say, at Wyre Piddle.

Perhaps what we most need, however, is to redefine what we mean by the phrase "travelling community". We have obligations towards travelling Travellers who wish to continue their travelling lifestyle. There are some who wish to do so in a legal way, but another band of people, including those who regularly invade the Hampton Lovett trading estate in my constituency, do

not behave legally and do not deserve the same sympathy and assistance. Their abuse of private property is shameful. We need to define those who are genuine Travellers, and those who wish to settle. If the courts were encouraged to look differently at the rights of travelling and settling Travellers, local residents, who are subject to all the strictures of the planning system, might accept that the right balance is being struck.

The integrity of the planning system is at stake, as is respect for it. This matter strikes at the heart and essentials of our democratic society. I hope that we will now hear some encouraging words.

6.8 pm

Paul Clark (Gillingham) (Lab): I congratulate the hon. Member for Bury St. Edmunds (Mr. Ruffley) on securing this debate and raising some very important issues relating to Gypsies and unauthorised developments.

I am sure that all hon. Members who have contributed will agree that Gypsies and Travellers should enjoy the same right as everyone else to establish a decent place to live, as long as they do so within the law. We believe in an inclusive society in which people have the right to pursue that traditional nomadic lifestyle, but, as I say, within the law. Raising the profile of Gypsies and Travellers in today's society is important, and we want to ensure that they have the same rights as others to access essential services without fear of discrimination. There is growing evidence—hon. Members have alluded to it—that Gypsies and Travellers are becoming some of the most vulnerable and marginalised ethnic minorities in Britain. It is against that background that we need to look at the policy that governs their operation and existence.

A review is going on, and in commenting on the policy and enforcement reviews, I will try to give the hon. Member for Bury St. Edmunds as clear an idea of dates as possible, for which he asked. The Prime Minister gave a commitment at Prime Minister's Question Time yesterday, reinforcing the importance that the Government attach to completing those reviews and taking them forward, and to recognising the issues raised by Members today and previously.

The review that we are undertaking focuses on equality issues for the Gypsy and Traveller community, and the mainstreaming of Gypsy and Traveller issues within wider local and national policy. It examines how we encourage more publicly provided and privately owned sites, and how we overcome some of the unnecessary barriers, which undoubtedly exist, to site provision. We want the planning system to reflect the mainstreaming of Gypsy and Traveller accommodation within the wider social housing context. We support changes that will lead to improvements in the health of Gypsies and Travellers, who have some of the poorest health records among black and ethnic minority groups in Britain.

As part of that wider policy review, we have started a thorough review of the Gypsy sites planning circular, and we will publish a new draft circular later in the autumn. While the Government recognise that some Gypsies and Travellers wish to embrace a nomadic lifestyle, exactly as the hon. Member for Mid-Worcestershire (Mr. Luff) was saying, others wish to have a more settled existence, on local authority or private sites. The review is set against the recognition of some of those fundamental positions.

Sometimes, among the wider community, there is a lack of understanding of the terms "unauthorised development" and "unauthorised encampment". I shall try to provide clarification. An unauthorised encampment is one in which the land is not owned by those setting it up. An unauthorised development, however, which has been the subject of the main thrust of Members' comments today, is one in which a person or persons, be they Gypsies, Travellers or members of a settled community, purchase land and carry out development for which planning permission is required, but for which, of course, no such permission has been granted. That is considered a breach of planning control and amounts to unauthorised development. Local planning authorities currently have a range of enforcement powers to deal with that.

Mr. Olner: Yes, those powers are available, but given what is happening at the moment, with planned invasion of sites and deliberate breaching of the planning regime by setting up such sites, is my hon. Friend sure that the speed at which such action can be taken is adequate? That is the difficulty.

Paul Clark: I thank my hon. Friend for that comment. I am about to come on to the enforcement review, and the review in relation to how we move forward, as every Member who has spoken has questioned whether enough sites are available, and if not, how further sites will be made available. We have heard about the initiatives of the hon. Member for Billericay (Mr. Baron), for example, to which the hon. Member for Bury St. Edmunds referred. I will come to that shortly, as it raises fundamental issues.

Planning policies concerning the provision of suitable locations for Gypsy sites, whether local authority or private, are set out in the Department of the Environment circular 1/94, which was published some 10 years ago. The current circular in operation recognises the desire of many Travellers and Gypsies to buy their own sites to develop and manage. Gypsy and Traveller sites constitute development, and therefore require planning permission.

In formulating their development plans, local authorities are encouraged to discuss Gypsies' accommodation needs with Gypsies themselves, with a view to identifying suitable locations for Gypsy sites in plans where possible. We recognise, though, that for many local authorities, particularly in rural areas, the identification of specific sites is not easy. Where authorities have found it impossible to identify suitable locations, they are required to define clear and realistic criteria as a basis for site provision. It is their responsibility to judge how they frame their policies, which are open to public scrutiny through the normal system and at inquiries.

The Government believe, however, that the 1994 circular is not working effectively. Those who have spoken today have made it clear that that is their view too, on the basis of their own experience and that of others who have gone before. It is not working, for example, to identify enough appropriate sites. Recent

[Paul Clark]

caravan counts have shown that there are about 3,500 caravans on unauthorised developments and encampments in England, about a third of them in the eastern region. I do not have figures relating specifically to the last two years, but a weakness about which I shall say more is the lack of up-to-date information provided in a systematic way.

The new circular is likely to stress the importance of local authorities' undertaking a proper quantitative assessment of need and for that need to be met, through the new regional planning process, via proper spatial planning and the identification of specific sites or achievable criteria offering some certainty that planning permission will be granted. That is one of the main issues that we can face anywhere in the country. We need to know what we have, and what need we are trying to meet. We should also take account of the changing patterns referred to by the hon. Member for Mid-Worcestershire.

Mr. Luff: Measuring need is an important issue. Wychavon, for instance, has historically provided a high level of accommodation for the travelling community. More and more people are attracted to such places, and they become honeypot district council areas. Apparently for that reason Wychavon's need is greater than that of other district councils surrounding it. Certainly a recent planning inspector's report suggested that that is the planning inspectorate's view. Any revision of the circular should take account of that.

Paul Clark: As I have said, the importance of a proper quantitative assessment of need is likely to be stressed. Obviously the matter will be open to consultation, discussion and review. I am sure that Members, including those who are present today, will take the opportunity to comment and raise matters that may be of concern.

Unfortunately, Gypsies often proceed to establish sites without first obtaining the necessary planning consent. In many cases the locations they choose are inappropriate, for example when they are in the green belt or open countryside. Enforcement action by local authorities against such unauthorised development is therefore common. However, we expect the standard of behaviour among Gypsies and Travellers to be the same as that expected in the settled community, and any antisocial behaviour should be dealt with accordingly.

The availability of alternative sites can be a consideration when appeals against enforcement notices are determined, but only when they are considered as an alternative to a proposed location that is not suitable in planning terms. Local authorities have a key role to play in identifying suitable locations for sites, and working with Gypsies to help them find land that they can purchase and develop. A few planning authorities have now adopted that as best practice.

We genuinely believe that if there can be greater understanding and closer co-operation between local authorities and Gypsies, that is the best answer. It can help to reduce the number of instances in which Gypsies establish sites unlawfully, in some cases causing friction between them and the settled community.

As I have indicated, and as the hon. Member for Bury St. Edmunds said that I would indicate, there is a range of controls. They are laid down in the Town and Country Planning Act 1990, which was amended by the Planning and Compensation Act 1991. First, there is the planning contravention notice. Secondly, there is the enforcement notice. Thirdly, there is the power to serve a stop notice. That has the immediate effect of stopping any activity that contravenes planning control guidelines where there are special reasons that justify doing that. If that is contravened, there is the possibility of being prosecuted in the magistrates court with a maximum penalty on conviction of £20,000.

Fourthly, there is the power to serve a breach of condition notice where there is a failure to comply with any condition or limitation imposed on a grant of planning permission. Fifthly, there is the ability to seek an injunction in the High Court or county court for breach of planning control. Finally, there are improved powers of entry on to land for authorised officers of the local planning authority to obtain information required for enforcement purposes. The hon. Member for Mid-Worcestershire referred to the temporary stop notice that we introduced in the Planning and Compulsory Purchase Act 2004. I noted that he said that, in the case he referred to, it may have had a beneficial effect if it had not been for the bank holiday.

The temporary stop notice will enable local planning authorities to take prompt action immediately to stop unauthorised development. It can be in force for up to 28 days. That allows planning authorities time to serve an enforcement notice to remedy the breach of planning control. We shall be consulting on regulations setting out under what conditions and in what circumstances the temporary stop notices can be used.

I referred to enforcement when my hon. Friend the Member for Nuneaton (Mr. Olner) raised the point about the time and so on. I am conscious of that and of a number of issues relating to the enforcement procedure. That is why we have undertaken a review of the planning enforcement system and we expect to make an announcement about the review later this year.

Equally, unauthorised encampments cause major concerns and problems for communities. My right hon. Friend the Prime Minister referred to those yesterday, speaking from his knowledge of his constituency of Sedgefield. Revised guidance on unauthorised encampments was published by the Office of the Deputy Prime Minister in February, and has been widely welcomed. With the Home Office, we have consulted on guidance on the new powers against trespassing that were introduced in the Anti-social Behaviour Act 2003, and that will be incorporated in the guidance.

When one or more caravans are parked on land without the consent of the occupier, the occupier has the common law right to remove them using reasonable force, or, which is advised, to seek a court order for their removal.

Mr. Olner: That happens but, immediately after the local authority seeks to go down that legal route when travellers illegally encamp on land that is in its ownership, they start to query whether the authority has a right to do that because it is infringing their human

rights. The travellers seem to have a load of legal casework that supersedes the points that the Minister has just made.

Paul Clark: There is a perception that human rights apply only to the few and not to the many. They apply to all of us. The Human Rights Act 1998 was about a number of issues, one of which was to make it possible for anyone in this Chamber or in the country to pursue their human rights through British courts, rather than face the expensive cost of going to Strasbourg. Human rights are relevant in planning matters. There is a need to enforce planning controls. Those rights must be balanced with the qualified rights of people not to have their family life or privacy disrupted.

Public bodies have to take proportionate decisions. There is a perception that Gypsies, Travellers and other groups have special rights—that they have rights greater than people living in settled communities—but that is not the case. As I said, human rights legislation exists to protect everyone's human rights. Of course, the interests of neighbours must rightly be taken into account, but the planning enforcement decision being considered is against Gypsies and Travellers, so a decision has to be taken that is proportionate. So no such difference exists, but we recognise that the perception exists that a different balance is involved.

Mr. Luff: For the record, most people think that this is a bit more than a question of perception. The bungalows built on the sites that I know of on which Gypsies were allowed to remain would otherwise have been pulled down and the sites would have returned to fields. In practice, therefore, there is a difference.

Paul Clark: The hon. Gentleman is doubtless aware that the enforcement powers available to local authorities in respect of unauthorised development are the same and are there to be used, regardless of who is involved. As I said, we are reviewing those powers.

The hon. Gentleman mentioned the idea of creating a criminal offence, which was in fact considered by Parliament in debates that culminated in the Planning and Compensation Act 1991. The majority view then was that criminalisation would be too severe a punishment for breaches of planning control, given that some people might be genuinely unaware of the need to obtain planning permission for relatively minor developments. Of course, others have suggested that it should be criminalised only for the development of Gypsy sites, but Members will recognise that it is neither right nor legal to criminalise only one section of the community.

Mr. Ruffley: My suggestion was not that all breaches be criminalised, but wilful breaches where such wilfulness can be demonstrated. So an inadvertent breach would not be caught by my proposal.

Paul Clark: I suspect that trying to ascertain whether someone acted knowingly or unwittingly would prove a legal minefield and lead to the further delays that my hon. Friend the Member for Nuneaton, among others, is concerned about.

For the first time, housing needs assessments will incorporate Gypsies and Travellers, and local authorities will include such groups in their assessments. Next year, we will issue revised guidance on how that is to be done. A regional consideration of all these needs will then be fed into regional spatial strategies and local development frameworks. The number of sites that should be provided in each local authority area will then be indicated.

If we can know the level of demand—inevitably there are fluctuations, which will doubtless be dealt with in the consultation—we can see where the shortages are and avoid the conflicts that all of us have probably experienced in our constituencies from time to time. This is a complex issue, but I hope that Members appreciate that we take seriously not only accommodating Gypsies, but the needs of clearly settled communities. The right way forward is to encourage Gypsies to consult local authorities on planning matters before buying land on which they intend to live, or for which planning permission will be required for any subsequent development; and for local authorities to make a quantitative assessment of the amount of accommodation required. Spatial planning policies should recognise the need for accommodation consistent with Gypsies' and Travellers' lifestyles.

I thank the hon. Member for Bury St. Edmunds for raising this important issue, and I trust that we see a way forward together.

Question put and agreed to.

Adjourned accordingly at half-past Six o'clock.

Westminster Hall

Tuesday 20 July 2004

[MR. EDWARD O'HARA *in the Chair*]

Denominational Schools

Motion made, and Question proposed, That the sitting be now adjourned.—*[Vernon Coaker.]*

9.30 am

Mr. Kevin McNamara (Hull, North) (Lab): I am pleased to have secured this debate as it offers the opportunity to discuss the role of faith schools in our society. In particular, it gives me the opportunity to highlight some of the current challenges facing faith schools with regard to education policy. It allows me to respond to some of the unfounded criticisms made by Members of this House, Select Committees and the wider media when addressing the role of faith schools in society.

I speak in today's debate from my own personal experience as a Christian, an alumnus of a faith school, a former teacher, a school governor in my constituency and a Member of Parliament for 38 years who has seen and admired the continuing contribution made by faith schools over those years. Although most of my speech will be based on my experience of Catholic schools, the principles that I am outlining appertain to other denominations, Christian and non-Christian. I take this opportunity to pay tribute to their sterling work.

To start, I want to express my opposition to calls to water down or undermine the role of faith schools, not only in improving education standards but in the wider community. That is not to say that one particular type of education is beyond criticism. There is always scope to perfect existing services.

There are those in our midst who want to abolish faith schools. They have tried many times over recent decades, and they will use every modern fad to rehearse the same old tired and lame arguments. They are seeking not the end of prejudice or discrimination but their reintroduction. They want to impose their secular beliefs. They want choice removed from the equation. They want to undermine one of the longest-established traditions in our education system and a basic human right: that children should be educated in accordance with their parents' wishes, as far as is compatible with the effective use of resources.

Such an aim was outlined in section 76 of the Education Act 1944 and repeated in section 9 of the Education Act 1996. Our aim as legislators must not be to replace the role of the parent within the state; it must be to help parents to do their best to raise their children. Indeed, the historic role of the Churches was in pioneering popular education, long before the state intervened. Our role as legislators is to build a pluralist, not a secularist society. Secularism is the French way, not our way.

Secularism overrides individual rights, freedom of expression and free will in favour of uniformity. It dictates what people can wear and where they can wear it. That may be the French way. To do things differently, and to deny children the right to a religious schooling because of their faith, would not be our way. It would be a retreat from long-held principles and would raise questions about our human rights obligations, which commit us to ensure that

> "No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions."

That is article 2 of the first protocol of the European convention on human rights.

Referring to education provisions, the UN declaration of the rights of the child states:

> "The best interest of the child shall be the guiding principle of those responsible for his education and guidance; that responsibility lies in the first place with his parents."

Those instruments outline the concept that parents are first and foremost educators of their children, and that the state, while properly setting educational standards and ensuring the proper use of public funds, should be a facilitator to ensure that all children, as far as is practical, can be educated in line with their parents' religious and philosophical convictions. We must continue to maintain that right.

There have been calls from Members of the House and others for faith schools to be forced to admit a quota of those of a different faith or of no faith. That would be an unwelcome and unnecessary intervention on the part of the state and I caution against it. First, it would mean excluding children from their own faith schools, denying parental choice. Imposing a fixed quota would have serious practical implications. In some places the demand for places in faith schools outstrips supply, and imposing a quota would have huge implications. To meet demand, schools would have to increase provision for pupils who have been displaced. Catholic dioceses and, I suspect, others would that find very difficult and expensive.

Secondly, there would be a knock-on effect on community schools, with a reduction in demand for places in those institutions. Introducing a quota is likely to be unpopular with providers of faith schools as well as with those responsible for community education. Many faith schools already have considerable numbers of students from other faiths. In 2003, on average, one in five pupils in Catholic secondary schools were not Catholic.

Thirdly, a more effective approach would be to let local faith schools work in partnership with the local community and to respond to local circumstances rather than setting targets in Whitehall that ignore local needs and situations. To support that view, it is worth mentioning the decision taken by the Leeds diocese, which, after local consultation in Bradford, implemented a new strategy for Catholic schools. Instead of closing one school and leaving two schools fully subscribed with Catholics, the decision was taken to keep all three schools open, with each school taking a percentage of non-Catholic, usually Muslim, children. At the same time, there was a drive to develop an ethos to enable children of other faiths to feel at home. Prayer rooms were made available and provision was made to meet the need of Muslim girls for appropriate school uniforms. The idea of twinning Catholic schools with

[Mr. Kevin McNamara]

other schools with a significant Muslim intake was also proposed as part of this strategy. That, to put it simply, is the practical way of doing things; it is practical common sense applied at the local level. Adopting such a voluntary approach is far more effective than imposing a national quota.

Some of my colleagues have argued that one of the main reasons for the academic success of faith schools is their strict selection procedures. That is quite wrong. They do have high academic and social standards, but the sole criterion that guarantees admission to the school of which I am a governor is a baptismal certificate. Figures for one of the largest faith school providers in the United Kingdom, the Catholic Church, contradict the popular myth. First, the figures for the ethnic and cultural mix of pupils who attend Catholic schools reflect our diverse society far more than do those for the non-faith sector. For example, 70 per cent. of pupils in Catholic schools are, on average, white and British—a figure that jumps to 81 per cent. for all other schools.

Madeleine Bunting's recent article in *The Guardian* highlighted the rich diversity in Catholic schools in Hackney. She had observed seven-year-olds taking part in a school assembly on friendship. She said that there were

"40 different nationalities, over 20 different languages—and one faith. Nigeria, the Philippines, Colombia, Eritrea, Vietnam, Portugal, Italy, Ireland: what goes on in this Catholic primary school is an extraordinary process of integration that makes the public debate about the divisiveness of faith schools appear absurd."

This is evidence of the diverse cultural and ethnic nature of faith schools, which bring together children and parents of different backgrounds, social classes and nationalities who are committed to their children's education and to the needs of the local and wider community. We should do all we can to encourage such an approach; we should not attack or undermine it.

Faith schools have become renowned for their educational achievement and have gained a reputation for high standards and educational attainment—a view that is supported by the evidence. In general, attainment in Catholic schools is higher than that in other sectors. An analysis of GCSE results achieved by both 11 to 18-year-olds and 11 to 16-year-olds between 1996 and 2001 found that, for nearly all levels of disadvantage based on free school meal eligibility, a higher percentage of pupils in Catholic schools than in other schools achieved the required standard each year, despite the fact that many families live in poverty. One has only to consider initiatives such as the programmes for African-Caribbean boys in Gunnersbury school in west London, or the work done by the Zacchaeus centre in Birmingham, to see the commitment of Catholic schools to improving the attainment level of underachieving groups. We should be trying to expand and support that work, not attack it. What happens in Catholic schools happens in the schools of other faiths. Given those achievements and that community involvement, the Government should try to support faith schools and ensure that they are not disadvantaged when they participate in the Government's education agenda.

I am concerned about home-school transport provision and how that affects faith schools. It is worrying to see an increasing number of local education authorities trying to reduce costs by removing school transport provision for children attending such schools. Proposals to end transport provision for such children are being discussed by East Riding of Yorkshire council, which is to reach a decision tomorrow. The arguments for that are based on subjective judgments and highly questionable notions of social gain, and they probably border on some sort of underlying hostility to faith schools, if not on sectarianism.

If agreed, the changes will have a profound impact on many families who choose to send their children to faith schools, particularly those on low incomes. The implications of the proposals go beyond East Riding and into my constituency in Hull, where many pupils from East Riding attend schools. The proposals would affect the 136 secondary school pupils from East Riding who attend St. Mary's college, of which I am a governor and which is in my constituency, and would have a profound impact on admissions to the school.

It is clear that the draft School Transport Bill, currently being considered, might discriminate against parents who wish to send their children to a faith school, although that may not be the Government's intention. That would be unacceptable and could be a Trojan horse for attacking the very principles and existence of faith schools.

It is worth remembering that the physical location of many Catholic schools has already been agreed with the local education authority, sometimes a number of them, and encouraged by former Governments—indeed, the sites have almost been designated by Governments. Then, transport costs and subsidies were among the factors considered and the fact that there were subsidies meant that the Churches could accept the sites. Catchment areas for faith schools, therefore, are often considerably larger than the equivalent areas for community schools. Catholic schools located in rural areas have been specifically sited, with Government and LEA encouragement, so as to have the widest possible catchment areas; the introduction of charging for school transport would bear down more heavily on the children who go to such schools and their parents, and would thus be discriminatory.

Essex county council is introducing a charge for home-school transport of £100 per term at St. Benedict's secondary school in Colchester, and applications for that school's 2004-05 intake have reduced by approximately 30 per cent. The school is located to serve the widest possible rural area.

It is clear from such evidence that school transport charging has an impact on the possible future development and continued existence of some faith schools. It is possible that misguided notions of education policy are guiding the introduction of the charges as a way of getting faith schools closed. The Government need to address the problem urgently. Pupils of faith schools cannot be discriminated against in this way. If necessary, central Government must intervene to stop the local education authorities abusing their powers vis-à-vis faith schools. Faith schools cannot be sacrificed merely to cut costs.

Urban Catholic schools provide education to a wide diversity of ethnic groups and children with economically disadvantaged backgrounds. Although the proposals in the draft School Transport Bill ensure financial assistance for children in receipt of free school meals, many families just above that threshold will incur a significant financial cost. Large families, for example, could be severely affected, and the ability of families to access their preferred education could be jeopardised.

I welcome the assurance given me in a written parliamentary answer from my right hon. Friend the Minister for Lifelong Learning, Further and Higher Education, in which he stated that

"It is important that parents can choose a school in accordance with their religious convictions and in approving schemes, we will not expect LEAs to disturb well established arrangements for denominational transport, particularly where they are associated with local agreements or understandings about the siting of denominational schools."—[*Official Report*, 20 April 2004; Vol. 420, c. 472W.]

However, I would be obliged if the Minister could confirm that that will be made clear in the Bill and that the Government will stop any proposal, such as those of Essex and East Riding, to introduce discriminatory school fees. The introduction of charging and the draft School Transport Bill run the risk of forcing parents to make a choice in respect of their children's education on the basis not of their philosophical and religious beliefs but of their financial means. Such financial coercion will hurt those who can most benefit from faith schools: the poor. I would be greatly saddened if that happened under a Labour Government, particularly given the proud record of previous Labour Governments, and indeed this Government, and the fact that the proportion of capital costs that faith schools are required to provide was reduced to 20 per cent. in 1967 under Wilson, to 15 per cent. in 1975, again under Wilson, and to 10 per cent. in 2002 under Blair.

The aim of the welcome "Building schools for the future" programme is to ensure that pupils are taught in well designed schools that motivate teaching and learning and provide the education that is expected in the 21st century. That is something from which faith schools would want to benefit—as indeed does my constituency in Hull, for which I put in a special plea for the next round of funding.

Although the fund is widely welcomed, there are specific implications for faith schools. As my hon. Friend the Minister is aware, the diocese is required to make a 10 per cent. contribution to capital investment in building costs and major school repairs. The Catholic and other sectors are committed to sustaining that, but there are clearly huge financial implications for all dioceses and other faiths if their secondary schools are to benefit from the "Building schools for the future" programme over the next 10 to 15 years. Finding the 10 per cent. contribution—estimated at about £250 million for Catholic schools alone—will be difficult for many dioceses. The funding of such programmes is complex and, just like LEAs, the Church cannot transfer funds between dioceses.

There is a danger that a two-tier system could emerge from "Building schools for the future", with Catholic and other faith schools being excluded owing to financial constraints and thus not benefiting from this welcome programme. I understand that there are further difficulties for Church and other faith schools with private finance initiatives—such schools are charities, and that creates some problems for the Treasury. Officials at the Department for Education and Skills have been in communication with the Catholic Education Service and other interested groups on that issue. I urge the Minister to do everything possible to find a way of overcoming that obstacle to ensure that all secondary schools can benefit from the programme.

The Children Bill offers the biggest reforms of children's services in a generation. That is an area in which faith schools can make a valuable contribution to realising the Government's vision for change. However, some elements of the reforms may not be acceptable to governors of a Catholic school. For example, when looking at the proposals for extended schools, Catholic schools are unlikely to accept on-site pregnancy advisory services as part of their extended school, although many extended school activities are and will continue to be important to Catholic schools.

We have only to look at the support that Catholic schools give to parents at present—for example, offering parenting classes—to see that they are already providing things provided by extended schools. Parenting services are already provided by Notre Dame, Southwark and St. George's secondary, Maida Vale. Those parenting classes are not limited to the Catholic community but are advertised locally in libraries and health clinics for the wider local community.

It is better for extended schools to be based on the needs of their local communities. I know that Catholic schools want to participate in providing extended schools and wider opportunities where possible, but they should not be expected to supply services or offer advice or counselling contrary to their core values.

I shall now address the findings in several recent reports that single out faith schools as one of the main causes of segregation, conflict and riots in local communities. That was one of the conclusions of the Cantle report, and was more recently echoed in the Office of the Deputy Prime Minister Committee report on social cohesion. Findings that are based on ignorance and prejudice, ignore statistics and play to the somewhat prejudiced London sectarian gallery should be treated with caution. Compared with the state sector, Catholic schools have greater social cohesion in terms of class, race and ethnicity, and one in five of the students in Catholic schools come from other faith groups or has no faith. Rather than criticising, some commentators might do better to figure out how some of the non-faith sector could adopt the model of success found in many faith schools.

Although it would be wrong to state that religion is never the cause of conflict, there is no evidence to suggest that faith schools are a major cause of social unrest in this country, or indeed in Northern Ireland. Those who believe that such schools are a cause of social unrest often give the example of Northern Ireland, but they clearly misunderstand and oversimplify the causes of its problems. Are they seriously suggesting that integrated education would have prevented the riots, stand-offs and killings? It is perhaps easy for a mainland British audience to blame religion, but those who look more carefully will see that the issue has far more to do

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with politics, human rights and national and community identity. We in this country cannot get ourselves off the hook that easily.

Rather than blaming faith schools for Britain's modern urban ills, we should look at the high levels of poverty, unemployment, poor housing and discrimination, as well as the lack of opportunity, in many of our areas. Those problems are common throughout this island and Northern Ireland.

Dr. John Pugh (Southport) (LD): The hon. Gentleman may be interested to know that when the Office of the Deputy Prime Minister Committee went to Oldham to look at the schools, it found that pupils in some community schools were almost entirely white and English, while those at other schools were entirely Bangladeshi or from the wider Asian community. The disjunction between those schools had little to do with religion, and a lot to do with feelings in those communities.

Mr. McNamara: Yes, I understand that.

Faith schools are not the problem; they are part of the solution. One of the main causes of social segregation is ignorance of difference and fear of the unknown—perhaps that is the reason for the situation that the hon. Gentleman described. The guidance given to Catholic schools in the document "Catholic Schools and Other Faiths" clearly spells out the role that they can play, stating that they

"should be ready to share resources with other schools and with other faith communities—especially if the Catholic school is situated in an area of deprivation and racial tension."

That attitude is shared by other faith schools, and I gave the example of what is happening in Bradford.

Inter-faith relations have progressed over the past few years. Now is the time to step up the inter-faith dialogue, and faith schools have an important role to play in it. We should be working to give Muslims, Jews, Hindus, Sikhs and others the opportunity to establish faith-based schools where there is demand. Abolishing, watering down or undermining faith schools will only push religion to the periphery of society, increasing ignorance, prejudice and bigotry. We must reject pressures to do so.

I would like to put on record my appreciation of the Catholic Education Service, which often works professionally with representatives of other faiths and effectively raises issues and concerns relevant to faith communities. The continuation of faith schools is important not only to ensure parental choice and education standards but to overcome the challenge of prejudice and intolerance. In that respect, the CES is making a significant contribution to the debate.

When he was Secretary of State for Education and Employment, my right hon. Friend the Home Secretary said that he wanted to "bottle" the ethos of faith schools, and I hope that he intended to pour it over the whole of society. I also hope that the Minister shares that view.

9.54 am

Jim Dobbin (Heywood and Middleton) (Lab/Co-op): I congratulate my hon. Friend the Member for Hull, North (Mr. McNamara) on obtaining this important debate at just the right time. I intend to make a reasonably short contribution. Many of my remarks will be appropriate to the Catholic sector, although they apply to all the different faiths.

I should declare that my wife was head of religious education at a Catholic secondary school in Rochdale for 15 years. My daughter has taught in a Catholic primary school in Nottingham and is now an educational psychologist. I have a son who was doing teacher training in a large Catholic secondary school in London, but he has changed his mind and is setting off on another career.

I welcome this opportunity to discuss the role of denominational schools and the challenges that they face. I have recently received letters from head teachers in my constituency who are worried about the damaging effect that the proposals for faith schools may have. My hon. Friend listed those issues so I do not intend to go into them in detail.

I live in an area where there are immigrants from Pakistan, India, Ireland, Poland, Romania, Ukraine, Italy, Latvia and Croatia—and I must mention Scotland, because I am one of those immigrants. I understand the value that the Scottish bishops place on the Catholic education system in Scotland, where Catholicism is a minority faith. Minority faiths across the world have the same problem.

Recently there has also been an influx of people from various African countries to my area. They are beginning to appear in my constituency. We also have many travellers who stay for a few months and move on—but they use the Church schools, and the Catholic system in particular. The local central Catholic primary school is in the middle of the borough of Rochdale. The oldest Catholic church in the town is next to the railway station. It was built to serve the needs of the wave of Irish immigrants fleeing the potato famine, and it is adjoined by the school.

Last year I was invited to a nativity play. It was a wonderful event, performed by children from all the countries that I have listed. The story of Jesus's birth was enacted with carols and music from different countries, sung beautifully by those children. Their parents were there and were really proud of what they were listening to. What I am describing is a multicultural, multi-faith society, where people of different faiths and cultures can exist peacefully and happily together. That is not unusual nowadays. In most Catholic schools, as my hon. Friend mentioned, about 20 per cent. of the pupils are non-Catholic.

Historically, the Roman Catholic Relief Act 1829 gave the Catholic Church a new role in England. At the same time, because of Irish immigration caused by economic conditions, there was a huge increase in the number of Catholics in the country. When the hierarchy was restored in 1850, Catholic schools were given the same rights and financial help as other Christian schools, although much less than the board school grants that were then available. It was under the leadership of Cardinal Wiseman, who was appointed the first Archbishop of Westminster, that the bishops

decided that rather than building more churches they would build more schools. They saw that as the vehicle for strengthening and maintaining the faith of the population.

From the time of the Education Act 1870, which introduced universal elementary education, there were, thanks to the great financial sacrifices of the mainly poorly paid working-class Catholics, about 100,000 children in Catholic schools. The right that Catholics had struggled for, to bring up their children according to their religious beliefs, was conferred by the Catholic emancipation Act, but the financial cost was enormous.

By the time compulsory schooling for children up to 10 was introduced, Catholics had paid more than £4 million in donations and collections and through private means. By 1900 there were 1,054 Catholic schools. The Education Act 1902—the Balfour Act—abolished school boards. Local authorities were then allowed to give Church schools grants from the rates. In 1905 the Catholic Education Council was set up. It showed great firmness of purpose and the schools continued to expand. The Education Act 1944—the Butler Act—brought about a dual system giving grants to Church schools, with shared administration.

The original schools survived thanks to the support of the parents, the religious orders that provided teachers and helped to found many schools, and the commitment of the hierarchy. As a result of that determination to overcome prejudice and discrimination there is a strong and well respected Catholic education system in England and Wales and an educated Catholic laity.

Why would people who had not two halfpennies to rub together struggle to finance a system of education to run alongside a free system? Should the underlying principles that have dominated the maintenance of Catholic education remain unchanged despite the problems and influences of society, or should they be modified to suit changes in society?

Catholic schools were set up first and foremost to pass on the Christian faith. There should be no apologies for, no fear of and no embarrassment about that. The Catholic school is sure of its stance on faith and morals; that is what makes the faith school distinctive. The basis of the Catholic school is the revelation of God through Jesus, according to the tradition and teaching of the Catholic Church.

The ideal is a synthesis of faith and life, in which the tenets of faith have relevance to the problems of living in the modern world. I have no problem with parents wishing to educate their children in schools of another denomination if it supports and helps them in their task of bringing up the children in their own faith. I fully support that. It is obvious that if parents are interested in their children's education, the children will do well. The Catholic bishops of today are encouraging the sharing of resources with other schools and faith communities. I see that in my own community.

Perhaps the way forward is for all schools to focus on their raison d'être. Perhaps the values that parents want taught to their children should be the starting point for the debate on education, so that all those involved share the values that permeate the school's entire curriculum. Faith schools have proven their worth and gained a reputation for good discipline and high educational standards. We can see that in the number of parents who want to send their children to such schools. The schools have not remained static but have taken up the challenge of meeting the needs of our modern, secular, multicultural and polycentric world.

As my hon. Friend said, various arguments have been advanced suggesting that the segregation of children according to faith leads to conflict and riots. He mentioned Ted Cantle's report on the riots in Oldham three years ago, which suggests that that was a main cause of conflict, when in fact the segregation was in nothing more than housing. I could identify a state school in a borough of Rochdale where Pakistani and Kashmiri people live, and nearly 95 per cent. of its pupils are of ethnic origin because that is where those people live. Ted Cantle's suggestion was totally off the mark. He also said that segregated schools in Northern Ireland have been blamed for the bigotry and conflict, yet segregated schools in England have not provoked that problem.

It is too simplistic to put the blame on schools when so many causes of conflict can be seen in both of the examples that I cited. Ted Cantle said that poverty, racism, under-development and housing also contribute to the problem. For instance, children in Yugoslavia were taught in integrated secular schools but that did not prevent conflict between communities. How can the restriction of parental choice in education guarantee peace and harmony?

Parents have the right to choose a faith-based education for their children. As we can see from the difficulties in establishing faith schools, that right was hard won. It would be a brave Government who attempted to change the system without agreement and take away those hard-fought-for rights. It would be a brave Government who took on the huge pressure group that supports faith schools. I applaud my hon. Friend for raising the issue this morning.

10.3 am

Mr. Alan Hurst (Braintree) (Lab): I congratulate my hon. Friend the Member for Hull, North (Mr. McNamara) on raising this important matter at such a pertinent time. I agree with almost everything he said. We often hear that we live in an age of choice. Choice is very much the word of the moment. Governments and political parties would be ill advised to take away parents' right to send their children to the school of their choice, based on their faith or religion.

There is no doubt that Church schools, be they Catholic, Anglican or otherwise, are extremely popular with parents. The Anglican Church has far fewer secondary schools but an enormous number of primary schools, particularly in rural areas. There is often a great desire on the part of parents who live in towns to send their children to Church of England schools in villages. The same applies to schools of the Catholic faith.

The idea that there needs to be a quota for a Church or faith school is not only unwise but goes completely against the principle on which such schools are based. By their nature, they are comprehensive schools, within the terms of their religion. Taking away the baptismal certificate and replacing it with another test for entry would favour the children of the better-off and the better

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educated. Church schools would no longer be all-embracing community schools but would become increasingly selective, and the selection would not be based on anything other than heredity or wealth. Therefore, far from making society more equal and open, the quota would work in entirely the opposite direction.

One of the reasons for the importance of faith or Church schools is that they are a counterbalance to the prevailing materialism of our time. The Government in their wisdom have rightly concentrated on encouraging secondary schools to specialise in a particular area, whether it be mathematics or the arts. The Government seek to put an ethos into schools, so that there is a raison d'être for a school. That philosophy already exists in the Church school system. There is a particular reason for going to a certain school—because that is the school of one's faith.

My hon. Friend made a number of points, one of which touches on my constituency. He referred to the policy of Essex county council, on which both the hon. Member for Upminster (Angela Watkinson) and I have sat at various times in our lives. The council has introduced a policy of ending free school transport to denominational schools in our county. He referred to St. Benedict's in Colchester—a school that I have visited, which is held in enormously high regard in north and central Essex. He stated that schools were situated to serve rural areas. That is especially so in the case of St. Benedict's, which serves an area that runs all the way from my constituency on one side to the constituency of my hon. Friend the Member for Harwich (Mr. Henderson), on the other. Children travel large distances to go to that school, because it is the school of their choice. For decades, the county of Essex has provided free school transport to the nearest denominational school.

There was another reference, I think in the speech of my hon. Friend the Member for Heywood and Middleton (Jim Dobbin), to the 1944 Act. The Butler Act, as it is known, was introduced by R. A. Butler, who was my predecessor in that he represented part of my constituency. Indeed, only on Saturday I spoke at a rally in defence of maternity services in our area with his stepson, Julian Courtauld. That tradition of liberal Conservatism, if I may put it that way, is still strong in certain parts of the country, although it does not seem to be as predominant as it once was at the top of certain public institutions.

Let me return to the school transport situation in Essex. Ending free provision for distances of more than three miles is discriminatory in a number of ways. Free provision still obtains if the parents choose to send their children to the nearest school beyond three miles, although that school is highly likely not to be a Catholic secondary school. As a consequence, parents face the choice of either paying to go to the school of their faith or receiving free transport if they opt out. That seems to be an abomination, in terms of human rights and our history of freedom of religious choice.

The situation goes beyond that, however. The county is discriminating against children from poorer backgrounds. Better-off parents, with their four-wheel-drive cars, will drive their children to whatever school they choose, because they can afford to do so with ease. If one is not in that privileged position, one has to make hard choices.

My hon. Friend the Member for Heywood and Middleton mentioned that the Churches have survived for many centuries on the support and donations of poor people who have shown the strength of their faith by overcoming the poverty in which they live. I should not have thought that, in this century, we should put that obstacle in the way of people exercising the choice to which they are entitled.

Another point that flows from that is that the Catholic Church has paid considerable lump sums for the construction and maintenance of the schools. When built, 25 per cent. of the schools' costs were normally paid for by the local parishes; I believe that to this day 10 per cent. of external structural work is still paid for by the parishes. In that sense, education is subsidised and cross-subsidised by the religious communities.

In these times, we need to pay more attention to matters that rise above pure financial self-aggrandisement. Church schools offer a focal point at which such matters can easily be discussed. That is not to say that all schools make strong efforts to direct minds away from the current fashions and advertising campaigns—some schools base their school uniforms on designer labels rather than on blazers—but it is a fraction easier with the overriding community purpose that is found in church schools.

I hope that the provision of Church schools will be not only preserved but expanded, so that everybody has the right to choose which school they go to, and other denominations or faiths will consider whether to bring schools into existence along the lines that the Catholic Church and the Church of England have devised over a long time. That diversity will strengthen education and our communities.

10.12 am

Mr. John Grogan (Selby) (Lab): I am pleased to have the opportunity to speak in this important debate, and to take up a couple of the points raised by my hon. Friend the Member for Hull, North (Mr. McNamara), whom I congratulate on securing the debate.

I will continue the Catholic flavour for a while. My hon. Friend the Member for Heywood and Middleton (Jim Dobbin) mentioned Catholic immigration from Ireland. My surname betrays my links with that immigration: I understand that it means "the wild hairy one" in Gaelic—obviously, some of those genes have been lost over the years.

I want to take up two of the points raised by my hon. Friend the Member for Hull, North: first, the attitude of the Catholic diocese of Leeds to Catholic education, which has been progressive, and secondly, the subject of East Riding of Yorkshire and school transport. My family has been very much involved with Catholic education in Yorkshire down the years. My late father spent many years working as a teacher in a Catholic school and trying to build it up—forgoing his pension rights and getting the kids fish and chips on a Friday because there was no school kitchen. My brother is the chaplain to a school in Bradford that the Catholic diocese of Leeds has kept open as a contribution to inter-faith relations in Bradford, even though the

number of Catholic children attending it probably would not justify doing so. Children from several faiths attend the school, which is one place in Bradford in which there is some dialogue between faiths.

One of the most depressing surveys in recent days was one that found that few people of any age in our society have friends in different ethnic groups. The Catholic diocese of Leeds is conscious of that problem in Bradford, and there is a real mission to contribute to inter-community relations there, which is not always easy. Often, the young people in my brother's school show interest in other faiths. As my hon. Friend the Member for Hull, North said, there is provision for Muslims—an imam can come into the school and so on—and my brother even jokes that there could be problems if there started to be conversions; at that point, parents might begin to make representations! It is not without problems, but on the whole it is a positive experience that I thought was worth sharing when my hon. Friend brought up the subject.

I should like to ask the Minister a couple of questions about school transport in East Riding of Yorkshire, which is a very topical issue. If he does not have the answers to hand, perhaps he could write to me. All the education authorities in the north of England are waiting to see what is decided in East Riding. Its policy is largely officer-based, and I hope that councillors there will revolt against their officers and show some sort of political control. As my hon. Friend said, because it is a rural area, what happens there impacts on neighbouring counties and districts. In my constituency, the Holy Family Catholic high school at Carlton has 432 pupils on roll, 207 of whom live in East Riding. The East Riding authorities have consulted on a proposal that from September 2005, only children who live more than three miles from their local catchment school, or if that is full the school to which they are allocated by East Riding, will get free transport.

Mr. McNamara: Is my hon. Friend aware that a decision is supposed to be reached tomorrow night?

Mr. Grogan: Indeed. I am aware of how current this is, and how important the decision is. I urge councillors to think very carefully in the next 24 hours and also to consider two legal implications. It is not clear to me that the council can adopt such a blanket approach. I understand that section 509(4) of the Education Act 1996 requires it to

"form a judgement, in relation to any particular person, as to whether it is necessary for the Council to make arrangements for free transport for that person. In forming that judgement, the Council is"—

I understand—

"required to have regard to any parental wish that the pupil should be educated at a school where the religious education or training provided is that of their parents' religion or denomination."

In other words, there is a considerable body of legal evidence to suggest that councils have to consider the matter case by case and that a blanket ban would be inappropriate and possibly legally inadvisable.

I also draw attention to the admirable Department for Education January 1994 circular. Can the Minister tell us whether it remains in force and whether, given the debate in East Riding and the Government's general support for denominational schools, it is worthy of reissue? It was stated then:

"The Secretary of State hopes that LEAs will continue to think it right not to disturb well established arrangements . . . He continues to attach great importance to preservation of the opportunity to choose a school or college in accordance with religious convictions".

That is fairly straightforward, and as I understand it, it has not been rescinded. Can the Minister comment?

Finally, I appeal to the councillors in East Riding. Their officers are saying that a child should automatically go to the nearest school in the catchment area. That denies the whole agenda of choice. Take the Holy Family school again. It is passed by just one bus going from Goole to Selby. A lot of Catholic children at school in Selby are from the East Riding, and there is no way they could all get on the one bus. East Riding would be saying in effect, "If your family does not have a car, or is not very well off, you cannot make a denominational choice." That is a scandalous proposition. If the councillors think carefully in the next 24 hours, they will realise that in East Riding of Yorkshire, and in the neighbouring areas, there is strong support among the electorate for the continuation of denominational schools, which have contributed so much to local communities. I hope that councillors will kick out their officers' proposals tomorrow night.

10.20 am

Dr. John Pugh (Southport) (LD): I congratulate the hon. Member for Hull, North (Mr. McNamara) on securing the debate.

I want to start by laying my cards on the table. My children went to a Catholic comprehensive school, I am the governor of one and I taught at one in the inner-city area of Bootle—strangely, it was largely staffed by old boys from St. Mary's, Crosby, which is the hon. Gentleman's former school. The debate is clearly a thoroughly incestuous occasion, and one dreams of my hon. Friend the Member for Oxford, West and Abingdon (Dr. Harris) showing up at the last minute to break up, if not the Liberal consensus, at least the Catholic consensus, which is alive and well.

Denominational schools have a distinct position in our society. Many countries do not have them, and severely separate religion and education. They allow religious education, but not at the state's cost, for fear that the state could be seen to favour or promulgate a particular religion. The United States is a classic example of that.

For largely historical reasons, Britain is different. The state took a late interest in education, and the Churches had largely got there first. Essentially, the state absorbed the existing Church system. That arrangement was controversial, and it has always been fairly favourable to the Churches. At the start of the last century there were lively political battles, featuring slogans such as "Rome on the rates". Since the Butler Act, however, peace has largely reigned, and the issue of religious education was relatively uncontroversial until quite recently. It was accepted that the arrangements were fairly stable and that they should exist to allow Church members to have their children educated in Church schools. New schools could also be set up where there

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was demand for denominational places, so it was not just a question of the state absorbing a pre-existing system; to some extent, the arrangement helped to promote the supply of denominational places.

As I understand it, a denominational school is set up primarily to provide an education flavoured in a way that is appropriate for members of a given Church. The essence of denominational schools is that they are part owned and part run by Church representatives. They are justified if they provide a distinctive ethos and education. The state can support them—in many cases, one could argue that it should do so—if their ethos and objectives are not inconsistent with or contrary to the state's ambitions for its citizens.

To some extent, I part company with the hon. Member for Hull, North when he says that it is the state's job to cater for every philosophical persuasion. There are some very odd philosophical persuasions, which the state would not wish to cater for, and he would not want it to. It must have a view, and it need not cater for all philosophical or religious persuasions. The question is whether they are consistent with its aspirations for its citizens.

Contingent on that is the fact that denominational schools in many places have high educational standards. Indeed, there is an argument in education at the moment that suggests that denominational schools generally are more likely to have high educational standards, although we should acknowledge that some do not. Whatever denominational education is provided, however, the fundamental point is that it should not conflict with the state's legitimate ambitions for pupils.

Some hon. Members, including my hon. Friend the Member for Oxford, West and Abingdon in the debate on his ten-minute Bill, have alleged that that is exactly what denominational education does. People have said that the presence of denominational schools frustrates the state's legitimate desire for social cohesion. It has been well argued in this debate that that is not the case—unfortunately, my hon. Friend is not here to hear it.

Opponents of denominational schools have also argued that they encourage social division and selection. One could make a fair case for saying that about some parts of the country, but that is not the case in Merseyside, where I come from, or anywhere in Lancashire. If those are features of denominational schools, they are contingent features that can be remedied. Denominational schools have taken an unfair share of the blame for social division where it exists; Oldham, for example, has been well covered in this debate.

There are, however, issues of which the state needs to be mindful. If it is true that denominational schools favour denominational pupils, which is a fair point to make, or that non-religious parents have rational objections to denominational schools, which I believe we would all accept, the state could, in certain circumstances, be said to be offering a better or wider choice to some citizens, who are religious, than to others, who are non-religious. That must not happen.

Non-religious citizens of our country do not regard the option of a religious school as a real choice, so their choice as non-religious people should be at least as good and in no way diminished by the presence of denominational schools in their area. That should be an agreed principle between secular people and religious people. I am not completely convinced that the Government have understood that. In certain circumstances, they may be guilty of trying to promote denominational schools in the absence of demand and on advantageous terms. The crucial point is that if they are seen to be doing that and are not catering for demand, there is almost a link between their activity and proselytising. Clearly, those things should be separate. They should not promote denominational schools in a vacuum without there being demand. It is not sufficient to say that good education is provided in the process—I am thinking in particular of certain academy projects—as the state can clearly provide good education in other ways that do not have a denominational context or flavour.

That is my caveat about current procedures, and it is a legitimate and reasonable one. If the archdiocese is going to scour over the details of the debate, I make a particular plea that relates to some extent to the academy projects. I come from an area that is struggling very hard to deal with surplus places. Part of the problem is that very acceptable high-performing primary schools are under severe threat. St. Teresa's infants school in my area is full to capacity, yet it is scheduled to close. The archdiocese must agree or disagree in some way to that project. Simultaneously, it is promoting an academy in which it is investing funds, although the reason for closing the infants school is that funds are tight.

There is an obligation on those who run denominational schools to ensure that it is a priority that the base service be provided and sustained in the community. There are circumstances in which the misguided promotion of new ventures can seriously harm effectively run current ventures. It will be a very sorry day when that occurs.

10.29 am

Angela Watkinson (Upminster) (Con): I congratulate the hon. Member for Hull, North (Mr. McNamara) on securing this debate, which is turning out to be one-sided, with great consensus. I agreed with almost every word he uttered, and I am happy to join the serried ranks of supporters of denominational schools.

We—the Opposition, not the royal "we"—are strongly in favour of denominational schools, which form a popular and essential part of the spectrum of education provision in the country. We believe that schools should be as varied as the demands of parents and should suit pupils' needs. In particular, denominational schools provide a choice for the large number of parents who seek places for their children at schools with a religious ethos, and it is right that those places should be available to them.

Most denominational schools are heavily over-subscribed, and for that reason alone must turn away pupils who fit their admissions criteria. That is certainly the case in Upminster at both primary and secondary level. Competition continues to grow for places in many of London's denominational schools, especially in those that dominate the league tables. In some cases, such as Monken Hadley Church of England primary school in

Barnet and St. Paul's Church of England primary school in Camden, three applications are received for every place. That necessarily means a lot of disappointed parents. It is an extremely traumatic experience for a family when their child is refused a place at the school of their choice and allocated a place at another school which, however good in other ways, does not have the denominational ethos that is important to them. Having sat on admissions appeals committees in the past as a district councillor, I can attest to that.

The issue of free school transport has been raised by several contributors to the debate. As a former Essex county councillor, I have defended free school transport for denominational schools in the county on many occasions. I would therefore like to defend Essex county council, as I am sure that this unwelcome policy change is being led by budgetary pressure rather than a desire to withdraw free transport for denominational pupils.

The impressive examination results achieved by many excellent denominational schools on a comprehensive intake are testimony to their success and one of the two main reasons for the growing demand for places. The 19th report of the Public Accounts Committee concluded that faith schools and single-sex schools do better than average, and the Local Government Association report on the impact of specialist and faith schools on performance concluded that Jewish schools performed exceptionally well and Church schools performed consistently well in English. In general, denominational schools outperform maintained schools consistently, but of course results are not the only reason for their popularity; it is the whole package that parents find attractive.

The other main reason for the popularity of denominational schools is the ethos shared by parents, staff and Church, which is recognised in the community. That shared ethos between like-minded people provides pupils with a secure learning environment that brings out the best in them and encourages them to achieve their full potential. Shared ethos is the key to the success of denominational schools.

I know about the issue from personal experience as a former local authority governor of the De La Salle school in Basildon, as a current governor of the Sacred Heart of Mary girls school in Upminster, and as a Christian but not a Roman Catholic. Sacred Heart is a secondary, single-sex Catholic comprehensive school with a flourishing sixth form. It is a prime example of a school with a shared ethos. It also teaches tolerance and understanding of other faiths. The school comes consistently very high in the annual national league tables, and it has a truly comprehensive intake with its fair share of special needs pupils. Do not assume that they are all from comfortable middle-class homes; not that that should ever be held against a child, as children are quite unable to influence their parents' financial circumstances—but prejudice against the middle class has become fashionable in middle-class circles.

By an historic arrangement, part of each cohort at the school comes from the neighbouring parish of Dagenham, where the community is less advantaged. Nevertheless, those girls feature prominently among the highest achievers in terms of exam results and positions of responsibility in the life of the school, which are achieved on merit and without social engineering. Pupils flourish under an ethos that insists on high standards of behaviour and effort. Interestingly, this single-sex Catholic girls school is also attractive to Muslim families who require a protected disciplined educational environment for their daughters. Although the faiths are different, there are many shared social values, such as the importance of marriage and the family as the basis of a stable society and of high educational achievement, which are an integral part of the ethos of the school.

Already over-subscribed, Sacred Heart receives four to six calls every week from families moving into Upminster who want a place for their daughters. Denominational schools have, uniquely for providers of generalist education in the maintained sector, been permitted to interview applicants and their parents in order to ascertain religious affiliation and commitment where that is explicit in the admission requirements. There have been suggestions that the procedure has, from time to time, been used to make a selection based only ostensibly on faith. On the balance of likelihood, there are probably a few examples of that, but it would be unjust and damaging to ban interviewing for all because of a suspicion that a few interviews may have been unfairly conducted.

There is no evidence of widespread abuse of admission interviews, and schools receiving two or three applications for every place must decide which pupils are to be offered a place. The whole point of denominational schools is that everyone who is part of that school, whether pupil, parent or teacher, shares a denominational background and core values. That is what gives the school its special character.

Such is the level of demand that there can be no justification for the introduction of quotas, which force schools to accept pupils who do not fit their criteria while refusing places to others who do. If that were to happen, the school would no longer be a denominational school. There has to be a way of determining adherence to the faith of the school, and ticking boxes on an application form is likely to give a less reliable result.

Of course, where there is spare capacity many schools accept pupils who are not of the same faith but share their ethos. Admissions criteria for denominational schools, and all others for that matter, should be set by the schools and should fit local circumstances. They are a matter for head teachers, governors and parents, not for central Government. Schools should be wooing parents, persuading them that what they have to offer will be highly beneficial to their children, rather than parents chasing too few school places.

Denominational schools have an established winning formula. It works well for the pupils and their parents support it. If a denominational school is achieving better results, has better discipline and a higher reputation than its neighbours, the answer is to make the others better, not to change the formula of the successful school. We need to see levelling up to the highest common factor, not down to the lowest common denominator.

Let the other schools adopt an ethos worth sharing, secular if that is their choice. Let them consult parents and establish an ethos that will engender pride in belonging to that school, ambition and a determination to succeed. That is the way to drive standards up in less successful schools so that parents will choose to send their children there.

[Angela Watkinson]

It would be quite wrong to destroy successful denominational schools by changing their admissions criteria on the old socialist maxim that if everyone cannot have something, nobody can have it, thereby driving standards down. Just like the doctrinal objection to grammar schools and the abolished assisted places scheme, which gave able pupils from disadvantaged homes the opportunity to widen their horizons—

Mr. McNamara: You are spoiling it now.

Angela Watkinson: I stand here as living proof, as an old grammar school girl from a poor working-class background. The winning formula of denominational schools will be destroyed if the Government meddle in their admissions procedures. They should leave well alone and concentrate on raising the standard of other schools to meet those of denominational schools.

10.38 am

The Parliamentary Under-Secretary of State for Education and Skills (Mr. Stephen Twigg): I join colleagues of all parties in congratulating my hon. Friend the Member for Hull, North (Mr. McNamara) on securing this debate on an important issue. He has clearly brought his considerable experience, educational and political, to the debate.

As others have said, the debate has been characterised by remarkable consensus on an issue that we know to be contentious, for some of the reasons that have been set out. I also echo my hon. Friend's tribute to the Catholic Education Service for the excellent job that it does. I pay tribute to the other faiths that are part of the system, as he did.

I want to put it clearly on the record that we regard faith schools as playing a very important part in our education system. As a number of hon. Members have said, there is a long and proud tradition of faith-based education in this country. For many years, we have acknowledged parents' wishes to educate their children in mainstream Christian schools.

Since 1944, faith communities have been able to apply to set up schools in the maintained sector in response to demand from parents. Given our multi-faith, multicultural society, it is only right that such opportunities should be available for parents and communities of other faiths, and that they should have similar opportunities to educate their children in accordance with their beliefs. I strongly support what my hon. Friend said in distinguishing the pluralism of our society from a secularist approach. I associate myself completely with his contrasting of our attitude with that of France on such questions. That is an important philosophical point that connects well to some of the community cohesion issues that he and others referred to.

Faith schools have an important and positive role to play in protecting and enhancing the pluralist character of our society. They are very popular with parents and typically play a valuable role in enhancing standards of education. As my hon. Friend said, they also play a valuable role in their local communities—the faith communities themselves, and more broadly.

Faith schools usually have a distinct ethos and mission. We know from evidence and common-sense observation that such things tend to be at the heart of school improvement—the schools that do best and provide the widest range of opportunities tend to be those with that clear sense of ethos and mission. My hon. Friend the Member for Braintree (Mr. Hurst) talked about specialist schools. Part of the reason why they tend to do well is that they have that sense of drive, ethos and mission, and the same applies to faith schools.

In the 2001 White Paper "Schools—achieving success" we made it clear that we welcome faith schools in the maintained sector when parents and the local community want them. As a Government, we are certainly not campaigning for more faith schools. I take issue with the hon. Member for Southport (Dr. Pugh) and any suggestion that we would seek to establish faith schools in communities where there is not that demand. In many respects there is an opposite issue, to which the hon. Member for Upminster (Angela Watkinson) referred, of there being far more demand than the number of places and therefore scope for further faith schools.

Dr. Pugh: The issue between us is how the demand is assessed. If large numbers of people in Gateshead were already members of fundamentalist Churches and wished their children to be educated in a school with a fundamentalist ethos, that would fit in with what the Government say. If, on the other hand, somebody promoted a school that represented only a minority faith in the area but still attracted pupils who came largely from other faiths or no faith at all, that would be a different kettle of fish. How do the Government assess the demand for another faith school?

Mr. Twigg: I think that the hon. Gentleman is referring specifically to one of the academies—to be fair to him, he said that in his opening remarks. The academy programme is very new; for it to succeed, clear support from parents and the local community is required. Otherwise, the schools concerned will not attract the pupils and will not achieve the improvement in standards. A very substantial investment of money is going into the programme—predominantly public money, with some private and charitable money. The clearest test of whether that is a worthwhile investment will be demand—that is, take-up—and improvement in standards. If standards do not improve we shall have to consider that.

Dr. Pugh: Are parents being offered the choice between an academy and an academy with a fundamentalist ethos? Are both those offers, or just one of them, on the table? If people want an academy, do they have to have one with a fundamentalist ethos?

Mr. Twigg: I quarrel with the description of the academy as having a fundamentalist ethos. I have not visited the academy in Gateshead, but my understanding from colleagues who have is that the school's ethos is impressive and the quality of education high.

The hon. Gentleman raises an important, broader issue, which I do not want to dwell on now, but which I am sure we shall return to in future debates: how we fully

engage communities, by which I mean not only the local authority but the broader community, including parents, in questions of the ethos and nature of new schools in general, and academies in particular. He makes a legitimate point in that respect.

I was trying to make the broader point that we do not want to campaign for more faith schools but that where there is demand or support for them in communities we welcome that as an aspect of diversity and of real choice. From my experience as a Minister and a constituency Member, I feel that there is a great deal for us to learn from faith schools. I have been hugely impressed by what I have seen.

As other hon. Members have said, about three in 10 state schools in England have a religious character. There are about 7,000 faith schools, of which 600 are secondary and 6,400 are primary. Of course, the majority of those are associated with the major Christian denominations. However, in recent years other faiths have promoted schools. There are now 34 Jewish schools, one of which, Wolfson Hillel, is in my constituency; it is an excellent Jewish primary school. There are four Muslim schools, two Sikh schools, one Greek Orthodox school—St. Cyprian's in Croydon—and one Seventh Day Adventist school.

I believe, from my discussions with the communities in question—perhaps most notably the Muslim community—that non-Christian minority faith communities have a growing interest in the possibility that some of the independent schools that already exist in those communities could become part of the maintained sector. I warmly welcome the interest that is being shown, and the Department is doing its best to enable that to happen, where it is appropriate, and where there is support in the communities locally.

When we set out our departmental five-year strategy two weeks ago, one of the five key principles that the Secretary of State maintained was that we should promote greater personalisation and choice, placing the wishes of parents and pupils centre stage. I am confident that faith schools can, should and will be part of that choice for parents and pupils.

I want to discuss some of the issues that have been raised today about admissions and the character of faith schools. I also want to talk about community cohesion. However, first I want to respond to the points that have been raised about school transport. There are two separate but related issues. One is the draft School Transport Bill referred to by my hon. Friend the Member for Hull, North, which is intended to revisit the existing arrangements for home-to-school transport, which, as hon. Members will know, date back to 1944.

We are considering whether to change the law to allow local education authorities to run trials of alternative packages of school transport. The draft Bill has been open for consultation. Pre-legislative scrutiny has been carried out by the Education and Skills Committee and the Department is considering the results. I have met representatives of the Catholic Education Service and the Church of England, and they expressed some of the concerns that my hon. Friend set out today.

I believe that the pilots, through a possible transport Bill in the coming Session, could provide an opportunity to deal with some of the issues that have arisen in the debate. The Bill could provide a vehicle for authorities to improve the availability of transport to denominational schools.

On the second set of issues raised by a number of my hon. Friends, what is happening in Essex and in East Riding is happening under existing legislation, and in that sense it is nothing to do with the draft School Transport Bill.

My hon. Friend the Member for Selby (Mr. Grogan) reminded the House of the circular of January 1994. I am pleased to be able to inform him that that circular is still operational. We have not changed it, but we will reconsider it in the light of recent consultation on school transport. The circular remains in force for tomorrow night's meeting. I share the concerns that he and others set out in respect of East Riding and Essex. They have sent a clear message to those councillors who have to make a decision tomorrow. It is true that such decisions are made locally under the framework of the 1944 legislation, but I reaffirm that what is set out in the 1994 circular still stands. The East Riding and Essex examples demonstrate some of the iniquities of the present system of school transport. I would argue that a case should made for exploring alternatives, which is what we seek to do through the draft Bill.

Mr. McNamara: Do we need to explore alternatives? Should we not simply establish a principle: that parents choosing denominational schools should have school transport, provided that they meet the distance criterion?

Mr. Twigg: If we were to go down that route, it would require changes to the 1944 Act. One of the features of the existing situation is that what my hon. Friend described happens in some authorities but not all. As he and others have said, the tendency is to move away from such policies. Providing more flexibility in the broader system of school transport may allow more children and young people to benefit from free or subsidised transport, including transport to denominational schools. However, going down the route that he described would be a radical change, and it would require primary legislation to make the necessary changes.

As we proceed with the draft Bill, I am keen that the pilot schemes test the impact of transport policy on the accessibility of denominational schools. I was interested in some of the examples given of the impact of charging on access to certain schools. I make it clear that we would not want the policy on charging to result in parents being deterred from sending their children to their first-choice schools. If that is happening, the subject will be included in our further consideration of the draft Bill.

The other issue raised by my hon. Friend was the building of new schools. The Catholic Education Service and the Anglican Church have raised the matter with us. We are convening a new working group, to which we shall invite the Catholic Education Service, the Church of England and other faiths. It will have its first meeting shortly, when it will consider the question of the 10 per cent. requirement with respect to capital costs. My hon. Friend has placed that issue firmly on the record, and I shall ensure that that is made clear to the working group.

[Mr. Twigg]

In the remaining five minutes, I shall refer to some of the broader issues. We know—the subject has been explored this morning—that faith schools are popular with parents. In the light of that, hon. Members will want to know more about the Government's commitment to providing more places in popular schools. We have already introduced new funding incentives to enable popular and successful secondary schools to expand. So far we have been able to agree to support six schools, of which two are faith schools, and we are considering a number of other applications.

We have amended our guidance to school organisation committees and schools adjudicators, so that when they consider proposals there is now a strong presumption in favour of approving such expansions. We will build on those measures to streamline the process of approval, which should give popular and successful faith schools that want to expand the potential to do so. That is important in providing the diversity and choice for which I think all speakers in this debate have shown their support.

Community cohesion is an issue that often arises in discussions about denominational schools. As hon. Members have said, segregation is a challenge in our society that is caused by a broad range of factors. I agree with my hon. Friend the Member for Heywood and Middleton (Jim Dobbin): in many of the communities covered in the Cantle report, the key issue is housing policy, although sometimes it is discrimination or patterns of employment. It would be entirely wrong to regard faith schools as bearing the main responsibility in that regard. As a number of hon. Members have said, in many urban areas there are schools that have a preponderance of pupils from a particular ethnic background but are not faith schools and simply reflect the patterns of local housing.

I agree that faith schools can make an important contribution to community cohesion, by promoting inclusion and developing partnership with schools of other faiths, and non-faith schools. The Government want faith and other schools to work together to break down barriers and bring together children of different cultural and ethnic backgrounds, in order to promote understanding between different sections of our society. Since June 2003, promoters of new schools, whether faith or non-faith, have been required to show how their proposals will help to promote community cohesion. School organisation committees are required to take that into account when they consider proposals for new schools. All maintained schools are expected to promote good relations among different racial groups and, of course, to eliminate unlawful racial discrimination.

The code of practice on schools admissions allows faith schools to admit pupils based on religious affiliation, but as a number of hon. Members have said, many faith schools admit pupils who are not of their faith. The Church of England has a tradition of providing schools not only for Anglicans but for the community as a whole, particularly in rural areas. The Archbishop of Canterbury has committed all Church of England schools to give priority, for at least some of their places, to children of other faiths or none. My hon. Friends the Members for Hull, North and for Selby mentioned the Leeds diocese. Many non-Catholics attend Catholic schools, particularly in inner-city areas. We do not want faith schools to keep places empty when there are insufficient applicants for those places from pupils of their own faith or denomination. We took action to prevent that in the Education Act 2002, with the support of both the Roman Catholic Church and the Church of England.

The Race Relations (Amendment) Act 2000 requires admission authorities for schools to review their policies in order to ensure that they eliminate racial discrimination, promote racial equality and encourage good race relations. That includes assessing admissions policies to ensure that pupils from particular racial groups are not unlawfully discriminated against, and monitoring the admissions process to ensure that it is administered consistently and fairly to children from all racial groups. We encourage faith schools to be more inclusive in the ways that I have set out.

Some faith schools achieve greater inclusiveness by designating some of their places as faith places and some as open places, with non-denominational criteria. That is not a specific requirement and is still a matter for the schools' admissions authorities to decide for themselves. We would not wish artificial quotas to take precedence over parental preference. That would cause greater dissatisfaction among parents from all sectors of the community and could still result in places remaining unfilled.

We have had an excellent debate, in which many of the benefits of denominational schools have been well set out by hon. Members of all parties. I am sure that this debate will continue. Faith schools contribute very much to the excellence of our education service.

Community Sentencing (Youth Offending)

11 am

Mr. Graham Allen (Nottingham, North) (Lab): Like most Members of Parliament, I believe that I work very hard: I have a surgery most weeks, I phone 30 or so people in my constituency most nights, and I have my "meet the MP for a cup of tea" sessions. After distilling all that experience and connection with my local communities, I come up with one key question that my constituents want answered, and that we should seek to answer: how do we restore faith in the criminal justice system? In tough areas and outer estates such as mine, that faith is often absent. People's experience of courts, probation, prosecution and the police is poor or—it is probably fairer to say—based on poor perceptions. All those who work in the criminal justice system work extremely hard, and I commend their work. However, they often appear to be working reactively rather than proactively when cases come before them, when paperwork has to be processed and when offenders come into contact with the various institutions.

So far, almost all the Government's—welcome—efforts in this field have been about internal processes. They ask how fast we can get offenders through the system and where the pinch points in the procedures are? All of that effort is valuable and of course procedures should be tackled. However, of equal importance, but largely ignored so far, is the need for a proactive role for criminal justice. Above all, we are talking about the new county criminal justice boards, as well as the individual constituent services themselves.

In the context of my constituency, that means encouraging the use of special payments by the chief constable to keep the beat bobby infrastructure staffed, up to strength and motivated. It means returning some of our probation services from being HQ-based to the estates where staff know the offenders, families, acquaintances and problems. It means Crown prosecutors seeing their job not only as being in local police stations, which has been a very welcome development in my city, but as systematically engaging with our communities. It means all those connected with the courts learning to interact with and support law-abiding citizens as much as they interact with those who are accused. That in itself is a massive culture change for those connected with the courts, who tend to look inwards to their procedures rather than outwards to the community that they serve.

I welcome the letter that I received from the Minister this morning, which indicated that magistrates may make recommendations about the type of work that offenders can usefully do under a community punishment order. How many magistrates know that? Of those who do, how many attempt consistently to link offenders back to doing good works in their own neighbourhoods? The incredible assistance from the ministerial team has been very helpful; the breakdown sometimes seems to occur among local practitioners, who may not know the motivation behind certain proposals and who often lack the guidance, clarity and direction needed to make the proposals work.

Criminal justice professionals have now begun talking to each other, which is real progress that I welcome. Certainly in Nottinghamshire, that process was evident when I met the criminal justice board on Friday. However, that in itself is not enough. The criminal justice system has to be reunited with its public. That is the next step. Having got members of the criminal justice system talking to each other about their own processes, we need to take that a stage further and get the system as a whole and all its constituent parts to look outwards to the people whom it is meant to serve.

This morning, I want to give one example of how the Government and MPs can help the criminal justice system do that. It deals with the work of young offenders doing community hours. That work needs to connect far more directly and immediately with local communities, so that those communities will see that the criminal justice system is working for them at their request. That will increase the likelihood of the community working with the criminal justice system—giving evidence, helping victims, building neighbourhood watch, and reporting crime. It is about building trust and reaching out to communities, and getting the payback from the community as faith is restored, making a virtuous circle.

Much excellent work is done in allocating offenders to useful work in our communities, such as removing fly posting, litter picking and erasing graffiti. It is exactly the sort of work that a blighted outer-city estate needs to tackle the environmental degradation brought about by antisocial behaviour. Some of it is done at the behest of the community, but—with the greatest respect to those who work immensely hard with young offenders—it usually happens in a roundabout, somewhat leisurely and occasionally bureaucratic way, which dislocates the work from the neighbourhoods in which it is taking place. The aim is to get the connections cleaner, tighter, faster and more timely. When people see something happening in their community at their request, it will give a tremendous boost to the restoration of faith in the criminal justice system.

We need to build on what we have and to establish something that is far sharper and more direct. The community, represented by Members of Parliament, local councillors and, above all, by tenants or residents associations and neighbourhood watches, should be able to ring a highly publicised hotline number staffed by a named person to nominate suitable work to be done in the neighbourhood, and offenders in orange jackets should appear within a week to do it. That is the aim that I hope that the Minister wants to set local authorities and criminal justice institutions up and down the land. We must be clear about our ambition and our targets, so that work is done because somebody in the community has recognised a need for it, and that person can then see people in the street doing it.

I must put on record the tremendous efforts of local people in Nottingham, as it might serve as an example of best practice that the Minister could help us with, or it could be used to help people in other towns and cities. There is to be a dedicated post based in street scene, which is part of one of the departments of the council. That will be the link point for both the community and the work. That officer will be the contact point for tenants associations and others who want to suggest activities or identify problems; the officer will also be proactive in reaching out to those institutions to ensure that they are aware of the possibilities open to them to have work done in the area. The officer will then ask the youth offending team to identify young people available

[Mr. Graham Allen]

to do the work, and to organise sessional workers for the placements. The problem with having that officer located within the youth offending team is that such a person might not know enough about the nature of the tasks to judge whether particular jobs are within the capacity of young people or whether they are suitable in health and safety terms. The effect should be the same for community groups: they will have one point of contact, and the same person will be able to make the judgment about suitability of the tasks, and to liaise with the YOT. A pilot scheme will run during the coming school holidays—hopefully in the area known as Bulwell in my constituency—to test the links and communications and to ensure that teething problems are dealt with. The aim is to roll it out across the city over the rest of the year.

We have worked through some of the barriers that we encountered locally, such as health and safety issues, potential trade union concerns that needed to be allayed and child protection concerns. The work should be about putting something back, but it is also positive for the offenders, as can be seen in the comments of some of the youths involved in clearing fly posting. They said, "This job is the most useful because it is really helping the community," "We had someone come up to us and say that what we were doing was really good," "I reckon it will stop me reoffending," and "I might consider it as a job." One youth's mother said, "He feels like he's doing something worth while. His whole attitude has changed." Such comments, I hope, are evidence that such work is useful and may lead to other employment, and gives a sense of putting something back into the community.

If we can identify the tasks that mean something to local communities, we will complete the circle in which young offenders are doing something valuable to make amends, in which they see a purpose, and which will help them to gain the skills and confidence that will steer them towards work and enhance their life chances. That process will also build confidence within communities that the criminal justice system is aware of and responding to their experience of crime, and is not some fusty thing that goes on somewhere in the courts, where there are lot of bureaucrats who are not very welcoming or friendly. Instead of, "It is a frightening experience that we do not want to be involved with," people will think, "The criminal justice system came to us and fulfilled a need to make our estate better." An immediate link will be established, which will be vital to rebuilding faith in the long term. Most importantly, the "putting it right officer", if I can use that expression, would be charged with notifying the community that work was going on at their request.

Currently—I have broached this issue with the Minister privately—we have to ensure that residents and tenants do not know when such activities are to take place, so that the identity of the young offenders is not disclosed. I do not propose the naming and shaming of offenders, as I do not think that that is the way forward, but if the scheme that I propose is to be effective, the community must be informed about where work is going to take place, so that they can see it happening—so that they can see a timely response to their requests. I would like the Minister to consider that at his leisure—although I know he has no leisure—and to think about how we can take it forward. There has to be a balance: the community should be able to witness the work taking place without it being a punitive sanction where people take photographs of young offenders, or where other problems might ensue. The matter requires some further thought, because that immediate link must be retained.

I have another, smaller, plea to the Minister: that we do not baffle the community and simple-minded Members of Parliament with too much jargon. We can surely do better than titles such as the "probations enhanced community punishment scheme" in trying to get over to our constituents the opportunities that lie behind that mouthful.

Those who suffer antisocial behaviour do not draw any distinction between young offenders and adult offenders, yet I have found that everything needs to be negotiated twice—once with the young offenders team and once with the probation service. Will the Minister consider whether that distinction might be done away with, at least in this instance, or whether we could simplify in some other way to make a reality of the practice that we all seek?

I have raised this issue with the Minister almost since the day he was appointed, and I have always had a positive and encouraging response from him. I have also raised it locally, but have occasionally felt that I was being deflected and managed by those who feel that they, rather than the community, have proprietorial rights over the criminal justice system. We need to rediscover the fact that justice is a public service, just as health and education are. It is the property not of local professionals, but of the community whom we are meant to serve. I sometimes think that we are not as outward-looking as we could be, but that is a minor caveat. That attitude is passing, certainly in Nottingham, and passing very quickly.

A massive injection of positive motivation has come from the grass roots. Bob Uden from the youth offending team and David Hodgson from the council's street cleaning team are getting on with the job—they are not waiting, they are doing it right now. Many others deserve recognition, including Ken Beaumont, Chris Bailey, the council leader Jon Collins, Val Matinson from the city's chief executive's department and many other hard-working and committed individuals who want this approach to work and who have been getting on and doing the job. I am proud that Nottingham is starting to show the way and that where problems are arising they are being tackled rather than taken as an excuse not to do anything.

The Government must not only attack antisocial behaviour, but promote social behaviour, and this is one way to do that. Local professionals, and MPs first and foremost, must not only react to cases but be proactive in reaching out to the communities they serve. Communities must not passively have services done to them, but should initiate and experience the benefits of a criminal justice system as a public service. Yesterday, the Prime Minister talked the talk about the law-abiding citizen being the boss and being at the centre of the criminal justice system. The Minister knows me quite well, and he knows that I will follow this specific practical example closely in order to judge how real the follow-through is to the Prime Minister's fine words.

11.16 am

The Parliamentary Under-Secretary of State for the Home Department (Paul Goggins): I congratulate my hon. Friend the Member for Nottingham, North (Mr. Allen) on obtaining this debate and on the assiduous way in which he pursues these issues, not only in Westminster but in his constituency. His speech this morning and the information that he has shared with the Chamber are based on his daily experiences in his constituency. I endorse entirely the role of the Member of Parliament in making the connection between policy making at the centre and what happens in local communities. Unless we make those connections, we do not learn the lessons or make the improvements that we need.

Throughout his speech, my hon. Friend kept coming back to the need to restore faith and confidence in the criminal justice system. He mentioned the comments made by our right hon. Friend the Prime Minister about making sure that at the heart of the system is the ordinary law-abiding citizen, rather than the offender, as has happened too often in the past. The community should be at the heart and we should be doing everything that we can to restore confidence.

I join my hon. Friend in his generous thanks to the professionals in his constituency and city who deliver the service. However, he was right when he said at the outset that the public do not always perceive their work. Sometimes they do not see all the decisions that are made and the programmes that are carefully put together. We have to change that and make sure that they see what is happening and can make a connection with it.

My hon. Friend argued forcefully for a service that is proactive, not just reactive, and I agree entirely. It is important that young people who have committed crimes and offended against individuals or the wider community should be punished. It is also important that that punishment, wherever possible, should be a form of payback to the community where those offences were committed. I agree that we have to continue to develop our probation service as a neighbourhood service—not as something remote, but as something that is closely connected with, and deals with, offending behaviour problems in the communities.

All those things fit together. The five-year strategic plan announced yesterday by the Home Secretary, which puts an emphasis on neighbourhood policing, the new antisocial behaviour prosecutors whom we are developing at local level, and the extra 20,000 community support officers are all important ways of building up the capacity of the system. However, we have to join them all together in a way that makes a difference and connects with the lives of local people.

I am glad that my hon. Friend has received the letter that I sent to him at a late hour yesterday. I was certainly interested in the proposal that he made in his letter to the Home Secretary. I can confirm that there is no reason why a bench that is in full possession of information about what is available in the community should not recommend the type of work that the offender should do. Clearly, we could not allow an order to depend on a particular type of work, because that would be difficult to organise and enforce. A fully informed bench would, however, reflect the connectivity for which my hon. Friend argued. The magistrates would know what was going on and, on behalf of the community, could impose penalties that really meant something to the offender and the wider community.

Mr. Allen: Do magistrates currently know of that possibility? If not, would it be possible to send them a copy of the letter or a guidance note? I suspect that they are not fully aware of the possibilities in their hands, not least because of the pressures of work.

Paul Goggins: I am happy to look into that. I suspect that their training will confirm that magistrates can make use of such possibilities, although that relies on their knowing what is available on the ground and being well informed by those who prepare court reports. However, I will take a close look at the issue.

My hon. Friend argued cogently for us all to make connections between policies, the agencies that deliver them and the local community. He captured the mood very accurately in one telling phrase when he talked about the need for the criminal justice system to be "reunited with its public". We should all share that aspiration and work to achieve it. What better way could there be of dealing with young offenders than enabling them to put something back into the community, make good the damage that they have done and improve their community's environment through practical enhancements while changing their own behaviour and attitudes so that they can be more successfully integrated into their community?

My hon. Friend suggested that members of the community or a community association could have access to a readily known local phone number so that they could put in a request for work that needed doing and get a response. That is a sensible and practical idea, and I hope that it can be developed in his area. I recently visited Cardiff and saw how the probation service had developed a graffiti-busting project. With funding from the crime reduction partnership, it had bought the equipment required to remove graffiti. Community groups need now only make a phone call, and the team can get out there and make a difference, with offenders putting something back. We need probation services to be fully integrated with crime reduction partnerships and other local partnerships so that people have the information and confidence to make contact. My hon. Friend outlined arrangements in his area, which I fully endorse, and I hope that they can be deepened.

I was interested in my hon. Friend's comments about the pilot project in his area. Indeed, I am sure that people throughout his city of Nottingham will be interested in it. He said that it would be rolled out in due course. I will certainly be interested to find out how it goes and I am sure that he will keep me informed, as he frequently does. If we can learn from the project nationally, we should do so.

My hon. Friend listed a number of people who are making a real difference in his city. I am aware of the leadership of Councillor Jon Collins and of his work in tackling the difficult issues that sometimes get in the way—the health and safety issues that my hon. Friend mentioned and the reservations that trade unionists in the city may have. Councillor Collins likes to cut through such things and try to provide a practical solution. With my hon. Friend, he can make a real difference.

[Paul Goggins]

My hon. Friend quoted the views of local young people whose lives and attitudes have been changed by the work that they have done. What could be better than putting something back, learning a new skill, perhaps gaining in confidence and seeing new opportunities and horizons opening up? Amends are made for the wrong that has been done, and new opportunities arise for the young offender. The youth offending team in my hon. Friend's constituency wants to co-operate closely with him in putting schemes together. I commend the team for that and him for the work that he has done.

My hon. Friend raises an interesting question about how the local community can be better informed about work that is being done. There is a balance to be struck between ensuring that people are aware of such work and ensuring that the young offenders involved are not demeaned or exposed to ridicule, because that could subvert the positive work that we are trying to do to change their lives and attitudes. I am not an advocate of yellow jackets, which my hon. Friend mentioned, but it is important to brand the work that young offenders do. The local community should know if litter has been picked up or a piece of land restored by offenders and should be able to celebrate the fact that amends have been made and something has been put back.

My hon. Friend made a plea for limiting jargon and bureaucracy, and I endorse what he said. All this is best summed up by the term "payback", because everyone knows what it means. We should focus on simple words such as that to ensure that people understand that this is about restoring our communities and putting something back.

Mr. Allen: By accident, I headed some of my e-mails "Putting it right". That phrase seems to have caught the imagination of many people locally and they are using it. Whether we talk about "putting it right" or "payback", we must use words that the community understands, rather than talk about the community liaison strategic partnership review community offender operations programme sub-officer. "Putting it right" is probably a snappier phrase than some we have been used to in the past.

Paul Goggins: Indeed. It may well be my hon. Friend's experience—it certainly is mine—that local communities are intolerant of young people when they are committing offences, but as well as punishment they want a real effort to be made to turn offenders' attitudes and behaviour around. Payback really resonates with them. If local communities see people putting something back to make amends for what they have done, they are happy that justice has been done and there is a chance for the young offenders to make progress and move beyond their offending behaviour.

I have been happy to respond directly to the questions that my hon. Friend has raised. Of course, all this must be seen within the wider environment of policy, the development of the Youth Justice Board and our whole approach nationally and locally to all these questions. That approach has been transformed in recent years. We have put the prevention of offending at the heart of the system and sentencing policy. It is important to consider other issues to do with welfare and, as we have emphasised, restoration and reparation are important, but the prevention of offending should be at the heart of everything that we are trying to do.

Mr. Allen: My hon. Friend has been generous in giving way. On the assumption that he is not promoted to the Cabinet by the end of the week, as many of us would like him to be, and he continues in the same job, will he consider coming to Nottingham some time before the end of the year to see whether we have been able to make this system work and whether there are lessons that he could transfer to elsewhere in the UK?

Paul Goggins: It is kind of my hon. Friend to talk about promotion, but I hope to be able to take up his offer of a visit. When I come to Nottingham, I will be able to meet members of the youth offending team. I know that 90 staff now operate in the team, including social workers, probation officers and police as well as specialist staff such as mental health staff, substance misuse workers and victim liaison workers. They all work together at local level to try to make a difference.

We have developed a range of court disposals, such as the reparation order and the action plan order. The referral order is a new and effective initiative used when offenders are in court for the first time and admit the offence. Again, we are involving the community in referral orders: 5,000 volunteers nationally serve on referral order panels. I understand that, in Nottingham, 64 local people serve on the panels and work out appropriate interventions for young people who have been in trouble. Again, that is about trying to change young offenders' lives.

11.30 am

Sitting suspended until Two o'clock.

Public Corporations

2 pm

Mr. Christopher Chope (Christchurch) (Con): Accountability and openness are two of the key responsibilities of holders of public office. They form two of the six principles of public conduct, so I am delighted that we are joined this afternoon by my right hon. Friend the Member for North-West Hampshire (Sir George Young), the Chairman of the Standards and Privileges Committee. One of the means by which accountability and openness are facilitated is through objective accounting and statistical standards. They are what underlie this debate.

What is a public corporation? Is it different from a nationalised industry? How should Ministers monitor public corporations? Fortunately, I do not have to invent the answers to those questions; they are set out in the Treasury document, "Public Expenditure: Statistical Analyses 2004". That document defines a public corporation as

"a term from national accounts—the European System of Accounts. So it is the Office for National Statistics that determines which bodies are public corporations. The characteristics of public corporations are: they are mainly trading bodies, largely recovering their costs from fees charged to customers . . . they are owned or controlled by central government, local authorities or other public corporations; and they have substantial day to day operating independence so that they should be seen as institutional units separate from their parent departments."

In terms of public finances, a nationalised industry and a public corporation are no longer treated differently. The PESA document goes on to set out the controls in place over public corporations, and I draw hon. Members' attention to the following paragraph:

"Monitoring plays an important role in controlling public corporations' performance in the interests of the taxpayer and the consumer. Sponsor Ministers"

and

"departments . . . continuously monitor bodies' performance against all aspects of the controls described."

It is up to Departments to set individual financial targets for public corporations and any dividend or interest payments required. It is significant that where public corporations compete in the same market as a private company, there can be an issue of fair competition.

That sets out some of the background behind the subject, but does any of it make any difference in practice? It certainly does. There was a headline report in newspapers earlier this year about the change in the definition of Network Rail. On 27 February 2004, the ONS announced that Network Rail would be regarded as a public corporation until 31 March 2003. As a result, £9 billion—a lot of money in anyone's language—has to be put on the balance sheet in the national accounts to reflect that ruling. I know that my right hon. Friend the Member for North-West Hampshire intends to say more about the conundrum presented by that decision. I find it amazing that it took a newspaper editor digging behind what appeared to be an innocuous statement by the ONS about the classification of Network Rail to highlight the issue. When one examined the statement and the attached document closely, one saw that it was not so much a statement about classification as a change in classification with the implications that I described. I use that as an example of how significant a decision on whether an organisation is a public corporation can be.

Whether enterprises are in the private or the state sector is relevant to the definition of capital business investment. Are state-controlled enterprises crowding out the private sector? Is business investment as a share of gross domestic product rising or falling? Recent statistics reveal that business investment by public corporations is rising compared with capital expenditure by private companies, especially in the manufacturing sector. I hope that I have shown that we are able to have proper accountability by having a robust and accurate definition of public corporations.

One may ask, "What has been happening?" I shall illustrate my argument using trust ports. On 26 October 2000, the ONS decided to classify certain major trust ports as public bodies whose financial transactions were to be included in the public sector borrowing requirement. The background was set out in reply from the Financial Secretary to the Treasury to a written question of mine. She enclosed a copy of a letter from John Pullinger, the national statistician. In explanation of the decision taken on 26 October 2000, John Pullinger stated:

"Classification decisions are made by applying international standards for National Accounts . . . The classification of corporations to either the public or the private sector is determined by control. The public sector has control over the major trust ports, usually through both appointment rights and powers contained in the Ports Act 1991."

I asked which major trust ports had been reclassified as public corporations, and the Under-Secretary of State for Transport, the hon. Member for Plymouth, Devonport (Mr. Jamieson), replied:

"In discussion with the Office of National Statistics, we have identified 21 trust ports in England and Wales that might fall within the classification as public corporations at the present time. These are:

Bridlington
Caernarfon
Chichester
Dover
Falmouth
Flamborough (North Sea Landing)
Harwich
Hope Cove
Langstone
Littlehampton
Milford Haven
Newlyn
Orford
Poole
Port Isaac
Port of London
Port of Tyne
Sandwich
Sandersfoot
Shoreham
Teignmouth."

I asked what the financial reporting arrangements were for the trust ports that had been reclassified as public corporations. The Under-Secretary stated:

"As we are still working to assess what the impact of this classification might be, there have been no changes to the financial reporting arrangements at this time."

[Mr. Christopher Chope]

That was in March 2003, although the classification change had been made in 2000. I asked what progress had been made on discussions with the ONS. The Under-Secretary stated:

"We have now identified with the Office of National Statistics which trust ports might fall within the classification as public corporations, and my officials are currently working to identify the financial and resource implications of this classification for those ports and the Department."

I asked

"why there is no reference to the trust ports classified as public corporations in the Resource Accounts . . . of the Department for Transport, Local Government and the Regions".

The Under-Secretary's answer was that, at the time of preparing the resource accounts,

"we were still discussing the proposed classification with ONS, including trying to identify which ports would fall within that classification. Therefore we were unable to include any reference to the trust ports in those accounts."—[*Official Report*, 5 March 2003; Vol. 400, c. 1025–1026W.]

I hope the Financial Secretary shares my concern that the Department for Transport resource accounts for 2002–03, which were published on 29 January this year, make no reference whatsoever to any of the trust ports being defined as public corporations. Indeed, the only public corporations referred to—on page 55, note 26—are the Air Travel Trust and the Civil Aviation Authority. Why do the resource accounts for the following year make no reference to the classification of the trust ports as public corporations and to all the things that flow from that, including returns on capital and so on? I have not had an answer to that question, but I hope that the Financial Secretary will be able to give me one today.

We are not talking about insignificant organisations. In answer to my question, the Under-Secretary of State for Transport said:

"The latest published accounts we have received from the major ports defined as public corporations show on the balance sheets that the net worth of each port is as follows:

Port	*£ million net worth*
Port of London (at 31 December 2003)	48.3
Dover (at 31 December 2003)	124.8
Milford Haven (at 31 December 2002)	31.9
Poole (at 31 March 2003)	11.8
Tyne (at 31 December 2002)	47.6
Harwich Haven (at 31 December 2003)	33.8".

—[*Official Report*, 13 July 2004; Vol. 423, c. 1016W.]

Only those six ports are listed as major ports that are defined as public corporations, but at least for the first time there is an implicit admission by the Department for Transport that they are public corporations rather than potential public corporations. This is not merely an academic or semantic dispute; it is serious and important, because a significant part of the ports industry is in limbo as a result of doubts about whether major ports are classified as public corporations. If they are, why is the Department for Transport not requiring a rate of return or monitoring them, as required by Government convention?

The confusion still exists, certainly in Dover, the largest of the trust ports. On 16 June 2003, I asked the Chancellor of the Exchequer to what extent the borrowing authorisation of £50.4 million to Dover Harbour Board is included in the Government's public sector borrowing requirement. The response from the Chief Secretary to the Treasury stated:

"Dover Harbour Board is classified to the public corporation sector in the national accounts. Thus spending and borrowing of Dover Harbour Board is public sector spending and borrowing, in particular its borrowing from the private sector is included in Public Sector Net Borrowing. While facilities to borrow do not themselves impact on PSNB the draw down of that facility to finance expenditure would."—[*Official Report*, 16 June 2003; Vol. 407, c. 37W.]

Yet the annual report and accounts of the Dover Harbour Board for 2002 contain no reference to the fact that it may be a public corporation. Picking up on the answer in June 2003 from the Chief Secretary, Mr. C. Madderson, managing director of George Hammond plc, a user of the port of Dover, wrote to Dover Harbour Board about the situation, asking whether it affected the board's ability to borrow or whether a return on capital was needed. About a month later, he received an interesting reply from Mr. Bob Goldfield, chief executive of Dover Harbour Board, who said:

"With reference to your letter of 17 September regarding Trust Port status, I apologise for the delay in replying but I was checking the latest position with Ports Division"—

that is a reference to the Department for Transport—

"and they were slow!

It is true that there is a proposal from the National Audit Office"—

I think that should have been the Office for National Statistics—

"to have the major trust ports redesignated as public corporations. This proposal is based upon the fact that, for those ports, the Secretary of State appoints the majority of the Board. However, the Department for Transport are vigorously rejecting the proposal and they have stated publicly that they will withdraw from appointing Board members, thereby removing the rationale for redesignation, should the proposal receive serious consideration.

We therefore see no prospect in the immediate future of any change to the status of Dover Harbour Board as a Trust Port."

That extraordinary response from Dover Harbour Board was sent, it seems, on the advice of officials at the Department for Transport.

What is going on? I asked the Department for Transport whether it had it mind to change the board membership of Dover Harbour Board. On 28 October 2003, I received this answer from the Under-Secretary:

"Seven board members, including the Chairman, are appointed by the Secretary of State to the Dover Harbour Board . . . Government appointments to the DHB are made in strict accord with its policy on the appointment of all non-executive directors and board members of public bodies and we abide by guidelines set out by the Office of the Commissioner for Public Appointments . . . We have no current plans to alter this policy."—[*Official Report*, 28 October 2003; Vol. 412, c. 154W.]

Any suggestion that the Department would try to alter its control over the board to change the classification of Dover Harbour Board as a public corporation seems to be without foundation.

In March, I had the privilege of attending the annual lunch of the British Ports Association. If I say that at that lunch before the Under-Secretary spoke there was an air of expectancy, I understate the position. Everybody at that lunch was expecting an announcement on the status of ports as public corporations and the implications that flowed from that. The Minister made no such announcement, and in correspondence that I have had with him since all he has said is that the issue is still under consideration and discussion. How, almost four years after a ruling by the Office for National Statistics, can the Department be saying that the issue is not clear? As a result, it is defying the conventions and, indeed, the rules.

Can the Minister confirm that the major trust ports have been public corporations since 2000, and still are? As her Department, the Treasury, has responsibility for the ONS, can she confirm that neither the Department for Transport nor any other Department should be acting in defiance of an ONS ruling? What sanctions are available, and what will her Department do about the action of the Department for Transport in not complying with that ruling?

The implications for public expenditure are relevant, because the Minister's Department provides money to the Department for Transport, and it is clear that that Department, by not demanding a rate of return on capital employed by the public corporations under its control, is depriving itself of important income. One wonders why, particularly as just today we have had another statement from the Secretary of State saying that he is strapped for cash and there is a lot he would like to do but he has not the resources with which to do it. That seems to be an area in which some saving could be made immediately—a subject on which Members on this side of the Chamber are expert.

If the Minister cannot respond in substance to my concerns, what else can one do? I could take the matter to the Comptroller and Auditor General and ask for it to be referred to the Public Accounts Committee, but do I really need to go that far in the light of the clearest possible guidance to Ministers under the rules for people in public positions? Why can we not just get a Department to comply with the rules that are already laid down? That is the burden of my concern.

If the Department for Transport is defying the Government on this issue, that puts a question mark over what is happening in respect of Network Rail. We know—I am sure that my right hon. Friend the Member for North-West Hampshire will refer to this in more detail—that the ONS found out exactly what was going on with Network Rail only when it came across an item on another website. The information was not given to it fairly and squarely to enable it to determine whether Network Rail was a public corporation or a private company.

One is particularly suspicious at the moment about what is happening in the Government. We know from the Macpherson report that racism in the Metropolitan police was institutional: people did not realise that they were being racist because it was so much part of the arrangements and the culture. I fear that we are getting into a situation in which deception by Departments is almost institutional. Departments do not deliberately deceive, but they encourage attitudes and a culture that are designed to minimise the information available to Members of Parliament and the scope for proper public accounting and accountability.

On the day when the Butler report is to be debated in the main Chamber, I hope that the Financial Secretary to the Treasury will be able to assure us that, in this relatively small field of activity, her Department is on the case and will ensure that the rulings of the Office for National Statistics carry weight and are implemented by the Departments that are given the responsibility for individual public corporations.

2.21 pm

Sir George Young (North-West Hampshire) (Con): I should like to add a brief footnote to the excellent speech of my hon. Friend the Member for Christchurch (Mr. Chope). I begin by commending him on his choice of subject. He might not get the coverage that he deserves in tomorrow's press because of rival attractions—indeed, we might be asked what we were doing when the House was debating Iraq, and the answer will be that we were debating definitions of public expenditure.

However, as my hon. Friend said, the topic is important because the Government have set themselves standards of probity in fiscal and monetary policy. They have set themselves many rules, and it is important to know whether and how they are being adhered to. If the public, the City and financial commentators suspect that the rules are being kept through some accounting sleight of hand—I have a quotation to support that notion—the whole purpose of having rules, which is to maintain confidence in financial prudence and integrity, begins to disappear. Yes, the Government might be keeping their rules, but they might be doing so in such a way that their behaviour and borrowing are put in a very favourable light, and the totality of the commitments into which they are entering on behalf of the taxpayer of the future is not revealed.

I shall focus on Network Rail and whether it is a private or a public sector company. There have been two views on that question. I go back to 21 June 2002 and quote from the *Financial Times*:

> "But in a move that shocked financial experts, the Office of National Statistics acceded to Treasury requests that the big liability would not be included in the government's accounts. The row concerns the Strategic Rail Authority's role in underwriting the debts of Network Rail."

We were then talking about some £9 billion. The ONS view, as stated in its press release of 5 July 2002, was that Network Rail's borrowing would be classified as private sector borrowing in the national accounts. That decision was taken after advice from the head of accountancy profession at the Department for Transport, whose view was that that support was considered a contingent liability of Government and so was unlikely to be called on. It goes without saying that had that decision gone the other way, the finances of the Department for Transport would have been in serious difficulty, because it would have had to find £9 billion from the rest of its budget.

The reasons for that decision were amplified in the statement "Setting the record straight on Network Rail" on 11 July 2002. In it, the ONS said:

> "In national accounts, the guiding principle for classifying institutions as public or private is who exerts control over general corporate policy, including the appointment of directors."

[Sir George Young]

I shall return to that in a moment. However, the National Audit Office took a different view. The Financial Times said on 5 December 2002:

"Sir John Bourn told the Commons Treasury sub-Committee that Gordon Brown should make it clear that the Government might have to raise an enormous sum of money, over and above its published estimates for debt, in certain circumstances."

Sir John said:

"If this had been in the private sector, and I had been auditing this, I would have said that this is essentially a subsidiary company and I would have expected it to be put on the balance sheet."

He continued:

"The government is providing security through the SRA to the providers of debt and it is acting as a lender of last resort to Network Rail so it is assumed that there are liabilities that could accrue."

The NAO went on to classify Network Rail's debts as public sector borrowing, taking a different view from the ONS. I wonder who would have lent any money at all to Network Rail without the Government standing behind it, particularly after the Railtrack debacle. The NAO also determined that Network Rail would be on the balance sheet of the SRA—indeed it now features on the SRA's consolidated Companies Acts-style accounts, because of the degree of influence that the SRA could exercise over Network Rail.

The disagreement between two professional accountants caused some concern to the Treasury Committee, on which the hon. Member for Yeovil (Mr. Laws) then sat. A rather unsatisfactory truce was agreed after the intervention of the Statistics Commission and a joint statement was issued in October 2002, in which they agreed to disagree because they came to the issue with different perspectives.

Last Thursday, the Secretary of State made a statement on Network Rail. I want to deal first with the balance sheet issue. The Secretary of State announced:

"It follows, therefore, that the Strategic Rail Authority will be wound up, and that the majority of its functions, including all its financial obligations, will be transferred to the Secretary of State."—[*Official Report*, 15 July 2004, Vol. 423, c. 1547.]

One might therefore assume that, if the SRA's liabilities were absorbed into the Department for Transport, Network Rail would end up on the balance sheet of the Department, which is of course part of the Government. In that case, it would be on the Government's balance sheet. Perhaps the Minister can confirm that that is what will happen. On control, the position has fundamentally changed. Whatever it may have been in the past, the Secretary of State's announcement last Thursday fundamentally changed the position of Network Rail, and the ONS should now review its earlier decision. The White Paper that was published last week, "The Future of Rail", states:

"Under this new structure: Government will have clear control of the strategy for the railways".

Chapter 3 states:

"The Secretary of State . . . will take responsibility for setting the national-level strategic outputs for the railway industry, in terms of capacity and performance."

Elsewhere the White Paper states:

"This means that the Government will be responsible for deciding the overall size and shape of the network; the key timetable outputs; policy on regulated fares; minimum performance targets; enhancement priorities; and policy on information provision and accessibility."

Later, we read that

"The Government will specify the very largest projects, such as the construction or upgrades of major lines, and will determine the overall approach and by whom they are delivered".

Any notion that Network Rail is an ordinary private sector company is strictly for the birds. It is a company that does what the Government ask it to do. It is not a company that is controlled by its directors or members, which is the key definition used by the ONS. The question asked by ONS is: who is exerting control over general corporate policy? There is only one body doing that, and it is the Department for Transport. One of the reasons for the Secretary of State's statement last week was that the Government felt that they did not have enough control over Network Rail. Can the Financial Secretary confirm that the time has come to end the fiction that Network Rail is a private sector company? Will she give an undertaking that the borrowings will in future score as Government debt?

2.29 pm

Mr. David Laws (Yeovil) (LD): Like the right hon. Member for North-West Hampshire (Sir George Young), I congratulate the hon. Member for Christchurch (Mr. Chope) on raising this particularly important topic. He began his speech by saying that the subject was important because of principles of objective accounting and transparency, which are important in their own right, but he went on to describe how the way in which we classify public corporations and other entities on the dividing line between the public and private sectors has real effects in terms of public borrowing and public expenditure. He has extended the list of areas in which there are concerns about Government policy from the traditional ones of foundation hospitals and Network Rail to trust ports. He has set out clearly some of the issues, to which I hope the Financial Secretary will respond later.

The definition of a public corporation is set out clearly in the public expenditure statistical analysis. I shall not read that into the record because it is relatively lengthy and hon. Members can look it up for themselves. In the Government's definition, and in statements made by Treasury Ministers and advisers, there is a sense that the classification of public and private sector bodies is fairly clear and straightforward.

When the subject of foundation hospitals was at the centre of public and political debate about a year ago, the Secretary of State for Health wanted to put them outside the public sector so that they could borrow more easily, and the Treasury resisted because those bodies would be outside the Government's control over borrowing. The then chief economic adviser to the Treasury—Mr. Balls—described the distinction between public and private sector entities in very clear terms. On 27 February 2003, in the evidence that he gave to the Treasury Committee's inquiry into the euro, he said:

"if you are running a sound fiscal policy and, therefore, you are looking at all borrowing by public bodies, then there are only really two categories, either institutions in the public sector or there for the purposes of the public accounts in the private sector. If bodies are in the public sector, whether that is central government, local government or hospitals, then they count as public borrowing, and if they are in the private sector, they count as private borrowing."

He went on to make it absolutely plain that the only way in which bodies could not be in the public sector was if they were in the private sector, and that they would have to be in the public sector if they were not in the private sector. It could not really be any clearer than that. On that basis, the Treasury managed to resist foundation hospitals sneaking out of the public sector and borrowing willy-nilly as if they were private sector bodies outside the Chancellor's control.

Unfortunately, as the right hon. Member for North-West Hampshire pointed out, when we are dealing with Ministers who are in the Chancellor's favour—such as the Transport Secretary—or when the Government are particularly keen to keep public borrowing out of public accounts because it has been inherited from some other entity, it seems that the Government are willing to stretch definitions that ought to be clear in order to achieve their own priorities. The hon. Member for Christchurch cited the Treasury Committee's report on Network Rail, and the disputes and controversy at the time. We ended up with the extraordinary position of the ONS classifying Network Rail as a private sector entity based on the fact that the directors were private sector directors, even though the body that appointed them was selected by the Secretary of State for Transport, while at the same time the Comptroller and Auditor General was insisting that, on the basis of the substance rather than the form of the transaction, Network Rail should be in the public sector.

Briefly, I remind hon. Members of the forceful words used by the Comptroller and Auditor General in his evidence to the Treasury Committee on 4 December 2002. He said:

> "In essence, my point was this: if Network Rail goes down, we are not going to have no railways in this country—the Government will provide them—and it is stacked up to the extent of £21 billion in the last analysis to do it. For those reasons I thought that, since that liability could accrue to the Government, it was right to make it clear and, indeed, there is a financial reporting standard, and I do my work in accordance with the financial reporting standards in the United Kingdom, that urges the principle of substance over form: that the auditor should, as it were, tell it how it is in his own judgment but should not seek to find mechanisms to, as it were, produce surprising results."

It was quite clear what the surprising results were. The Government had created a structure that led to the appointment of supposedly independent private sector directors, whose presence on the steering group of Network Rail allowed the ONS to insist that that body was a private sector body even though the risks that it was taking would fall to the public sector balance sheet if Network Rail came a cropper.

The right hon. Member for North-West Hampshire has underlined how the Government have got themselves into an even deeper hole as a consequence of removing the Strategic Rail Authority from the equation and giving the Secretary of State for Transport direct control. The Strategic Rail Authority already had a long list of direct responsibilities for Network Rail, which included not only appointment of non-executive members of the board but the right to remove the chairman and chief executive of Network Rail in certain serious circumstances, receipt of information from Network Rail, provision of grant support payments, and provision of credit facilities. Now, as the right hon. Gentleman said, those responsibilities have been transferred to the Secretary of State for Transport, making it even more difficult for the Government to argue that Network Rail is a private sector rather than a public sector entity.

All those examples—trust boards, foundation hospitals and Network Rail—demonstrate the importance of having objective accounting standards and transparency, not least because the way in which those standards are applied has a real effect on the way in which public borrowing and public expenditure consequences appear on the public balance sheet. It is incumbent on the Financial Secretary to explain to us today how the Government's existing rules give priority to substance over form rather than form over substance, which seems to have been the case with Network Rail and, to some extent, foundation hospitals. I hope that the Financial Secretary will respond to that, not least in the context of trust ports, which the hon. Member for Christchurch raised today.

2.37 pm

Mr. Andrew Mitchell (Sutton Coldfield) (Con): This has been an excellent debate, ably opened by my hon. Friend the Member for Christchurch (Mr. Chope). It is a debate about accountability and openness, and many of the important issues that have been raised lie on the public record. We look forward to the Financial Secretary answering some of the questions that have been asked today.

My hon. Friend referred to the relationship between public corporations and nationalised industries, their relationship with their Department and the need for a robust definition of public corporations. My right hon. Friend the Member for North-West Hampshire (Sir George Young), who is a distinguished former Transport Minister, spoke about the absolute requirement for transparency in public accounts. He drew our attention to Network Rail, as did the hon. Member for Yeovil (Mr. Laws), the Liberal Democrat spokesman, and the difference between classification by the ONS, which said that borrowing would be classified as private sector borrowing, and the different view taken by the National Audit Office. In passing, I draw the Chamber's attention to an article on other work done by the ONS, which appeared in the *Financial Times* last week and which made it clear that the ONS has massively overestimated the amount of pension savings in the economy: the organisation is clearly under some pressure at the moment. My right hon. Friend also made a point about transparency in public accounts. It is clear that, as he said, since last Thursday Network Rail is no longer a private company.

I want to dwell briefly on the important issue of trust ports, which was raised by my hon. Friend the Member for Christchurch. Although trust ports play a relatively minor role in the industry, handling only 13 per cent. of UK trade and accounting for less than one third of commercial facilities, they are, nevertheless, an extremely important part of an important industry—UK ports. Just one trust port features in the top 10 UK ports, which together handle 67 per cent. of UK freight tonnage. However, those mainly small and medium-sized ports have considerable regional and local

[Mr. Andrew Mitchell]

significance and are considerable economic players. They provide particular benefit to their areas because they are free to reinvest their profits for the benefit of all port users and wider regional and local interests.

As a result of the Government retaining appointment rights and the nature of the Ports Act 1991, which allows the Government to compel the conversion of trust ports to private companies, the ONS has classified major trust ports with a turnover of £6.6 million or more as public corporations. In 2003, the Government identified 21 trust ports in England and Wales that might fall into the classification of public corporations at that time. My hon. Friend identified a number of them. Together they have a total annual net worth of almost £300 million. That classification, however, has been confined to the national accounts and, as my hon. Friend explained, the Department for Transport has as yet neither tackled the issue, nor given any guidance to trust ports on the implications of reclassification. As I am sure the Financial Secretary will acknowledge, that uncertainty is damaging.

Ports have been advised by the Government to continue to operate as normal, but they are uncertain about the future and about the possible consequences of classification. There is, I believe, no good reason for that continued delay after nearly four years. The Financial Secretary has been asked a number of important questions both on trust ports and on Network Rail and the most appropriate thing that I can do is sit down and let her answer those points.

2.41 pm

The Financial Secretary to the Treasury (Ruth Kelly): We have had an excellent debate. I thank the hon. Member for Christchurch (Mr. Chope) not only for securing it, but for introducing it in a fairly reasonable fashion. However, while listening to him I sometimes felt that a Transport Minister should have been present to respond to some of the issues he raised. I am the Minister responsible for the Office for National Statistics, although I emphasise that the ONS is independent of Government.

The hon. Gentleman is concerned about the ONS classification of bodies in the national accounts and what that means for trust ports. Before tackling the precise points that he made, it may be useful if I provide him and other Members with a little background about how public corporations are defined. I will not go through the detail of how they are defined, because he covered that in his opening remarks.

The decision on whether a particular body should be classified as a public corporation or a private one is taken by the ONS. As in all other matters, it makes its decision free from any political interference, as is only right and proper—I am sure the hon. Member for Christchurch agrees—and uses internationally recognised standards. The classification of bodies and their transactions and the production of those statistics is, therefore, a matter solely for the ONS. In new, novel or contentious cases, ONS may refer to EUROSTAT, the EU body responsible for the compilation of EU economic statistics. As such, it would not be right or proper of the Treasury to attempt to influence or put pressure on the ONS on issues pertaining to the national accounts.

I emphasise that statistics are used for different purposes. The ONS classifies public corporations as being in either the public sector or the private sector according to a national accounts definition on international best practice. It refers to EUROSTAT work where necessary. The National Audit Office has a different remit. It classifies organisations for a different purpose. After the debate that the hon. Member for Yeovil (Mr. Laws) and the right hon. Member for North-West Hampshire (Sir George Young) referred to, that issue was raised in the context of Network Rail. Len Cook from the ONS and Sir John Bourn issued a joint statement saying that they were considering the same issues but had different purposes when classifying the organisation, so it was entirely appropriate that they came to different conclusions.

As all hon. Members know, the activity of all public corporations is included in the Government's key fiscal indicators and impacts on the fiscal rules. That gives a full picture of Her Majesty's Government's transactions, assets and liabilities, measured to include all public sector bodies, and ensures that the UK public sector's fiscal position is fully reported. So it is essential that we ensure that the activities of public corporations are properly reflected in our controlling and reporting of public expenditure.

The hon. Member for Christchurch raised particular issues about the classification of trust ports. That issue has been debated between the ONS and the Department for Transport—since 2001, I believe, rather than since 2000. He rightly points out that the question is complex. The answer depends on exactly how those corporations are controlled. The ONS was in discussions with the Department for Transport for a long period—until spring this year—about the appropriate classification. Initially, it thought that all 100 trust ports ought to be in the public sector. Once the Department for Transport had gathered and presented evidence from the ports, the ONS agreed that only 18 ports fell within the definition of a public corporation.

The matter has taken a long time to sort out, but now, I understand, the Department for Transport is completely content with the ONS decision. It is right that the ONS takes the decision, and that the Department abides by it.

Mr. Chope: The Financial Secretary has already given more information than I have been able to gather from Transport Ministers, for which I am grateful. She referred to the fact that 18 ports come within the classification. Can she say which of the 21 to which I referred have been excluded from the 18?

Ruth Kelly: I cannot tell the hon. Gentleman here and now, but I will write to him with the classification agreed by the ONS. How the Department for Transport accounts in its resource accounts is an entirely different question, does not relate to the national accounts definition of a public corporation and is a matter for the Department and its auditors.

The Department for Transport is working closely with trust ports to identify why those 18 have been classified as public corporations and whether that is the appropriate structure for them. However, it is completely content with the ONS interpretation and classification. There is nothing further that I can add as Minister, except to say that the Department is now working closely with the trust ports. I am sure that any issues that the trust ports have with their classification will be dealt with directly by the Department for Transport.

2.47 pm

Sitting suspended.

Non-Vocational Education (Hampshire)

3.30 pm

Sandra Gidley (Romsey) (LD): I welcome the chance to raise this subject, because I have been inundated with letters from constituents who are angry about funding being slashed for courses that they are attending. In approaching the debate, I originally intended to amass lots of evidence of the benefits of non-vocational adult education to make my case. However, the evidence that I came across very much echoed my constituents' sentiments, so I decided to let my constituents speak for themselves. That will be the main thrust of my speech.

I know that some of my constituents have written to the Prime Minister on this matter, because many of the letters that I have received are copies of letters to him. Often, they point out that the mantra of "Education, education, education" has a hollow ring to it. The gist is that education is not the preserve of the young and that it should be available in all forms to all ages. Clearly, the title Minister for Lifelong Learning, Further and Higher Education is something of a misnomer, and we should perhaps refer to the "Minister for All Sorts of Learning—As Long as We Approve of it and Think You're Young Enough to Enjoy it".

Let me quote from one of the letters to the Prime Minister, which sums up the situation and the concerns of many:

"I attend a day time Art Class in Romsey, Hampshire and have been advised that the charges are being increased significantly next term as the Learning and Skills Council is withdrawing funding from such courses. I understand this is because of your Government's policy that funding should be redirected to education for 16 to 19 year olds and be concentrated on courses that lead to a qualification. The result of this increase will reduce the number of people able to participate in Adult education, as many are living on fixed income so they will no longer be able to afford the fees."

That is a commonly held sentiment.

"For someone who constantly reiterated that education was an essential part of your government's plans, this policy change can only be regarded as a U-turn. If your definition of education includes only courses which result in a paper qualification then the country is in a sorry state".

How will be people be affected financially? I received a letter from a lady called Janet Hoskins, who happens to be heavily involved with the Romsey Disability Forum:

"For fifteen years I have attended Yoga lessons at Romsey community school which I am positive has been of immeasurable benefit in keeping me active and mobile. As a disabled person on a basic pension I have been paying a concessionary price of £7.95 per term but from September 2004 I will have to pay £52.50 for 10 weeks of lessons—or £157.50 a year which would entirely wipe out my pension increase for this year".

She goes on to talk about other things that will wipe out that increase, but I will not hold the Minister responsible for them; I will stick to the point.

Clearly, that course was subsidised, and the loss of such subsidies will be felt hard by many of my constituents. I acknowledge that many people are not subsidised and have been happy to find the fees from their own pockets. That said, the old non-subsidised rate for such classes was £32 a term, so there will be a 64 per cent. increase in fees, which many people have told me they can ill afford.

[Sandra Gidley]

As I said, the courses that will be affected this year are non-academic adult education classes, and they include subjects such as yoga, art, flower arranging, dance, meditation, antiques, garden design, woodwork, textiles, cookery and exercise. As I said, the fee increases are swingeing. I readily admit that some constituents can afford the fees and will pay them, but they too may be deprived of the opportunity to take such courses, which will simply not be run if there are insufficient subscribers. It seems that everybody is a loser.

Although finance is the motivating force behind many of the letters that I have received, I have been struck by people's reasons for being so upset about not being able to access their courses. I have had a lot of letters from people who took up yoga; I do not know whether they got together to write to me, but I was struck by the frequency with which the theme arose. One of the letters stated:

"We think that this is a very short sighted move, especially as applied to fitness activities such as yoga which we are urged to take up and must reduce the burden on the already hard pressed NHS. I speak from experience on this latter point because yoga has cured a back problem which had troubled me for years."

Another said:

"Not only does yoga provide exercise, it also teaches techniques for coping with the stresses of modern living so avoiding the need to visit our GPs for tranquilising drugs."

Yoga classes are not the only classes that are being hit; all exercises classes are being similarly affected. That seems most peculiar at a time when the Government are supposedly concerned about the levels of obesity in the country. Their early mantra was "joined-up government," so I am particularly disappointed by their withdrawal of funds from exercise classes, which will have an effect elsewhere and will be detrimental to other Government policies. As one constituent put it:

"I hope that the County Council"—

I might return to county councils in a moment—

"will be able to find some way forward to meet the needs of all students and not just those who are financially advantaged, otherwise the number of obese couch potatoes in Hampshire is likely to increase."

A 72-year-old said:

"I need gentle exercise—as do many other pensioners. Please get the people who have thought this up to give it more thought as it will damage the elderly and people who could never pay these costs."

Another constituent said that

"people who attend them are mentally and physically stimulated and enjoy life more. I believe that some local doctors are already voicing their concern."

Many of the people who wrote to me to complain about the changes were elderly, but that was not exclusively the case. Courses are often accessed by people with young families, and can provide all-important "time for me" as well as an opportunity to learn a new skill that might lead to other things. I would go so far as to say that some young people might have missed the 14 to 19 boat and not made the most of the opportunities available to them at school. Such courses often provide an unchallenging environment in which the individual does not have to pass or fail. That is a very important factor for anyone who believes that they failed at school.

My local adult education partnership knows of several occasions when a non-vocational course has led to something more formal. By threatening the viability of these courses, the Government have cut off a possible lifeline to some people who might now never take that first small step towards another qualification. As one constituent put it:

"it has always been that those whose years of compulsory education were unsatisfactory or curtailed in any way, had the opportunity in later life to rectify shortcomings if they were prepared to sacrifice their free time. Soon, that opportunity will be available only to those with sufficient finance."

That constituent was talking more broadly, but he was referring to the fact that some people introduce themselves to something that does not have an examination associated with it.

I was also told that some people have used courses such as flower arranging as a starter into a business opportunity. I know of a lady from Angie's fruit and vegetable shop, which provides very nice bouquets. She learned her skills on a so-called non-vocational course and used them to add value to a business that was not doing as well as it might. Others have developed catering and cake decorating businesses or have gone on to teach classes of their own. Some have even taken art degrees. Particularly inspiring is a woman who teaches textile arts. At the weekend, I visited an exhibition that showed some of the students' work. I was very impressed. She started with a leisure course on her one free day a week while caring for a disabled husband. She gained confidence and went on to take a City and Guilds qualification. She took an adult teaching qualification after her husband's death, and now teaches to very high levels. She is in great demand. People ask her to work more than she feels she can.

Another person studied several languages, starting with a beginners' conversation class and moving on to more formal qualifications once confidence was gained. Language classes are safe for this year, but I gather that the plan for next year is to withdraw funding from "non-qualification courses", such as computer and language courses, which currently contribute to the skills strategy. This is a seriously retrograde step, as courses such as the local course on creating websites will be affected. On that course, four people from local IT companies came along in their own time to find out more about an aspect of IT that they were thinking of branching into independently. As one constituent put it:

"Was it not an aim of the Government that we should all become computer literate, and are we to continue to be the laughing stock of the world by our inability to cope with other languages."

I received an e-mail this morning from someone who has studied a number of languages in an adult education setting and has just sat the GCSE Spanish exam. I quote:

"I asked the Head of Department about the next level, and said that having got the Institute of Linguists Advanced Level Certificate in French back in 1996 I would now like to proceed to do the same thing in Spanish. She said that Eastleigh college had decided against putting on any examination based courses for adults, on the grounds that adults such as me only learn for fun and don't want to take exams. It's only 'Holiday Spanish' or

'Holiday French' I suppose. This ignores the fact that running a course leading to an exam gives the likes of me the opportunity to take it; and those who don't want to sit it can just do the course and opt out of doing the exam."

Either way, the skills base has been improved.

However, the vast majority of people who have written to me on this subject are the elderly—the pensioners. Their words say it all and I shall quote from some of their letters:

"These courses are a lifeline to many older people who not only enjoy the challenge of learning but the opportunity to make new friends."

"Why are older people (who are generally the ones who do day time adult education) given less priority than youngsters? . . . Is this another example of ageism that the Government is always arguing it wants to stop?".

"The Government wants pensioners to remain active both physically and mentally (use it don't lose it) to reduce the costs of the NHS and elderly care services. They do not want a lot of people vegetating and so becoming infirm and unable to cope."

"One of the benefits of the adult education scheme is that it gives people an interest and something they enjoy doing. This has the benefit of keeping brains active, making them go out and keeps bodies healthier, and providing an enjoyable hobby and companionship keeps people happy and less likely to sink into depression. Is this not a benefit to the NHS? I understood that it was preferable to keep the elderly members of the country fit, well and healthy—rather than having them atrophy in their armchairs."

"People who attend adult classes are often full time carers."—

I was surprised by the frequency with which that was mentioned; it had not occurred to me—

"The class is one of the few times that they are able to do something for themselves and forget the daily grind of looking after a loved one."

Another person says:

"I was widowed in June 2001, and retired in Dec 2001. I sincerely believe that attending these so called recreational adult classes has kept my mind sane, and my body fit, during the most difficult period of my life. Like many others of my generation I left school at 15 and these classes also give access to areas of learning that were simply not available to us when we were younger."

We sometimes forget that a whole generation left school at 15 or 16. Many people from that generation, because of their class background, did not have many opportunities. I am glad that the situation is not the same today, but it seems a shame for those people to miss out indefinitely.

Another person said:

"Such action, and the resulting increase in fees, will particularly affect pensioners, carers and many on income support and will be detrimental to the physical and mental health and well-being of many people."

I tabled some parliamentary questions on the subject. Initially, the rhetoric was positive, which I thought might be a good sign. I quote from the response to my question from one of the Minister's colleagues:

"The results from both areas of work confirm the positive impact of adult learning e.g. on health and civic participation and on the individual's confidence and motivation to undertake further learning. That is why we remain committed to safeguarding a varied range of learning opportunities for personal fulfilment, community development and active citizenship."—[*Official Report*, 8 June 2004; Vol. 422, c. 291W.]

However, when I asked a more specific question about withdrawing funding from adult learning courses, the response was more defensive:

"Where there is a need for more vocational provision to meet the needs of learners and employers I would expect local LSCs and learning providers to re-direct resources to meet those priorities."—[*Official Report*, 15 June 2004; Vol. 422, c. 907W.]

Although I fully acknowledge the needs of the young, I must point out that Hampshire is an area of relatively low unemployment. There is a skills gap but, for the reasons I mentioned earlier, it is a retrograde step to withdraw funding from adult education courses. There are many benefits to those classes. My constituents have spoken for themselves: the benefits are health, mental stimulation and social inclusion, as well as a less formal way of obtaining access to continuing education.

I hope that it is not too late to retrieve the situation. I urge the Minister either to obtain funding so that courses can go ahead, or give the Learning and Skills Council the clear message that the courses are important and should not be sacrificed because of the requirements of 14 to 19-year-old education.

3.45 pm

The Minister for Lifelong Learning, Further and Higher Education (Alan Johnson): I congratulate the hon. Member for Romsey (Sandra Gidley) on securing the debate, giving me an opportunity to speak about the Government's commitment to maintaining appropriate provision for adult learners, not just in Hampshire but across the country. Our starting point must be our White Paper, "21st Century Skills: Realising Our Potential", which was published last July and was welcomed by the Liberal Democrats, the trade union movement, employers and almost everyone involved in post-16 education.

We undertook in the White Paper to safeguard adult learning provision that does not lead directly to a qualification—the courses that the hon. Lady mentioned. We are committed to ensuring that people of all ages continue to have the opportunity to benefit from courses that will improve their lives and help them to sustain active roles in their communities. We know that participation in high-quality learning leads to positive social outcomes such as better health, reduction of child poverty, lessening of crime and a stronger sense of citizenship and personal security, especially for those living alone.

There is nothing between us on this; we also need to support and develop learning that leads to skills—including literacy, numeracy and use of information technology—that are relevant to the modern workplace and will help individuals who return to learning to take the all-important first step on the learning ladder. We also recognise the importance of giving people the chance to learn for its own sake, for personal fulfilment and, indeed, for fun. There must always be a place in every community for that kind of learning.

That is why we have agreed with the Learning and Skills Council a budget of £207 million from within the funding allocations for 2004–05 to safeguard non-qualification-bearing provision provided through local education authorities and family and neighbourhood learning. That compares, incidentally, with £206 million in 2003–04 and represents an increase of 43 per cent. on the £145 million that was provided at the turn of the century.

[Alan Johnson]

About 1 million adults attend such courses every year. The total funding for Hampshire local education authority for 2003–04 was £2,040,878. Despite other pressures Hampshire LEA's funding has risen to £2,074, 495 in 2004–05. I am assured by Hampshire and Isle of Wight Learning and Skills Council that there is no intention to withdraw funding from non-vocational learning in Hampshire. However, it is rightly working to ensure that funds are distributed fairly and effectively across the county, according to national priorities and local needs.

Sandra Gidley: I am pleased that the Minister has received that reassurance, because when I spoke to the Learning and Skills Council it was made very clear that the total moneys that it had been given meant that it needed to prioritise; it was working with the county council to do so. Clearly, something has gone wrong somewhere. The money does not seem to be getting forward to the courses. Will there be a catch-up?

Alan Johnson: If the hon. Lady listens to my entire speech, I think that all will be explained. The view is sometimes projected—although this is not what she argued—that we are to withdraw all funding from non-vocational adult learning and direct everything towards education for the 14 to 19 age group. That is not true; it is not even true that the 14 to 19-year-old group is our particular priority.

We are still putting an incredible amount of funding into the provision—far more than three years ago and more than last year; there is a 45 per cent. increase. It is important to realise that we cannot fund everything, but we set out some priorities in the White Paper on the 21st century skills strategy, which I shall deal with in a moment.

According to the local education authority, of the 26,000 learners attending courses in 2003–04, some 20,000 followed traditional courses of non-vocational learning—leisure learning—with the remainder taking up family learning and other provisions. Hampshire and Isle of Wight are now re-assessing priorities, and some of the funding received from the LSC will not be used to support leisure learning but will instead be directed to provision for learners in line with the LSC's aim of widening participation in learning, and supporting the level 2 entitlement.

The 21st-century skills White Paper says yes to funding adult learning and non-vocational learning—it is an important part of our policy—but our priority must be to tackle the almost 7 million adults mentioned by the hon. Lady who, like my hon. Friend the Member for Derby, North (Mr. Laxton) and me, may have left school without qualifications and find themselves in the workplace without the equivalent of five good GCSEs.

That group has been passed over by various strategies. People have spoken wise words, not to mention a few platitudes. The point about the skills strategy, which has been developed with the social partners—the CBI, the TUC, the educational establishment and others—is that it will tackle the issue once and for all. From next year, therefore, any adult who does not have at least an NVQ level 2 qualification will be entitled to training. They are not 16 to 19-year-olds; they are adults. Their training will be provided free of charge, and they will receive financial support. That is the big priority.

The LEA will continue to support learners in traditional leisure learning provision using its own resources, although there will be some increases in fee levels and some provision may not be offered in future. It is a fact of life that resources will always be finite and that, along with new commitments to investment, hard choices sometimes have to be made between competing priorities.

We have never said that no one will pay more for their learning, nor that the future of individual courses can be guaranteed. It is inevitable that some learners will pay a higher contribution to the cost of their learning, but not those who cannot afford it. Indeed, the priority for the LEA and the LSC is to protect those people mentioned by the hon. Lady who cannot afford to pay. However, as she pointed out, many can afford it. If we are serious about the skills strategy, those hard choices have to be made.

It is inevitable that some LEAs will need to refocus their provisions in order to address those new priorities. As set out in the skills strategy White Paper, we intend to achieve a new and fair balance of responsibilities for funding between Government, employers and learners. That is underlined in our recently announced five-year strategy, which places adult skills high on the agenda. Colleges are central to achieving our goals, and we want the sector to be better attuned to the needs of business and of learners. The strategy means that we shall have to review the national funding framework. Although we need to protect those in greatest need, the new framework will encourage and incentivise colleges to increase and diversify their income, with contributions being made by employers and those learners who gain most and who can afford it.

Later this summer, the Learning and Skills Council intends to consult widely on proposals for the reform and planning of non-vocational education for adults. That will include learning for personal fulfilment as well as opportunities for those who want to take a first step on the learning ladder or who want to try out learning before committing themselves. The aim is to establish a more consistent, more coherent and more equitable distribution of funding, which will iron out discrepancies—for example, between LEAs—and protect the provider base.

We are also working with the LSC to determine more accurately and in more detail the nature and scale of non-vocational learning. That will assist the LSC, its local offices and their partners in determining future priorities, including the balance between learning for personal fulfilment, and first steps and return to learn opportunities.

The spending review is a good settlement for education and skills. The total funding for colleges is planned to rise to £5.6 billion in 2005–06, which is an increase of £1.2 billion compared with the beginning of the spending review period and a totally unprecedented 19 per cent. real-terms increase. The settlement goes along with a 60 per cent. increase in capital and is a real vote of confidence in the FE sector.

Through the LSC, we are investing more than ever in learning and skills. Its learning participation budget has risen to £6.3 billion this year, but we must get the resource allocations right in order to redistribute and rebalance the contributions of the state, the learner and the employer and to recognise our shared responsibility.

The Government and the LSC will have to make decisions that are based on accurate and effective planning and monitoring. I am sure that they will be the right decisions, but we cannot promise that they will always be popular with everybody. Although we recognise that the benefits of learning reach beyond the economic agenda, we must prioritise public funding in areas where we believe it will have the most impact, and many of them involve developing the skills of our workers and potential workers.

Sandra Gidley: I am interested in the skills argument, but many people have raised health arguments. Has the Minister considered consulting Health Ministers about a portion of health funding going towards at least some of the exercise courses for older people—a sort of course on prescription, which would help the Department for Education and Skills?

Alan Johnson: The skills strategy was actually signed by four Departments. It was unique, as it was signed by the Treasury, the Department for Education and Skills, the Department of Trade and Industry and the Department for Work and Pensions. The Department of Health was not one of those four, but the hon. Lady makes an important point.

We do not know what we are unleashing. There is the potential for 7 million adults to return to learning and obtain a level 2 qualification. Many of them need entry to employment—a pipeline—before they even get to level 2. We estimate that 1.5 million people will enter the system in the first year, but the point is that we are trialling the level 2 entitlement in two regions, precisely to examine how it impacts on the issues that the hon. Lady mentions. One region is the south-east; the other is the north-east. One could not get two more different regions, geographically and socially. The trial will have an important effect on how we tackle issues.

The White Paper set out our plans for the introduction of a new entitlement to free learning for all those seeking to achieve their first level 2 qualification and some free learning for those in level 3 where there are real skills shortages. Level 2 is the foundation qualification for skills and employability and it will be supported by the introduction of an adult learning grant.

The latest data from the labour force survey states that 71.3 per cent. of adults in the work force are qualified to at least level 2, which is an increase from 70.6 per cent. at the same time last year and from 68 per cent. just over five years ago. However, as I have said, almost 7 million adults remain unqualified to that level, and, as the hon. Lady said, 400,000—the highest level—of those are in the Hampshire and Isle of Wight area. Some 235,560 people have a low level of basic skills, and we must attract those people back to learning and education. The trials will be crucial to getting the balance right, but I hope that the hon. Lady agrees that if we have a priority, we must pursue it, and that means hard choices.

International Court of Justice Ruling (Israel)

4 pm

Mr. Mark Hendrick (Preston) (Lab/Co-op): I am pleased to have the opportunity to debate the recent ICJ ruling on the Israeli security barrier. On 9 July, the ICJ ruled by 14 votes to one:

"The construction of the wall being built by Israel ... in the occupied territories"

is

"contrary to international law".

The ruling is important for the jurisprudence of the ICJ. It provides the international community with a clear and unifying judgment and, importantly, it judges that the wall is illegal.

I welcome Ariel Sharon's disengagement plan and hope that the Quartet's road map succeeds. However, intentions and hopes do not justify ignoring the illegal status of the Israeli wall now. I want to use this debate to ascertain the Government's position on a number of key points. First, can my hon. Friend the Minister confirm that the British Government accept the legal legitimacy of the ruling? The wall not only cuts inside the green line, confiscating Palestinian land, but snakes back on itself to form 11 completely separate enclaves, which in effect imprison the Palestinian residents, whose only access is governed by the use of gates opened at set times at the will of the Israeli defence forces. The building of the wall continues to destroy and annex de facto Palestinian land and to separate communities from their lands, hospitals, schools and family members.

The United Nations Office for the Co-ordination of Humanitarian Affairs report entitled "Preliminary Analysis of the Humanitarian Implications of the latest Barrier Projections", dated 8 July 2004, refers on page 4 to the "Humanitarian consequences". It states:

"The Barrier ... fragments communities and isolates residents from social support networks."

In effect, the Israeli wall is destroying civil society, causing a humanitarian catastrophe, and it acts as a de facto catalyst for the extremists of Hamas.

More widely, the conflict is severe and escalating. Since September 2000, 15,000 people have been made homeless in Rafah. After the wave of incursions in May in revenge for the blowing up of 13 IDF soldiers in Gaza, more than 30 Palestinians were killed, including children, and about 1,400 people were made homeless by demolitions. Since September 2000, more than 670 children have been killed, of whom 573 were Palestinian and 105 Israeli. Almost 2,000 Palestinian children have been arrested, interrogated, detained or imprisoned. Currently, 337 Palestinian children are in Israeli prisons.

The building of the wall simply exacerbates the conflict. According to the ICJ, Israel's actions constitute a

"threat to international peace and security".

In such circumstances, the UN Security Council must act. However, the Court said that the Security Council had been prevented from acting by American vetoes. The United States has vetoed 79 Security Council resolutions, and almost half the vetoes were cast on Israel's behalf.

Will the Minister assure me that Her Majesty's Government will put as much pressure as possible on the United States to try to ensure that it does not veto any future Security Council vote on the ICJ's decision? The ICJ ruled:

"The United Nations, and especially the General Assembly and the Security Council, should consider what further action is required to bring to an end the illegal situation resulting from the construction of the wall."

What action will the Government take to end the construction of the wall and what representation will they make?

The ICJ's ruling goes on to say that all nations

"are under an obligation not to recognize the illegal situation arising from the construction of the wall, and not to render aid or assistance in maintaining that situation."

Does the Minister support that ruling and the Select Committee on International Development's second report of Session 2003–04, which argues that Israel's preferential terms of trade with the EU should be suspended until Israel lifts the movement restrictions placed on Palestinian trade?

The formalism that underpins the court's ruling advances jurisprudence in a key international area. It is, therefore, an important ruling that, with the support of the international community, can further the development of an international jurisprudence based on the affirmation of normative values fundamental to the equality of universal and individual human rights and a just resolution of the Israeli-Palestinian conflict.

The advisory opinion represents a triumph for Israelis and Palestinians alike. By rejecting Israel's construction of the wall, the court emphasises the humanity of both peoples. Israel may build a wall, but only on its own territory, within the confines of international law. I call on my hon. Friend the Minister to make strong representations to Israel to acknowledge the ICJ ruling, to cease the construction of the wall and to seek a solution to the conflict in the occupied territories.

On 28 January this year, the Prime Minister responded to my question in the House of Commons, saying:

"we do not agree with the building of the wall on Palestinian land and we have urged the Israeli Government to reroute the fence away from Palestinian land."—[*Official Report*, 28 January 2004; Vol. 417, c. 308.]

The Prime Minister has repeatedly called for the international community to work together against threats to international peace and security. Will my hon. Friend now confirm the Government's support for the ICJ's ruling, given the Prime Minister's clear and unwavering support for the unity of the international community against threats to international peace and security?

The United Kingdom's written statement, submitted to the United Nations in January 2004, opposed the hearing of the case in the ICJ. The objections were based on three points, the first two of which I wish the Minister to clarify. The UK statement reads as follows:

"An opinion is not necessary to assist the General Assembly in the exercise of its functions, and would be as likely to prove detrimental to the work of the UN as a whole".

Why is that the Government's position? Why would it be detrimental to the work of the UN, when the UN itself is proposing it?

Secondly, the written statement asserted that

"The present case concerns a bilateral dispute".

How does my hon. Friend define a bilateral dispute? A range of resolutions has been passed by the UN on the issue. Bilateral dispute or not, the ICJ is an appropriate body to make such a judgment. Will my hon. Friend explain why a clarification of the law is unhelpful to negotiations? Paragraph 3.25 of the road map, which the Government support, says:

"The emphasis is upon future action, rather than responsibility for what has happened in the past."

The EU foreign policy chief, Javier Solana, said:

"We have underlined that the wall not only results in confiscation of Palestinian land and causes untold humanitarian and economic hardship, but also could prejudge future negotiations and hinder a just political solution to the conflict."

Is not the request for an advisory opinion concerned with the consequences of the ongoing construction of the wall, and does it not, therefore, look to the future rather than to the past? How does my hon. Friend the Minister rationalise the Government's support for the Quartet road map and their simultaneous opposition to the ICJ's hearing the case? The written statements submitted to the court by other members of the Quartet do not contain evidence that giving an advisory opinion will be detrimental to the work of the UN. Indeed, the United States' written statement did not oppose the jurisdiction of the ICJ in this case as that of the UK Government did. Paragraph 4.2 of its submission provides a route for the court to give an advisory opinion. It states:

"Should the Court decide to provide an advisory opinion, the United States would urge the Court to keep in mind two key aspects of the peace process".

Clearly, the United States accepts that an advisory opinion can go ahead and the court can decide.

Our Government argue in point 2 of their written statement that the case concerns a bilateral dispute. The term bilateral dispute presupposes that the dispute is between two sovereign states. Israel is both a sovereign state and a member of the United Nations, and is recognised as such by Her Majesty's Government. However, Palestine is not recognised as a sovereign state by Her Majesty's Government. Can my hon. Friend the Minister explain why the Government objected to the ICJ's hearing the case, given that Her Majesty's Government do not recognise Palestine as a sovereign state, so the conflict cannot be defined as a bilateral dispute?

Do not Her Majesty's Government have an obligation under article 1 of the fourth Geneva convention 1949

"to respect and ensure respect for the present Convention in all circumstances"?

Is not this one of those circumstances?

Last July, I visited Palestine and saw for myself at first hand the grotesque sight of the concrete wall, barbed wire, electrified fence, patrolled roads and watchtowers, all of which have been built illegally on Palestinian land. The Israeli Government ignore the international community's opinion. It is essential that the peace process should succeed, but the continued building of the wall by Israel must be dealt with as a current issue. Future hopes of peace and the so-called peace process cannot be used as a justification to ignore the illegality of the wall and not to take action. If the International Court of Justice had agreed with the UK Government's written statement and not ruled on the Israeli wall, it would have been in breach of article 1 of the fourth Geneva convention. The court would have risked its own integrity by ruling against the weight of international law. Will my hon. Friend the Minister advise me of the Government's position on that point?

The ICJ ruling advances normative jurisprudence, which the Government should welcome, as it is underpinned by the ethics of equality and further entrenches human rights values.

The wall and fence, now termed a security barrier, are an affront to humanity. For the United States and the United Kingdom to wring their hands and talk about a peace process while people are losing their lives and livelihoods is an outrage and will fuel deeper resentment in the middle east and in the Muslim world as a whole, breeding new terrorism.

If the wall is allowed to be completed on Palestinian land, it will have annexed land that was agreed by both sides to belong to the Palestinians according to the 1967 borders. I call upon the UK Government to use all their influence with the United States to bring pressure to bear on the state of Israel and to use their important role in the European Union to do the same. In this so-called dispute, we are nearing the point of no return and I ask the Government to use all available means to stop us reaching that point.

4.12 pm

The Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs (Mr. Bill Rammell): I congratulate my hon. Friend the Member for Preston (Mr. Hendrick) on securing a debate on a subject of enormous concern to hon. Members on both sides of the House, as is attested by the number of parliamentary questions and debates that are initiated on it. There is genuine and enduring cross-party concern about the issue.

I shall try to respond to some of the points that have been made and to set out the Government's position in our response to the ICJ ruling. Although we understand Israel's need to take steps to protect itself from terrorist attack, over a long time we have made it clear that it must do so within the confines of international law. Bluntly, it is our clear view that building the barrier—wall or fence—on occupied land is illegal; there is no other way of putting it.

The European Union and the United Nations General Assembly said the same thing; therefore, it is no surprise that the ICJ advisory opinion of 9 July reached the same conclusion. Within that context, the Government continue to call on the Government of Israel to reroute the barrier so that it does not run through occupied land. There is no equivocation whatever on the issue.

Jeremy Corbyn (Islington, North) (Lab): I thank the Minister for giving way. His statement that the barrier is illegal is welcome. In that context, what advice would

[Jeremy Corbyn]

he give to any British contractors or suppliers who might be involved in the construction of what is clearly an illegal wall?

Mr. Rammell: I have made our view clear; the wall is illegal if it is built on occupied land and I would hope that contractors would take account of that view.

Let me make it clear that not only does the barrier on its current route contravene international law, it also inflicts terrible humanitarian hardship upon thousands of Palestinian families. The confiscation of Palestinian land associated with the construction of the barrier and the impact on Palestinian freedom of movement within the west bank have taken a dreadful toll on the daily lives of ordinary Palestinians. Even taking into account Israel's genuine security concerns, the way in which the wall is being constructed and its route are extremely counter-productive from a political point of view. It simply inflames Palestinian public opinion and harms genuine prospects for peace.

Huw Irranca-Davies (Ogmore) (Lab): I welcome my hon. Friend's statement. The illegality of the route of the wall is unquestionable, but the genuine security concerns of the Israeli population are equally unquestionable, as is the suffering and hardship of the Palestinians. What weight does the Minister give to the recent Israeli High Court ruling, and to the likely influence of a Shimon Peres coalition on the future route of the wall? We have not seen the end of the wall—or fence or barrier—and it has a long way to run. Where does he think that it will go following the ruling?

Mr. Rammell: I will come to the ruling later. The Israeli Government, however they are constituted, need to move forward on their commitments under the road map, as do the Palestinian authorities, as it is the only viable way towards resolving this issue. The continued settlement and road building and construction of the barrier are in danger of carving the west bank into isolated cantons, so that a negotiated settlement involving a viable and contiguous Palestinian state looks ever harder to achieve. That has to be an element of what we seek to secure with the overall peace settlement in the middle east.

In the UK's written statement to the ICJ of 30 January—this comes to the nub of the points raised by my hon. Friend the Member for Preston—we said that it should decline to give an advisory opinion. The written statement expressed our view that it was inappropriate for the ICJ to resolve a bilateral dispute between parties when one of those parties has not consented to the jurisdiction of the court. That is a point about the ICJ's role and how it works, not about the barrier.

Mr. Hendrick: My hon. Friend is perfectly correct to say that one party did not consent to the ICJ hearing but, in terms of the rules and operation of the ICJ, in cases of doubt as to whether it has jurisdiction, it is the court itself that should decide whether it should give a ruling.

Mr. Rammell: That is absolutely right but, if we have a view about the modus operandi, terms of ruling and remit of the ICJ in a particular case, it is right that we should make our view clear when we give our submission to the court, and that is what we did.

Richard Burden (Birmingham, Northfield) (Lab): I may disagree with my hon. Friend on that last point, but the fact is that the Court did rule. It has given its opinion, after which Kofi Annan said:

"I think the decision of the court is clear . . . While we accept that the government of Israel has a responsibility and duty to protect its citizens, any action it takes has to be in conformity with international law and has to respect the interests of the Palestinians."

Given that my hon. Friend said that the British Government's position is that the wall is illegal whether the court has ruled it so or not, and given that Israel has said that it will take no notice of the ICJ ruling or of international opinion, what do the British Government feel that we should do?

Mr. Deputy Speaker (Mr. Edward O'Hara): Order. That was a rather long intervention.

Mr. Rammell: Thank you, Mr. Deputy Speaker. I shall come to that issue. I am making the Government's position abundantly clear, and I will go on to articulate what I think should happen.

Let me make it clear that, notwithstanding the procedural point that we made about the ICJ, we also made clear our view that the barrier along its current route contravenes international law. We have closely studied the ICJ's advisory opinion on the legality of the barrier, which was published on 9 July. In response to the key questions that my hon. Friend the Member for Preston raised, overall, the ICJ conclusions in law are broadly in line with our own, but we do not agree with all the legal analysis. We were also disappointed that the advisory opinion made so little reference either to the real security threat that Israel faces or to Israel's absolute right in international law to defend itself against terrorism. Indeed, no mention is made of Palestinian responsibility to act where possible against terrorism.

My hon. Friend the Member for Preston also asked whether there was a need for the clarification of the law, through the ICJ. I do not believe that that is necessary, since the Government and the EU have made clear their positions on the legality, and the UN General Assembly has already concluded that the barrier is illegal.

Notwithstanding that, the Palestinians have put a draft resolution to the General Assembly, which was looked at yesterday and will be deliberated on later today. The Government and our EU partners have looked at the resolution closely, as we should, and have suggested some amendments, primarily to ensure that there is no ambiguity about the status of the ICJ advisory opinion and to introduce a recognition that the Palestinian Authority, as well as the Israeli Government, should act according to international law. If our amendments are accepted, we will support that resolution, which I would hope would reassure hon. Members present at this debate.

It is also true that Israel faces a deadly terrorist threat. That fact should not be lost sight of in this debate. Israel's citizens live in fear of indiscriminate attacks on

civilian targets anywhere in the country. The Israeli Government have the right to do all that they can within international law to protect their citizens. We should not ignore the decision by the Israeli High Court to rule in favour of Palestinian petitioners who brought a case against confiscation orders issued by the Israel defence forces for a 30 km stretch of land to be used for construction of the barrier around Jerusalem. It is encouraging that the Israeli Government have accepted that ruling and are reconsidering the route of the barrier in that stretch of land.

I hope that Israel will pay equal attention to the impact of the barrier elsewhere in the west bank. According to recent UN figures, the total projected barrier, of around 700 km, which would run down the south of the west bank, would result in approximately 16.6 per cent. of the entire west bank being de facto annexed. The number of Palestinians living between the barrier and the green line would total about 237,000, of whom 220,000 would be in East Jerusalem and 17,000 would be in the west bank, and another 160,000 Palestinians would live in enclaves. Israel's military order of 2 October 2003, which declares land between the barrier and the green line a closed zone and requires those Palestinians who live on or farm it to apply for a permit to access their land, is a particular issue of concern.

Let me be clear: destruction of property in the construction of the barrier in occupied territory is not justified by absolute military necessity and is therefore unlawful under the terms of the fourth Geneva convention.

Israel points out that in recent months there has been a dramatic decrease in the number of suicide bombings and attacks by terrorist organisations. I do not dispute that a security barrier might prevent attacks. It is indeed likely that the barrier has prevented some attacks or made it easier for the Israeli authorities to intercept them. However, it is the route that Israel has chosen for the barrier—in large part through occupied territories—that the UK remains opposed to. That is a view that we strongly hold. We will press it in all forums, as strongly as we can, and also through the Quartet.

Where the barrier separates Palestinians from Palestinians, rather than Palestinians from Israelis, it does not appear to have taken a route decided solely on grounds of security, and the impact on the daily lives of Palestinian people has been dreadful. Palestinian farmers are being separated from their fields, children from their schools and the sick from hospitals. The Government believe that building a barrier on occupied land is illegal, that the humanitarian impact is unacceptable and that routing the barrier through Palestinian land is not necessary to protect Israeli security.

We continue to recognise Israel's right to defend itself, but reiterate the need for Israel to act in accordance with international law. We call on Israel to reroute the barrier, away from the occupied territories. We also call on the Palestinian Authority to meet its security responsibilities. The Palestinian Authority must continue with the reforms—especially security reforms—and demonstrate 100 per cent. effort to act against violence and root out terrorism. Attacks against civilians, including suicide bombings, are utterly unjustifiable and we rightly condemn them.

The UK has worked with the Palestinian Authority to improve its security capacity. We recognise the security successes where we have seen them, but the picture is not yet one of 100 per cent. consistent effort; we urge further efforts in that direction.

Richard Burden: My hon. Friend is aware of the desperate situation inside Gaza. What are the British Government and the international community doing to try to bring some stability to Gaza?

Mr. Rammell: We continue to have genuine concerns, and we are in contact with all sides to press those concerns and ensure that those issues are acted on. We also call on the Palestinian Authority to deliver in full on its security commitments under the road map. In the past few days, we have seen some changes in the structure of the Palestinian security services and a number of new appointments. It is not yet clear what will be the practical outcome of those changes, but we have made it clear that if the changes lead to an improved Palestinian security effort, we will welcome them.

The picture on the ground remains appalling. As I said earlier, although I do understand genuine Israeli security concerns, it is nevertheless a fact that both sides continue to suffer. In the past two weeks, three Israelis and in excess of 50 Palestinians have been killed. The latter figure may well include some terrorists, but it also includes six children, one mentally handicapped person and one elderly disabled man, which should be a cause of concern to us all.

Among the Palestinian community, poverty remains at unprecedented levels. Some 60 per cent. of Palestinians now live on less than $2.10 a day. Families have sold their assets, borrowed from friends and neighbours and cut their intake of food. The people are running out of coping mechanisms. The UK rightly responds to that humanitarian need. This financial year's planning figures for the UK aid programme are £28.5 million. The UK is the second largest bilateral donor after the United States, and we also contribute nearly 20 per cent. of European Community support to the Palestinians. Emergency donor budget support has helped to prevent economic collapse, but longer-term economic recovery is dependent on the lifting of the closures and the free movement of goods and people.

The EU trade agreement was raised. That issue has consistently come forward, and the Government genuinely do not believe that sanctions would help both parties to reach a solution. We need movement on the road map from both sides, and intervening in such a financial way at the moment would not help that process.

The real objective for us all is a comprehensive negotiated settlement. The Government continue to work to remove the obstacles to the resumption of a political process between Israel and the Palestinian Authority. From the Prime Minister down, we continue our close engagement on the middle east peace process through extensive contacts with the parties, the quartet and other international players, working to push forward the road map process.

We believe that Israeli Prime Minister Sharon's proposals to withdraw from Gaza settlements, and from some settlements in the west bank, should provide an

[Mr. Rammell]

opportunity to break the deadlock. Withdrawal must not be a first and a last step, but the first part of a process leading back to true progress on the peace process, and that means progress on the road map. If the road map did not exist, a similar mechanism would have to be established. We continue to press both sides to honour their commitments.

The international focus on the prospect of withdrawal from Gaza in no way negates the need for Israel and the Palestinians to meet their road map commitments in full, nor does Gaza withdrawal affect the position on the final status issues. All final status issues, including borders and refugees, must be agreed in negotiations between the two parties. The international community needs to continue to press to make Gaza withdrawal a success and to make sure it leads to further withdrawals and a proper political process. The Quartet plans that were set out for the way ahead after the meeting in New York on 4 May are an important step forward. The UK will continue to work alongside the US, the EU, the UN and regional players to help the Israelis and Palestinians to break the vicious cycle of violence and resume negotiations. I genuinely do not believe that there is an alternative way forward—

It being half-past Four o'clock, the motion for the Adjournment lapsed, without Question put.

Westminster Hall

Wednesday 21 July 2004

[DAME MARION ROE *in the Chair*]

Political Parties (Funding)

Motion made, and Question proposed, That the sitting be now adjourned.—*[Charlotte Atkins.]*

9.30 am

Matthew Taylor (Truro and St. Austell) (LD): I welcome the opportunity to introduce this subject for debate again. The last time that I raised it here was two and a half years ago, in January 2002. Little has changed in the interim, so I thought that it was time to return to the subject.

There is always a potential self-interest in debates such as this. Those with substantial funding may seek to maintain the status quo, but probably more common is an exchange of criticisms of the parties, as if one party—that of the speaker—is whiter than white and everyone else is tainted in their political fundraising. I assure the Minister at the start that my argument is that we are all tainted by our fundraising system.

Following the European elections, the recent by-elections and the relatively unnoticed but nevertheless significant vote that, for example, the British National party has attracted without significant political donations, I want to pick up on the wider risks to the political system. What might happen if the BNP were to succeed in attracting support from just one of the large number of multi-millionaires in this country, any of whom could choose to donate to such a party?

I will not talk about the questions surrounding Bernie Ecclestone's £1 million donation to the Labour party; the reluctance of Labour in 2001 to disclose the identity of multi-million pound donors such as Christopher Ondaatje and Lord Sainsbury of Turville; the Prime Minister's point-blank refusal to disclose details of meetings with Bernie Ecclestone, Christopher Ondaatje and the Hinduja brothers; the £36,000 donated by Enron, which the Labour party refused to return, even though US politicians donated Enron money to charity; and the circumstances surrounding the Government's decision to award a £32 million smallpox vaccine contract in April 2002 to PowderJect, whose owner, Paul Drayson, had donated £50,000 to Labour the previous summer.

Those matters have been well reported and endlessly debated. The truth is that, whatever their legitimacy or otherwise, they have led to a tainted view of donations that affects all political parties. Indeed, the criticisms that have rightly or wrongly been made of donors have led other donors to reconsider whether they want to make political donations.

I read that political parties that have received major donations in the past—the Labour party and the Conservative party—are struggling. Certainly the Labour party is struggling with the trade unions. The GMB may withhold £744,000 and fund only those Labour MPs whom it believes support its views. That is a rather questionable practice in terms of parliamentary privilege, let alone anything else. The Transport and General Workers Union will decide this September whether to withhold a similar sum from Labour's general election campaign on the same basis. Derek Simpson, the leader of Amicus, which has made donations, has said:

> "If Tony Blair's not for turning, then we'll have to turn him out."

The clear implication is that the money comes with political strings attached.

Neither will I dwell on the fact that four out of five of the new Conservative peers are major donors to the Conservative party; the declaration last year by Stuart Wheeler, who gave £5 million to the previous Conservative general election campaign, that he would not make further donations to the party until it chose a new leader; and the fact that, within a month of the party choosing a new leader, a cheque for more than £500,000 from Mr. Wheeler duly arrived at Tory central office.

Some hon. Members may elaborate on those matters, but I shall focus instead on two issues that are important to the House and that I hope might cut through the party political warfare and generate wider agreement. The first, as I have mentioned, is the potential danger that the current system will allow extreme parties to receive multi-million pound donations without anybody being able to do anything about it. One multi-millionaire could make the BNP the best-funded political party in the UK at the next general election.

Secondly, we could ban such large-scale individual donations—we could do so across the board, rather than by singling out a particular political party due to its views, because that would clearly be anti-democratic—and tie political parties back to their grass-roots memberships and to the donations that they can get from members and supporters. To allow political parties to function, such an approach would imply a level of match funding by the state tied to those individual donations, but it would also reinvigorate party politics, political activity, democracy and turnout.

It is not uncommon for electors to be reluctant to vote for politicians. Indeed, the political parties were created as mass organisations on the back of the extension of the franchise precisely to do the on-the-ground campaigning to turn people out to vote. As the membership of the political parties has declined, and due to reduced resources, they have concentrated only on seats where they think they can make a difference. Many people in what are considered safe political seats receive little or no communication during a general election campaign from the political parties other than the paid-for free post delivery. Their door is extremely unlikely to be knocked, and it is in those areas that few people turn out. If we can create a system that encourages political parties to concentrate again on ordinary members and on building participation because they need to do so for funding as well as for political success, we will start to address some of the issues of political participation.

Let me first concentrate on the issue of the crazy millionaire, if I may put it like that. I will not label this particular multi-millionaire as crazy, but it is a fact that Paul Sykes has promised to commit his fortune, worth some £500 million, to the UK Independence party. The

[Matthew Taylor]

party's leader has boasted in the press that it will be able to spend £13 for every £1 spent on campaigning by all the other political parties put together. Whether that will come through I do not know, but it is clear that Stuart Wheeler is in the position to deliver such levels of funding if he chose to do so, and I suspect that the biggest impact would be felt by the Conservative party. As it has traditionally been the greatest beneficiary of individual donations and the greatest defender of that practice, that scenario may make it pause to reconsider whether it is in its long-term interests to maintain such a position.

I do not want to dwell on UKIP. Much as I disagree with the party, I do not regard it in the same light as the BNP. Imagine if another multi-millionaire took the same view tomorrow of the BNP—a crazy multi-millionaire who believed that race and not Europe was the issue of the day, who wanted to change political policy and who could see that none of the mainstream political parties was prepared to accept his views. Is that impossible? Not at all. One crazy millionaire is all it would take for the BNP to become the best-funded political party in Britain. Provided that that person was prepared to stand up and say, "Yes, I am a BNP supporter", there would be nothing under the existing rules to prevent it.

Mr. Jonathan Djanogly (Huntingdon) (Con): On the basis that the BNP secured the best part of 1 million votes in recent elections, how much money does the hon. Gentleman think the taxpayer should give to it?

Matthew Taylor: I shall come on to my proposal, but the short answer is that I would far rather that the only money that the party received was £10 or £20 from each of its handful of members, which would imply tiny amounts of funding. The truth is that the BNP cannot generate large numbers of members giving large numbers of donations; it cannot do so on anything like the scale of the mainstream political parties.

One multi-millionaire, however, could put the BNP in the position that we saw not long ago when UKIP exploded on to the political scene with a £2 million campaign war chest for the European elections, some celebrity endorsements and some media spin and hype, largely around the notion that it could be successful. Imagine the BNP in the same circumstances. It would be all over every newspaper. The attack would be made, but that party would get publicity for what would be an equally simple and straightforward, if horrible, political message.

What if similar millions were at the BNP's disposal? We might say that it would not command great political support. However, the potential impact would not simply be on votes at the ballot box. I doubt whether BNP Members of Parliament would be elected on the basis of a well-funded campaign; I hope not, but there could be no guarantee. However, the party would be in a position to put millions of videos through letterboxes, set up giant poster hoardings and mount aggressive—and I mean aggressive—phone and direct mail campaigns.

We know that that is possible and that it can come from nowhere. The Conservative party should be only too aware of that, because it happened with the Referendum party. Sir James Goldsmith put £20 million from his own pocket into what was perhaps a vanity campaign, which gave his party huge advertising hoardings, slick party political broadcasts, millions of free promotional videos in every home and swarms of paid-for activists. That had a major impact on public consciousness. Arguably, it significantly affected the general election result, turning a Conservative defeat into a rout. With such a well-funded campaign, the BNP might well be able to take sufficient votes to affect significantly a tightly fought general election outcome.

The Referendum party campaign highlighted and deepened the schism over Europe. No one should have the power to shape political debate in that way—via the wallet. Even in the US, the rules are more stringent, although they are certainly inadequate. John Kerry, who is married to a billionaire heiress, had to mortgage his own home to fund his primary campaign.

Mr. Djanogly: If the BNP got up to 20 per cent. of the vote in a northern inner-city area, which is not unfeasible considering what it has been doing recently, would the hon. Gentleman think that it should get 20 per cent. of the public funding that went to that area?

Matthew Taylor: No, I have argued exactly the opposite. The hon. Gentleman is obviously not listening. I have argued that funding should be tied to the ability to recruit ordinary members and supporters, who would donate on a small scale. I shall come on to the detail of that approach. Of course, if the BNP were able to motivate an army of activists and supporters and generate political support in that way, it would command the same support on the democratic principle, and we would fight it democratically. His problem is that he prefers a system that would tie funding not to 20 per cent., 10 per cent., 1 per cent. or 0.5 per cent. support, but, in a country of some 60 million people, to the support of one person who happened to have a large cheque book.

We cannot underestimate the BNP. Were it not for UKIP, the success of the BNP in recent elections would be a serious subject for debate. More than 800,000 people voted for the BNP in the recent European elections, despite UKIP's success in taking what may arguably be some of the same ground. One of UKIP's party political broadcasts featured immigration as a keynote theme, but the BNP was nevertheless able to take almost 5 per cent. of the vote. That party clearly retains the ability to attract some support, despite the fact that politicians of all mainstream parties condemn it. However, I do not so much fear the BNP's political vote; I do not think that it will ever command a huge political vote in this country, and I have great faith in the British electorate in that respect.

A well-funded BNP campaign could influence public policy and public attitudes on the ground. The party might not buy electoral success, but it could buy electoral impact. Just imagine how it would stir up racial conflict in our local communities. How many racist videos delivered door to door in Oldham or Burnley would it take to generate another race riot?

What is the alternative? I touched on it a couple of times in my responses to the hon. Member for Huntingdon (Mr. Djanogly). Incidentally, in the last

couple of years, his political party has gained more than half its funding from the state—although I do not know the latest figures—so let us have no hypocritical condemnation of state funding from the Conservative party. More than £5 million a year, paid en bloc to central office, goes direct from the taxpayer to fund its political activities.

The Government are making favourable noises about change to the system. The Electoral Commission is due to report in September, which is one reason why I thought it opportune to hold this debate now. The PM is believed to be in favour of increased subsidies, but not complete state funding. I believe that there should be a cap on individual donations for all the reasons that I have outlined, but I am not in favour of a system that simply rewards the status quo. The creeping introduction of increased state funding that rewards those who are already here in response to their level of support in the House is not a democratic way of dealing with the issue. Such an approach entrenches the advantages of those who have already been elected and prevents others from entering the political framework

For example, the political research fund, which is meant to help political parties with the development of policy for general, European and local elections, is not paid to any political parties that are not represented in the House, so the Green party gets not a cent, even though the fund is meant to help with research on and development of European and UK policy, and despite the fact that that party is successful and commands a substantive vote in elections. The fund is a Westminster club payout, and that cannot be right in terms of defending democracy. The fund is useful only in defending the status quo. That is why I believe that we need to tie back political parties to their individual members. I have consistently argued that that should happen, and the time is right for doing it.

The £10 and £20 donation, the jumble sale and the raffle ticket should be the drivers of political funding, but the membership of political parties is now down to relatively tiny numbers, not least because parties have concentrated on the multi-millionaires, rather than on other individuals. That is reflected in the fact that the Conservative party has shifted its paid staff from the regions to central office; there has been a huge shift in the 10 years from 1991 to 2001. By the end of that period, practically all staff were concentrated in central office. We all know about the trend, because all the political parties represented in this Chamber do the same. We have units of people dedicated to finding the person who will give a cheque for £10,000, £50,000, £100,000 or, quite frequently in the case of the Labour and Conservative parties, £1 million, £2 million or even £5 million. Because of that trend, the use and value of the small donation has dried up.

The Conservative party ran a £20 million campaign in 1997, only £1.4 million of which was raised through small individual member donations. That is not healthy, not only because of the risks and the tainting of the political process that I talked about, but because it has festered and fostered the decline of individual membership and concentration on it. Why should the Prime Minister worry about the ordinary Labour party member and the decline in membership when Lord Levy is, by all accounts, building him a £20 million war chest, contributed not by individual members of the Labour party in general, but by a handful of very wealthy party members? It is clear what the driver is.

If we said instead that no political party may raise funds except in small amounts, we would start to see a shift back to the political parties doing what they were originally launched to do, and building up the grass-roots membership, activity and support that allows them to function. However, there is an issue. It costs serious money to run a political party. A manifesto cannot appear from nowhere. Policy advice is needed, as are research and support. Above all, in a democracy, a campaign is necessary. There is no use in having the most glossy and best-written political manifesto in the country if individuals do not hear what it has to say.

The best way to provide information is for each political party competitively to deliver its points door to door, argue its case and put it against those of the other parties. By taking such action, each party would create a vibrant local democracy. People knocking at our doors and offering us a lift to the voting station would help to increase turnout, as would worried candidates saying that they will not win if we do not vote for them.

It is no coincidence that the seats that are most closely fought have the highest turnouts. The seats that are written off as safe for one party or another have the lowest turnouts, because of a lack of activity on the ground. Year by year, a lack of activity dries up membership further and local fundraising becomes less important. However, the present process has gone so far that, to put it bluntly, local parties would not be able to survive on the basis of individual donations, and that gives rise to the issue of state match funding. Some £10 million of taxpayers' money is already spent on political party support through the state. That money is tied not to local activity or membership, but to small donations to the political party of £10, £15, £20 or £25. The situation would be helped by increasing the incentive to campaign locally while ensuring that political parties, provided that they can recruit activists and supporters, can fight the scale of campaign that that level of activity and support in the country would merit.

I do not believe that the BNP could raise more than tiny sums. In fact, we know that it cannot do so. We know its fundraising record, because it now has to publish it. We accept that fundraising advantages the biggest parties, but only because they are the main parties and can recruit and retain large numbers of activists. A new political party or a party such as the Green party that can motivate and recruit could enter the political process on an equal footing if it could bring in the same support as the biggest parties and command the same number of activists.

In such circumstances, finance would no longer be dependent on the whim of one, two or three multi-millionaires; it would be dependent instead on the ability of the political parties to motivate and command individual support, with no individual having the clout to command party policy, to make leaders jump or even to get rid of a Conservative party leader. Through their contributions, individuals should be able to make a difference to the effectiveness of their party.

I say to those who oppose state funding that it is already in place, but it is not operated democratically or in a way that encourages the activity to which I have

[Matthew Taylor]

referred. Above all, the taxpayer does not receive in return for that state funding the biggest single thing that they would want—an end to the sleaziness of the multi-millionaire being able to donate and thereby command the attention of the political parties. Evidence shows that the public do not like the process of state funding, but want parties to fund themselves. However, they do not support the idea of multi-millionaires making donations. They want parties to go down the traditional route of using local activists, and we must be realistic about how that can be achieved.

The cross-party acceptance of policy development funds suggests that political parties are not as adverse to such an approach as they make out, especially the Conservative party. However, that seems to be a notably self-interested development that is not tied to genuine democracy. It is certainly unfair to political parties that are not represented here, but which campaign legitimately and have support outside this place.

I suspect that there is a mixture of views in the Chamber about the success of UKIP, but I doubt whether that is so when it comes to that party's claim that it can outspend us £13 to £1. If that is true, it cannot be right than one individual can make such a difference. Tomorrow, it could be the BNP, the Greens or even the Liberal Democrats that get that big donation. It may be the Conservative party or, as it has been recently, the Labour party. Whoever it is, it is not right for anybody to donate on that scale and to be able to influence the political outcome by a single cheque. Every day, that situation threatens us with the crisis of the BNP commanding the kind of money that each of our political parties would wish for and stirring up division in our communities, even if it does not win our support. That is its objective, and under the present political system, there is nothing whatever that we could do to stop it.

Dame Marion Roe (in the Chair): Before I call the next speaker, I remind hon. Members that I am hoping to start the winding-up speeches at 10.30.

9.55 am

Dr. Alan Whitehead (Southampton, Test) (Lab): It will not surprise hon. Members that what I have to say will in many ways echo what the hon. Member for Truro and St. Austell (Matthew Taylor) said. This is an important issue that does not receive much airing; we somehow assume that if political parties carry on with business as usual, everything will be all right. The hon. Gentleman set out several important reasons why things will not be all right. I congratulate him on securing this Adjournment debate. I only wish that rather more of our mutual colleagues were here, because this issue affects them to a substantial degree.

This Government have placed on to the statute book unprecedented legislation to make transparent who gets what money from whom. That change in the way in which we register who gives money to political parties should not go unnoticed or unrecorded. It is a substantial change for the better, but it does not in itself change the nature of how political parties receive their money, although it has been argued recently that the publication of who gives money to political parties has meant that people are less likely to give money to them in the first place.

The net effect might be the opposite of what the hon. Gentleman suggests: political parties might simply wither and die because no one will give them money. However, the opposite may be the case in the short term. As he mentioned, some well-off people could give large sums of money to political parties that no one in this Chamber considers should be represented here. One could reflect that, to date, people with large sums of money have, by and large, spent their vanity millions on buying footballers rather than on funding political parties. The large amounts that have so far been donated to political parties are dwarfed by such funding activities. We see in the newspaper this morning that one particular footballer is being purchased at four times the cost of total political donations to political parties in the past few years. Perhaps we should reflect on what might happen if certain people suddenly shifted their allegiances from Chelsea, Tottenham, Blackburn or wherever to funding political parties instead.

The figures detailing how political parties raise their money are sobering. In 2002, only 15 per cent. of the Labour party's funding came from raising money from its own members. That was a stunningly successful performance compared with that of the Conservative party, which received only 7 per cent. of its money by the same route. As the hon. Gentleman said, because of the way in which the system now operates, political parties increasingly have to rely on fundraising departments and sometimes on large donations to make an expensive business fundable.

As far as the Labour party is concerned, money from the trade unions is negotiated in a different way from donations by private individuals to the Conservative party. Recent episodes have shown that trade unions can, by balloting their members, turn on or off the money that comes to the Labour party. The same is not quite true of the Conservative party, where individuals simply write cheques out; I am not saying that the Labour party has not received money by the same route, but we need to distinguish slightly between those funding sources.

Nevertheless, the membership figures are stark. The Conservatives' 2001 election campaign was, effectively, funded by two individuals—J.P. Getty and Stuart Wheeler. The majority of that campaign was funded by two individuals, but conversely, there has been what the hon. Gentleman calls the creeping rise of public funding. This is perhaps the most curious phenomenon in the entire debate, inasmuch as there is not a great deal of complaint nationally about free election post, free hire of halls, free security at party conferences and free party political broadcasts, which together benefit political parties by some £80 million a year, about Short money, which enables the Conservative Opposition party to get about £3 million a year from public funds, or about the Political Parties, Elections and Referendums Act 2000 policy development fund money of £2 million a year, which is split between all the parties and is for political research.

It is interesting that between elections—I distinguish between money between elections and money for elections—the Conservative party, up to 2003, received a majority of its funding from the taxpayer. The amount was £4 million in that year, which compares with £3.5 million from private donations.

What might one do about that state of affairs? State funding looms ever larger on the horizon. In a moment, I want to think about what the future alternatives will be for political parties if we do not give that option serious consideration. A number of proposals have been floated. If political party funding comes out of the closet and is up front, recorded and clear, and if it is not provided in the rather back door way in which it is, to some extent, currently provided, a clear explanation of what that money does and where it comes from must be also up front in any discussion. There could be a system of matched money for fundraising at an individual level. It has been suggested that people might be able to specify in their tax returns that some of their tax money should go to a political party of their choice. Again, the principle that the political party has to persuade people to support it in order to receive the money rather than simply receive a lump sum seems important.

We have introduced a curriculum agenda of civic education in schools. I imagine that all colleagues in this Chamber have at some stage during the past year been invited into local schools to discuss that agenda. That curriculum is beginning to be assisted by a number of political parties—not overtly, but in a way that does not admit the existence of politics. Perhaps there could be funding for civic activities and activities that increase public awareness of the political process, but not for overt campaigning at elections. Foundations might be developed to build that sort of civic awareness and political activity, which is partisan to political parties but not in the front line of campaigning, as in Germany. All those are possible ways forward for state funding. Such a system would not simply be about a large sum of money being plonked on the table with no accountability. As the hon. Gentleman said, that is what happens now, in effect, both to large-scale donations from individuals and to state funding.

This matter is important now because there has been a precipitate decline in party membership over the past few years. If party members were hedge sparrows, we would have a major inquiry into why they had disappeared, a large amount of concern would be expressed about the imminent extinction of the species and measures would be put in place to reverse it. However, the reality of party membership in our polity is a decline of some 80 or 90 per cent. over the past two decades. In the 1950s, the combined membership of all political parties stood at some 4 million; by 1964 it was 3.3 million; and it is now 0.7 million and dropping. Far more people join single issue groups, however, and on the subject of hedge sparrows, membership of the Royal Society for the Protection of Birds is greater than that of all political parties put together.

It is not that people are not interested in issues or in joining groups, but that membership of a political party has increasingly been cut out of our polity. We have all been complicit in that to some extent. If a person's CV shows any hint that they are, were or are likely to be a member of a political party, they are in effect excluded from appointment to a variety of Government or local bodies. CVs are scrutinised carefully to ensure that people are "non-political", as if such a thing existed in practice.

Mr. Djanogly: The hon. Gentleman makes an interesting point, which I should like him to develop. If people are heading more towards single interest groups, would he suggest that caps on donations be applied to those groups, or are we heading down the American route, where people divert their funds away from political parties and put them into related single interest groups?

Dr. Whitehead: The hon. Gentleman makes an interesting point about the Americanisation of politics, which I want to address shortly.

The rise of money going to single issue groups, coupled with the steep decline of party membership and support for political parties, means that politics is increasingly carried out through single issue groups, influencing an ever-decreasing pool of party members trying to make changes to the political process; it is as if party members came from Mars and the single issue pressure groups lived on earth. In future, political parties could be seen as shells to capture when an election is due or when electoral nominations are required for public or council bodies.

A few years ago, in a number of council areas, every party had a panel. People got on to a panel, fought a not very winnable council seat and then fought their way through a nomination for a winnable council seat and got on to the council. There were perhaps 60 or 70 people on the panel, with 20 seats. Frankly, the experience of every political party—if anyone stands up in this Chamber to say that this is not the case, I shall suggest that they are misleading hon. Members—is that anybody who turns up and is reasonably okay as far as that party is concerned will get a nomination for a council seat.

The system whereby the polity is supplied with competing choices for elections is beginning to break down. I would not want us to end up in the situation that we see in America, where parties have no existence between elections and are captured by money at elections. The nominations flow from the capturing of that money at an election period, regardless of the continuing life of the party.

Historically, the Labour party was formed as the Labour Representation Committee to secure representation for working people in Parliament, and the Conservative and Unionist Association was formed as a supporters group for people who were already in Parliament. In a sense, the two things eventually coincided, because, for a while in the 20th century, both political parties—this was also the case for the Liberals at various stages—had a substantial community presence. They became real actors in the community, organising such things as Conservative and constitutional clubs, Clarion cycling clubs and Labour clubs.

I suggest that it would be good for the health of our polity if that sense of parties being part of the community rather than separate from it were restored. I do not see why there could not be Conservative lunch clubs for older people, Labour mothers and toddlers

[Dr. Whitehead]

groups or Liberal Democrat playgroups. I am not intending to show any political bias in suggesting those various activities. The main reason why such activities would not be possible at present is the combination of the precipitate decline of party membership and the marginalisation or almost ghettoisation of the political process in the democratic life of the UK.

If we go down the route of believing that there are people who know what is good for us, but are non-political, and if those of us who are political simply stand on the sidelines and look on, we will have reached the foothills of the beginning of totalitarianism. The whole point about politics is that it is a clash of ideas and different ways of doing things, and the great and the good have an idea of how to do things just as much as any political party. The idea of state funding that breathes life back into the real political process and sends political parties back into a life in the community could be an important way forward, and we should give it weighty consideration.

10.13 am

Mr. Alan Hurst (Braintree) (Lab): I am pleased to be able to speak in this debate. I support much of what the hon. Member for Truro and St. Austell (Matthew Taylor) said, except perhaps what he said in the first five minutes of his speech, when he told us what he was not going to speak about, but gave us some clues along the way.

Money in politics is not a new factor; it has probably always been there. My knowledge of Roman history is not as great as it might be, but I believe that, in certain stages of the republic, money was involved in seeking high positions. In our own history, from the 18th century onwards, money was also a factor in such matters; the rotten borough was proof of that. One of the reasons why those elected from counties were thought to be slightly purer was that counties were more expensive to corrupt, because they were larger. One might also give the example of the sale of kisses by the Duchess of Westminster on behalf of Charles James Fox. The whole atmosphere was one of money, privilege and access to power.

The Liberal party has not been entirely immune. It would be trite for me to mention Lloyd George and the sale of peerages, because he did not establish that process; he merely put it on a businesslike basis. The source of funds for political parties before Labour's time came from particular groups: the brewers would always support the Conservative party and other groups would always support the Liberal party.

The factor that changed everything was not so much the organisation of the vote, but the need to register it, which created the political organisations. That made politics something that was not the plaything of the wealthy or the powerful, but involved ordinary people in the process. That was the most important stage, and it is only about 130 years away from where we are today.

We speak glowingly of vast party membership after the second world war, and up to a point that is right, but in the Labour party in the 1960s, it took me a while to realise that my divisional party was paying on the basis of 1,000 members, although we knew jolly well that we had only 150. The reason was that it could not affiliate with fewer than 1,000 members. The Labour party figures for that period bore no relationship to the actual position, and the same may even be so now.

In the past two or three years, if the Conservative party enrols the husband, it automatically enrols the wife. Indeed, I know of a wife who is an active campaigner for the Labour party, notwithstanding that she is, on the face of it, a member of the Conservative party, because of the connection with her husband. There is always a certain artificiality in the numbers of people involved.

I was impressed to read in a biography of Enoch Powell that when he became the prospective Conservative candidate in Wolverhampton, South-West, the local party had about 6,000 members, which was more than 10 per cent. of the electorate of that area. An old minute book of one of the branches in my parliamentary division—a relatively small village—had 150 members in 1958, which was a quarter of the electorate. However, even allowing for exaggeration—the word was not "spin" in those days—in the number of members, a lot of people were involved, and they had to be involved so that we could take part in elections.

In some ways, the activist has been made superfluous. The first step in that process was putting the party name on the ballot paper. I am not against that—it is a perfectly sensible thing to do—but when the party name did not feature on the ballot paper, one had to ensure that people knew who the Labour, Liberal or Conservative candidate was, and the only way of doing so was to put out information, talk to people and put the party's position across. The moment that the ballot paper included the party name, a lot of parties would put up a candidate, but that was the limit of what they did, because people would be able to vote Conservative, Labour or Liberal as the party name would appear. That took away some activism.

When I came into politics, parties did not contest every seat in local elections; they contested only those in which they thought they had some sort of chance. When the party name was included on the ballot paper, however, most seats were contested most of the time by the main parties. Polling cards were issued only in general elections; in local elections, parties issued their own polling card to electors—another task that involved a lot of people, who had to deliver them. I do not suggest that we should return to making life difficult for the electors, but those are some of the reasons why parties do not need so many active people on the ground. When there are fewer active people on the ground, it becomes more difficult to raise money.

As both previous speakers have said, much of the emphasis in the past was on constituencies, whereas now it is London-centred, so money is being drawn into London rather than raised in the constituencies. In my early days in politics, most Labour and all Conservative parties in East Anglia had full-time agents, and the Liberal party had the ambition to have full-time agents. My constituency party has had a full-time agent since 1923, but it may be the only one in the county of Essex that has, and there may be only three or four throughout East Anglia. I do not know the Conservative party's position, but it has nothing like as many agents as it once had. Again, the focus is moving to the centre all the time.

How can we return to a situation in which the activist, the ordinary participant, is the purveyor of money, rather than big corporations, rich individuals or others? I think that we have probably come to the point at which there needs to be a linkage between local donations and state assistance. As my hon. Friend the Member for Southampton, Test (Dr. Whitehead) said, state assistance has been creeping in, so that the state is now probably the largest donor to all political parties. Whether that money is wisely spent, I do not know.

The other question that we should ask ourselves is: do parties need to spend as much money as they do on the political process? I am sure that we have all been embarrassed by the stuff that comes down from our head offices. At a recent election, we were supplied with large cut-out cardboard feet that were placed at the entrance to our committee rooms. Quite what the purpose was, I have no idea. The traditional colours of my party in our area are red and yellow, but on one occasion, central office suddenly started operating in royal purple. My agent had a certain destination for that material. It was put at the back of the committee room to be taken away on Thursdays.

Again, money is being spent on a scale that makes one wonder whether it is spent to any purpose. In the last election, the Conservative party had what some might consider extremely effective advertising on hoardings, although it did not do very well in the election. We had the most appalling advertising. My constituency office received a huge poster that appeared to be advertising a film at the Odeon in Colchester. It turned out to be about our party's merits and benefits. Unless one was an expert on the political process, one had no idea what it was about. Lots of money is being spent on things that are, frankly, an absolute waste of time. If we concentrated on the things that are more important—the policies and their conveyance to the people in the electoral process through hundreds of thousands of people who are engaged in it—the health of our democracy would greatly improve.

One way forward must be to limit the amount that one individual or group can donate to a political party within a certain period. That would clearly reduce the amount of money coming into the system. Careful thought also needs to be given to linking the amount of money raised by constituency parties with matching funds from the state. That is the other way forward. We need to be aware not only that we are making politics and public debates so trite with much of the advertising that is put out, but of the fear raised by the hon. Member for Truro and St. Austell and my hon. Friend the Member for Southampton, Test, that those who are wealthy or both wealthy and vain can intervene in politics on a scale that can distort the process for a short time at least. History teaches us that, in the end, the rich and the vain do not normally survive for long periods, but they can upset the process and put people off being involved in the whole electoral scheme.

Overridingly, we need to raise the reputation of public affairs. As has been pointed out, it seems that involvement in public affairs is sometimes held to carry some sort of stain. For example, members of health authorities and possibly magistrates might be regarded cagily; there is a whole range of such activities, even though one should naturally be proud of having carried them out. Whatever honours system we have, the greatest disadvantage is that people spend a long period of their lives serving the public on elected bodies for no financial reward. That is wrong. My party has perhaps been rather sillier than the Conservatives were about that issue. Those who have spent a long time serving their communities in local affairs should be rewarded and honoured in the same way as others, and they should not have to be nominated for an award for some other activity that they did as well.

We need to restore the repute of what we do. I am sure that other hon. Members find that, when we bring people to this House, they are invariably impressed by what happens here. It is what they read about and see on television that gives them a different point of view. We need controls on the payment to political parties, and we need schemes to encourage and reinvigorate activism in constituencies.

10.24 am

Mr. Paul Tyler (North Cornwall) (LD): I agree with so much of what the hon. Member for Braintree (Mr. Hurst) has just said that I hope he will forgive me if I cavil with one of his comments. He said that he thought that activists might become superfluous. Those of us who tramped the great cities of Birmingham and Leicester in recent weeks would argue that activists are still very important to our political process.

I warmly congratulate my hon. Friend the Member for Truro and St. Austell (Matthew Taylor). This is a timely debate. It has also been extremely thoughtful—I hope that it will continue to be so—and there has been a very considerable degree of consensus. What we lack in the quantity of contributions, I hope that we will make up for in quality.

One of the reasons why the debate is timely is the forthcoming Electoral Commission recommendations, which I am given to understand we can expect in September. They will be timely for reasons that I shall address. I hope that all parties will take this issue seriously at their party conferences. We cannot wait until after the next general election to address it. I also hope that the Government will speedily respond to the commission's September recommendations.

Comment has been made about the degree of public support that there is for a measure of state funding of the democratic process. I hope that everybody has now read about the state of British democracy as it has been set out in the state of the nation poll commissioned by the Joseph Rowntree Reform Trust. It is one of the most comprehensive assessments of what the public think, and it has the great advantage of not having been mediated through the media. It comes to us direct; it is not given the headline treatment of the *The Daily Telegraph* or the *Evening Standard*. It states:

> "Three quarters (73 per cent.) find the current system for funding political parties 'unfair' because of the risk that wealthy individuals, businesses and trade unions 'can buy influence' over the parties with their donations. As Table 3 shows, a majority would be in favour of public support for the parties through state funding to reduce their dependence on large donations. Three quarters (74 per cent.) believe there should be limits on how much people can donate to political parties. This is consistent with the high levels of public concern about sleaze under both Conservative and Labour governments found in earlier State of the Nation polls."

I hope that the Government have taken note of that.

[Mr. Paul Tyler]

In introducing this important debate, my hon. Friend might have implied that there was not great enthusiasm for what he was saying. That is not true; there is huge public enthusiasm for the sort of constraints that all Members who have spoken feel are now necessary. One of the principal reasons for that is the argument that the hon. Members for Braintree and for Southampton, Test (Dr. Whitehead) eloquently advocated. We must reverse the trend of centralisation in British politics. I have some figures—they are slightly out of date—for the extent to which the Conservative party has had to centralise its staffing resources. In 1997, it employed 59 regional staff and 147 central staff; by 2002, there had been a drop to 18 regional staff, while the number of central staff had increased to 172. The hon. Member for Huntingdon (Mr. Djanogly) may be able to tell us whether that trend has continued. I am not saying that it has happened only in the Conservative party; there has been a trend towards centralisation in all parties, because of the way in which the funding has come to the centre, notably from millionaires.

I echo the commitment that previous speakers have given to the concept of trying to match funding at local level. If our parties simply become huge machines dominated in London by those who are able to pay for such machines there, we will be in great difficulty and our whole body politic will suffer. My hon. Friend the Member for Truro and St. Austell has offered suggestions, and reference has been made to the concept of a concession on income tax. That might now be more equally spread between the parties than it might have been in previous years. Some form of match funding seems essential.

I do not think that any Member believes that they have got the answer. I am confident that the Electoral Commission will address this issue. I do not think that it will just take a prescriptive view about controlling large-scale funding of the political parties. I think that it will be interested in trying to reverse the trend away from local membership and local activists. When it looks into this matter, I hope that we will all be prepared to listen to its expertise, which comes from outside the partisan political parties, as it has considerable and increasing experience about the way in which our political system works.

I want to emphasise the suggestion made by my hon. Friend. There is a very urgent question that we have to look at. We have to address the urgent question of the dominance of the maverick, manipulative millionaires. It is a question not just for the next general election. For example, at least one of the millionaires, Mr. Paul Sykes, apparently thinks that the referendums on regional assemblies this autumn—that is when we expect them—are some dreadful Brussels plot. It appears that he is intending to invest large sums in the campaigns.

Whatever side one takes on the issue, one must agree that the problem is urgent. I am afraid that I must report to the House that the Electoral Commission restrictions on large donations do not apply as effectively to referendum campaigns as to general elections. If Mr. Paul Sykes, for example, chooses to spend a few million pounds on those referendums as a run-up to the general election, and even more so as a dress rehearsal for the referendum on the European constitution, he could buy their results. The problem is extremely urgent.

We must also consider the general election. If legislation is required, it will be important that it is put through the House as soon as possible after the Queen's Speech so that we can ensure that the general election is fought on a fair, open and transparent basis. My hon. Friend has already referred to that problem. It also appears from the Electoral Commission's current rules that it would be possible for a millionaire to escape the restrictions on donations by spending his money through several front organisations. That would be easy. Such organisations could appear to be single issue organisations, but they could in effect be campaigning for one, two or three political parties, although it is most likely that they would plump for one party. That is a real danger; our democracy could be undermined. Those front organisations could disappear after polling day, and it would be difficult to account for the money that they had spent.

Mr. Djanogly: I am afraid that the hon. Gentleman is blowing a hole in his own argument. Mr. Sykes does not have to give his money to a political party or to a pressure group. He could set up his own pressure group or organisation if, as the hon. Member for Truro and St. Austell suggested, he wants devote his significant fortune to doing so. Is the hon. Gentleman saying that individuals should be prevented from spending money on what they want? That is what his argument is heading towards.

Mr. Tyler: I do not think that the hon. Gentleman has had the benefit of the conversation with the Electoral Commission that I have had. The commission was set up by Parliament precisely to consider the issues, and I can assure him that he should have that conversation, because there are real problems and loopholes, in relation not just to the referendums this autumn or the anticipated referendum next year on the European constitution, but to the general election itself. It is currently perfectly possible to circumnavigate the rules on individual donations. A millionaire could buy the outcome of a referendum and possibly make a major difference, in the way that my hon. Friend described, to the pattern and outcome of a general election.

I want to refer to the unfortunate hypocrisy surrounding the debate on state funding. As has already been mentioned, the principal beneficiary of the taxpayers' contribution to the political process is the Conservative party. It has received just short of £30 million since it lost power in 1997—a considerable sum. Reference was made earlier to the annual figures, and I have them from the Library. In the current year, general Short money is £3,017,307, travel expenses are £86,130, the leader of the Opposition's office costs £563,449, Cranborne money in the Lords is £413,131 and there was a policy development grant of £439,005. That makes a grand total of £4,519,022. On top of that, uniquely—this does not apply to any of the other parties in this House—several Conservative office holders have additional salaries over and above their salaries from the Commons. The same applies in the House of Lords, with a total of £282,682. That makes a total of just short of £5 million—it is £4.8-odd million.

I am sure that the hon. Member for Huntingdon, who is certainly honourable, will acknowledge that it would be hypocritical in those circumstances to have any principled objections, given that his party is the main beneficiary of state funding, unless the money is sent back, of course. The principal issue is that he who pays the piper calls the tune. If we can reverse the process of centralisation, which was so effectively described by the hon. Members for Southampton, Test and for Braintree, we can do something really valuable for the British parliamentary democratic system. If we do nothing, the dangers to which my hon. Friend refers are considerable indeed.

Time is short. The process has already gone a long way in the American direction, which I regret. Even in the referendums, or referenda, as I prefer to call them, this autumn, we may start to see an ugly twist in this tale. I hope that we will not, and that the Government are prepared to take speedy action when they get the Electoral Commission report in September.

10.37 am

Mr. Jonathan Djanogly (Huntingdon) (Con): I welcome the fact that the hon. Member for Truro and St. Austell (Matthew Taylor) has secured this debate, which, as he said, is in anticipation of the Electoral Commission presenting its conclusions to the Government on the funding of political parties later this year.

Various hon. Members referred to the wealth of the individual calling the shots, weighing in and dictating how policy in this country works, but those references are, from my perspective, a red herring and, as others have said, transient issues at best. I gave my reasons for that view in my interventions. On the issue of wealthy individuals leading to the centralisation of politics, I see no correlation between the two. Most wealthy individuals would not have much of an idea of what an agent was—at the centre or locally—or about the mechanics of political parties. If anything, recent press reports have shown that certain individuals who wanted to give money to the Conservative party insisted that their money went to the regions rather than the centre.

Of course, the public need confidence in the way in which political parties are funded. Most importantly, there should be no question of corruption. Nevertheless, we do not accept that the Government can justify spending even more public money on politicians, when political parties already receive significant public money, as hon. Members have made clear. The Electoral Commission's estimate is that in a general election year, the figure can come to £100 million, which is on top of the wide variety of direct and indirect public support already given to political parties, such as free mail shots, free use of civic premises, free broadcasts during elections and financial support for Opposition and Front-Bench services in the form of Short and Cranborne moneys. I suggest that increasing the dependence and reliance of political parties on the state could further distance politicians from the electorate because of the ending of the need to contact people to seek non-state funding.

There is no great public demand for an increase in state funding for political parties or for restricting the amount of private donations. In fact, the opposite is true. I am confident that the taxpayer's view is that public money would be put to better use by investing it in our public services rather than our politicians. The Conservative party stands by the stance that we took in our 1998 submission to the Neill committee, in which we asserted that

"state funding would undermine the voluntary activity of political parties . . . we believe there is a difference in principle between providing assistance to opposition parties to help them with their Parliamentary duties and providing taxpayer support for the day-to-day campaigning activities of political parties".

The crux of the matter is that the Government should not restrict what political parties can and cannot do, rather than addressing their own lack of ethics with regard to political donations. Membership of the Labour party is collapsing. The base of new Labour entrepreneurs who funded it is vanishing, and it is increasingly becoming almost entirely dependent on trade union funding. I would find it distasteful if the Government wanted to use the Electoral Commission as cover for providing political parties with millions more pounds of state funding in a bid to dilute the power of the trade unions over their own party.

Mr. Tyler: I am finding it difficult to follow the hon. Gentleman's train of thought. Is he saying that he wants to return the large sum of taxpayers' money that has been allocated to the Conservative party—for its policy development fund, for example—which has nothing to do with what happens in this building?

Mr. Djanogly: I specifically said that I do not think that the state should give any more than it already does. Furthermore, what the state gives should be for parliamentary duties, rather than day-to-day campaigning.

Mr. Tyler: I was involved in negotiations with representatives of the hon. Gentleman's party. He should recognise that the policy development fund has nothing to do with parliamentary activity; it is designed to help the parties develop their policy outwith this place. His argument therefore collapses.

Mr. Djanogly: I shall come on to the fund later. The hon. Gentleman makes a fair point in that regard—I give him that—but we need to address other issues relating to the fund.

Only a few weeks ago, I opposed a proposed change in the law governing trade unions and political funding. In brief, my position was that as companies are now required annually to have member approval for political donations, why should not unions also have to receive such annual consent from their members? We are firmly of the opinion that people in a democracy should be generally free to donate their money as they see fit. There are many checks and balances on political donations in this country, including controls on campaign expenditure, prohibition of foreign donations and transparency of donors. With such transparency, the electorate can make up their own minds whether to vote for a particular party.

We stand by the proposals in the paper entitled "An end to Cronyism: Conservative charter for civil service impartiality", which was published on 4 March 2002. The proposals include, first, a statutory prohibition on

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abuse of power by political appointees. That problem was evidenced by the Mittal controversy and Jonathan Powell's dual role of being the Prime Minister's chief of staff and being involved in Labour fundraising.

Secondly, we proposed statutory provision for the ministerial code and its enforcement. That would mean that the code was given statutory force and monitored by a body separate from the Government. The need for that was evidenced by the National Union of Rail, Maritime and Transport Workers' donation in kind of a flat to the Deputy Prime Minister while he was serving as the Secretary of State responsible for transport.

Thirdly, a proper paper trail should be kept. If all official meetings and conversations between Ministers and senior civil servants were recorded, we would know the full truth behind scandals such as those involving Formula 1 and the Hinduja brothers.

Matthew Taylor: Let me be absolutely clear. Is the hon. Gentleman saying that if, this autumn, the Electoral Commission recommends funding to help campaigning in the country, the Conservative party will refuse it and return it to the state health service or state education? He seems to believe that his party would be entirely wrong to accept any such money.

Mr. Djanogly: No, I said that the hon. Member for North Cornwall (Mr. Tyler) made an interesting point; I did not say that I necessarily agreed with it. We will consider the issue when the commission makes its findings available.

Fourthly, there should be checks on party and Government papers. If there were a body or commissioner that could check such papers and independently assess whether political donations had influenced Whitehall policy decisions, there would be far more public confidence in the legitimacy and independence of policy decisions.

The Liberal Democrats want to cap the amount that is privately donated to political parties and would rather spend £20 million of taxpayers' money, not on improving public services, but on funding politicians. The Liberal Democrats' policy for the state funding of political parties, which would apparently include the funding of political parties' campaigning activities, is to give every political party with more than 5 per cent. of the vote £2 million a year, and to allocate an additional £10 million a year between the parties in proportion to their share of the vote.

Under that system, the 2001 general election would have resulted in a yearly allocation of £6 million to Labour, £5 million to the Conservatives and £4 million to the Liberal Democrats. Essentially, the Liberal Democrats plan to fiddle state funding to get a substantial amount of money that is totally disproportionate to their number of MPs.

I turn to the policy development grant. We strongly believe that the Electoral Commission's allocation of funds is wrong. We do not understand why the Labour, Conservative and Liberal Democrat parties receive the same amounts. It is questionable that the party in power should receive such funding, as it already has a variety of policy support units—not least the whole civil service—at its disposal. We are also strongly of the opinion that a minority party should not receive the same funding as the official Opposition.

We oppose the proposals, being considered by the European Commission, to introduce state funding of European political parties. We believe that in a democracy funding should not be withheld from countries that are not deemed pan-European enough or that refuse to adhere to a given manifesto. That should be up to the electorate, as they decide whom and what they support.

We also feel strongly about the anomaly in the law that means that political parties from Northern Ireland do not have to register the source of their donations. Such parties can receive donations from anywhere in the world, as long as they do not receive funds from a specified list of donors set out in the relevant Act. That is wrong.

However, I agree with the hon. Member for Truro and St. Austell on one point: his desire to see more small donations. How do we get more people involved in giving money to political parties? The Inheritance Tax Act 1984 provides that donations to political parties are exempt from inheritance tax. We strongly advocate that that should be extended to include an income tax exemption. That would encourage members of the public to get involved in party politics, while increasing funding and the membership base for parties. Ultimately, if more people give to political parties, more people will feel that they are engaging in the political process. That, not increasing state funding, should be the aim.

10.47 am

The Parliamentary Under-Secretary of State for Constitutional Affairs (Mr. Christopher Leslie): The hon. Member for Huntingdon (Mr. Djanogly) concluded on a note that I would like to investigate on another occasion.

I congratulate the hon. Member for Truro and St. Austell (Matthew Taylor) on securing the debate. The issue of party political funding can lead to the bandying around of insults between parties. Far be it from me to say that I am not capable or willing to engage in such banter; I could talk for hours about my views of the funding of the Conservative or Liberal Democrat parties. Unlike my hon. Friend the Member for Braintree (Mr. Hurst), I will not mention Lloyd George; that would not take us far.

I am glad that the hon. Member for North Cornwall (Mr. Tyler) mentioned the work of the Joseph Rowntree Reform Trust, which recently published a report on the state of British democracy and attitudes to political parties, which gives us a flavour of public opinion on some of the issues. Unfortunately, public awareness of party political funding issues tends to fall into the usual tramlines of cash for questions, sleaze-ridden donations and allegations. We could get into a discussion about those, but that would not be helpful.

My personal view is that that is largely inaccurate and unfair with regard to political parties. My hon. Friend the Member for Southampton, Test (Dr. Whitehead) made the point that political parties are not, by and large, evil or nasty institutions—far from it. They tend to be pretty essential components of a healthy

democracy. If we are to have a successfully functioning democracy, we need political parties to be strong and to operate. They are of great importance, and it follows that how parties are funded is also of great importance not only to those who are elected, but to the public at large. That is why it is useful to have this debate.

The fifth report of the Committee on Standards in Public Life—now known as the Neill committee—entitled "The Funding of Political Parties in the United Kingdom", was published in 1998. That was the last large consideration of public policy on the subject. The terms of reference that the Prime Minister gave the committee were deliberately broad, so it looked into all aspects of party funding. It was a well-researched report, taking evidence from all around the world. There were 400 written submissions. It raised ethical questions about the standards of conduct in public life and also addressed specific public policy matters, including questions about the undue influence of political parties by large donors and, perhaps as importantly, public perceptions of undue influence.

The preface to the report stated that

"ignorance about the sources of funding has created suspicion".

To allay that suspicion, the committee recommended a series of measures underpinned by the seven principles of public life set out in its first report. The three most relevant were declared by the committee to be integrity, accountability and openness. I believe that Britain has a system that follows those principles very well.

The Government responded to that report with a White Paper, published in 1999, which was followed by the Political Parties, Elections and Referendums Act 2000, known catchily as PPERA, which was extensively considered in both Houses. In line with the Neill committee's recommendations, the Act translated those principles of transparency and openness into practice.

Sir George Young (North-West Hampshire) (Con): The Minister said that the 2000 Act was in line with the committee's recommendations. He will recall that there was one recommendation that the Government did not accept—tax relief up to a certain limit on donations to political parties. If the Electoral Commission comes up with a similar recommendation, will the Government consider it with an open mind?

Mr. Leslie: Obviously, the Government always have an open mind on Electoral Commission recommendations, as the right hon. Gentleman should know. I will come to that point later, but it is important to recap the changes we have made in recent years, which I think have contributed to a healthier state of affairs for all parties.

The new regulatory system tightly defines those eligible to give donations to political parties, and it excludes, for example, donations from abroad. All donations of more than £200 have to be from permissible donors. Donations of more than £5,000 to parties or organisations and of more than £1,000 to branches of parties and individuals have to be declared and publicly recorded. It is a matter of record that the Labour party has, since 1995, published in its annual report to the national executive committee the identity of donors who have given more than £5,000. That may seem a basic step, but it actually represents a radical change in recent years in how parties operate.

PPERA also established the Electoral Commission with much fanfare. It was given, among other responsibilities, the duty of maintaining the register of donations and ensuring compliance with the system. The outcome of the introduction of that system has been a much longed-for openness and transparency.

The hon. Member for North Cornwall and others mentioned the existence of a certain degree of state funding through the funds created by PPERA, including the policy development grant, which was recommended by the Neill committee. There are also start-up grants to enable parties to adjust to the regulatory system introduced. It is also worth mentioning the Short and Cranborne moneys that are available to Opposition parties in the Commons and the Lords respectively, as has already been put on record. That money has introduced a realistic support for those parties, given the tasks that they have to undertake in Parliament and in developing policy.

It is important to recap some of the arguments that have been aired in this useful debate. No doubt, the Electoral Commission will be listening to it, as it is due to compile a report. It is possible to argue with great strength and conviction in favour of state funding. For example, it is argued that state funding could have a purifying effect because larger donations would no longer be necessary. State funding on a substantial scale could mean that parties were no longer reliant on large donations, which could remove any allegations of improper conduct. Another argument is that state funding could allow parties to perform their essential tasks more effectively, because they could focus on the key issues rather than spend their time chasing money or looking for funding.

There is also the argument raised by the hon. Member for Truro and St. Austell and mentioned in an intervention by the right hon. Member for North-West Hampshire (Sir George Young) about the fact that, in some countries, there is a match funding arrangement under which donations from individuals are match funded either through tax relief or something similar. Paradoxically, the tax relief system encourages private individuals to donate small sums. The official Opposition referred to that matter, although I am not clear about their policy on it.

There are also significant arguments against state funding, which should not be dismissed lightly. For example, there is the argument that taxpayers should not be compelled to support parties with whose policies they may strongly disagree. We must address whether it is wrong in principle to compel taxpayers to donate to objectionable parties. Similarly, there is the argument voiced by the hon. Member for Truro and St. Austell that public funds are needed for higher expenditure priorities elsewhere. There is also the point that any public funding system will simply ossify existing party arrangements, favour the establishment and be biased against new entrants to the political realm.

I know that the hon. Gentleman is concerned about capping donations, and there is the question of whether an individual's freedom to donate should be constrained in that way, as well as that of how to balance the freedom to contribute with fairness between the political parties. I believe that the vast majority of donors to

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political parties are not giving money in exchange for something, but giving resources for the good of their party without any expectation of personal gain.

Most importantly, the issue that we must consider, which was raised by my hon. Friends the Members for Braintree and for Southampton, Test, is the risk that reliance on state funding may remove an incentive for a party to cultivate its grass roots membership in order to raise money. We must be careful about adopting policies that could weaken local activism and participation. Any system that is developed should encourage local activism and grass roots involvement in parties. I would be reluctant to see a system that would make political parties lazy, London or Westminster-centric and not forced by regulations to reach out to the wider country.

There is a huge range of views on this matter. We know that the Electoral Commission is doing its work and we expect its report later this year. I am looking forward to seeing that report. It is going to review previous reports, consider systems in other countries and look at the case for public funding. We need to wait and see what the commission's views are. This is clearly an important issue, which we must continue to debate in—I hope—a calm and rational atmosphere, as we have today. I commend the hon. Gentleman for finding the time and opportunity for us to debate the matter today.

Further Education

11 am

Mr. Steve Webb (Northavon) (LD): This is probably the first time in recent years that I have raised further education. FE is sometimes thought of as the Cinderella of the education sector, and it is important that that should not be so, as the Minister will agree.

My attention was drawn to the issue by an event earlier this month that affects people in my own and neighbouring constituencies: the decision by Filton college to close, or substantially reduce, an IT outreach course run at four centres in the Bristol area, one of which is at Bradley Stoke, the nearest centre to my constituency. I have informed the Minister's office that I wish to raise the issue.

It is to be expected that cutting an IT course will prompt a large number of e-mails. The course has clearly been well taught: I had many e-mails on the subject within moments of the staff being told about the changes. There is some confusion about exactly what is planned—about whether the course is being cut and about whether that would happen the next day, and there are more extreme versions of what would happen. It is not quite as dramatic as some believed, but the staff were told that within a couple of months, new entrants to the IT outreach course would cease, and existing students would have some continuing service until Christmas, but that was the extent of what was planned for the courses.

I want to allow the students on the course to speak to the House and to get the Minister's response. I shall quote several of those who contacted me to express the different facets of the problem. A student wrote:

> "I am extremely dismayed that this valuable commitment to lifelong learning with regard to IT is going to be withdrawn".

I should explain that although numbers are lower this year than last, nearly 1,000 students attend the course at Bradley Stoke and more than a quarter are pensioners or people with disabilities, while many others are older people—not necessarily pensioners but more mature students. I shall return later to the matter of lifelong learning, which means not focusing just on teenagers.

To give hon. Members an idea of the age range of the students, I quote another student, who said:

> "I am fast approaching the age of 76 and I find the courses stimulating and apart from that it is an opportunity to meet like-minded people. The environment is good and the tutors excellent . . . I am putting to use the lessons I learned".

There is a breadth of age ranges on the courses, going up to the 70s and beyond.

I want to discuss the priority or otherwise given to older students, including pensioners. Older students get a lot out of the courses. I was contacted by someone who runs IT courses for pensioners through the college. She said that they say that the courses keep their brains alert and keep them up to date. There is evidence from the Alzheimer's Society that learning activities help to delay the onset of the disease, and that older adults' memories and decision making improved when they thought the tasks they were doing were relevant or when they were

held accountable for their performance. The lady who runs the courses found that to be the case with her students. She said:

"When they first joined they had difficulties sometimes in remembering, but they have considerably improved. This leads me to believe that additional funding for this age group would probably save the Health Service a great deal of money by not needing to care for so many elderly persons with Alzheimers Disease."

Part of the message from the college is, "We can't do everything. We've got to cut back on something, and that is what we are going to cut back on." But investment in that age group, and helping older people and pensioners to learn could have beneficial spin-offs in other areas and be a sound investment.

Paragraph 4.48 of the Government's Skills Strategy White Paper on the subject of provision for pensioners, states:

"We want to safeguard a wide range of learning opportunities for pensioners . . . we expect pensioners to benefit substantially from the arrangements for safeguarding funding for leisure learning, and that in all areas learning for pensioners would be one of the priorities to be pursued through the new planning and funding agreements."

That is significant, as the college's argument for cutting back on the course is that the group involved is not a priority group. But the Skills Strategy White Paper states that pensioners should be a priority. I appreciate that not everybody can be a priority, but the Government say that pensioners should be a priority group, and the experience of pensioners on the course in my constituency is that they have not been treated as such.

That affects not just pensioners but disabled students. One young woman with cerebral palsy is very upset about the course ending and has featured in a number of our local newspapers. She writes:

"The Flexible IT is a great environment because it is designed to be taken at the student's own pace. It helps to build my confidence."

The fact that people with cerebral palsy are actively involved in the course is obviously positive, and I am sure that the Government would be in favour of it. This is the sort of course where students who may need extra support can find it. The course is flexible, and the students can come when they need to—the staff have the time that they need. Such courses will never be profitable or carried out by a profit-making organisation, but they are still important.

A further concern was expressed about the short notice given for closure of the course—that is more about how the college handled the problem than about wider Government policy. One student said:

"Two weeks' notice is unreasonable especially for the hard-working tutors".

The college told me that it found out what it was getting from the Learning and Skills Council well into the financial year. It therefore had only a short period in which to tell staff, as it is obliged to do. The staff told the students, then the students came to me. It all seems to have happened at short notice. I do not know whether anything can be done to ensure that colleges know much earlier in the year where they stand financially, but in this case the college found out about its financial position very late.

As I have said, existing students can continue until December, but that is of limited consolation. One said:

"I can't believe that the doors will be shut in December. Now that I'm going to finish this course I would like to start another one, but I can't think about it now".

Merely to say that the course is running until December is of limited consolation to those who were getting into IT and wanting to do longer courses.

A similar point was made by another constituent:

"I have just enrolled on a course . . . to further my computer skills, and have now been told that the centre is closing within the next few months and I will no longer be able to complete the course".

A lot of students take a long time and do not do things neatly to schedule. That is the point of the course, so stopping on a fixed date will be a problem for them.

So far, I have stressed the social value of the course—the benefits to older people and to people with disabilities—but the course is also relevant to jobs and employment. One constituent who contacted me said:

"This centre provides excellent facilities enabling people who are not computer literate to become so. Those who have computer skills have the opportunity to enhance those skills greatly. These are skills greatly in demand".

Importantly, she continues:

"I myself am a teaching assistant within a local primary school and have found that computer competence is becoming more and more essential."

This is not just about retired folk having something to do in their spare time; it is about vital skills that benefit our children and the economy.

On the issue of relevance to the job market, another constituent said:

"The centre staff are wonderful",

and I want to put on the record the students' appreciation of the centre staff. She continued:

"The venue is accessible to people who would never enter a typical college"—

as it is an outreach provision; it is not on the college campus but at a community centre. She went on, saying that

"being able to attend has enabled me to return to the workplace with new qualifications at the age of 53. I am not alone."

Again, the importance of the course is not just for social or leisure reasons; it is relevant to the jobs market, and people who might otherwise be on the scrap heap are acquiring relevant skills.

I want to try to convey to the Minister the strength of feeling of the students. One wrote:

"I urge you to use your influence to prevent the act of educational vandalism. In this modern age it is essential that as many people as possible are given the opportunity to learn this important skill."

Feeling is very strong: the impact of the suddenness of the decision and how much people value the course is clear from that strength of feeling. The staff are

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enormously valued and do a tremendous job. Some will be able to find jobs elsewhere in the college, but some may face redundancy. One student said:

"Kelly and the entire team at Bradley Stoke show professionalism, commitment, dedication to quality, helpfulness and patience"—

patience is a key word: a lot of the students need someone who will be that bit more patient. It may be expensive, but it is necessary—

"in helping everyone to attain their goal and achieve a qualification which will benefit them".

Again, this is a flexible course to which people can come when it is convenient for them. Every single quote I have read out has been from a different person who has contacted me, including this one:

"The IT centre is well appointed and offers a convenient and flexible way to study and its closure should be considered at the highest levels before a firm decision is taken".

That is part of the reason for bringing it to the Minister's attention today. I appreciate that colleges have to make their own decisions, but I am asking the Minister to take a personal interest in this case.

I could read out quotations all day, but I will not. However, I have a final one from a student in my constituency on the difference that the course makes to individuals. The person started in February 2003 and, interestingly, was told by the college that its aim was to have all pensioners able to use a computer. The person finished the course, took exams and wanted to continue. My constituent has written:

"It has opened up a new life to me, and others in our Group, and must not be allowed to close. I understand from Newspaper articles the college is focused on 16–18 year olds in line with Government priorities."

There is a sense among people on the course that somehow they do not matter. Despite the fact that the skills White Paper says that pensioners are a priority, these people feel that they are not.

The college's press statement about the decision to close the course to new entrants, headed "IT outreach provision", said:

"The Senior Management Team and the Corporation have given due consideration to the financial position of IT Outreach".

It says that the numbers are down, although there are still nearly 1,000 people at the Bradley Stoke site alone, and that the college is not covering its costs. I accept that—the money that it receives does not cover the cost of putting the course on. Critically, however, the statement says that the management team has considered the financial position

"in conjunction with its strategic importance."

What that says is that the college has other priorities and that the course is not important enough to continue. People feel offended by that.

I looked at the college website to see what its priorities and values are. It says:

"One thing's for certain—whatever you want to achieve in life, Filton College will set you off on the right road! Another important feature . . . is the fact that we're a community college."

The website also says:

"We get out into local cities, towns and areas to run courses . . . hold demonstrations and events and introduce people of all ages to the concept of lifelong learning."

So, the college website says that it goes out and does things for people of all ages, and it is true that the IT outreach course is not the only thing that it does, but the website also says:

"The College embraces diversity in all its aspects, and aims to employ a workforce and to attract a student body, which reflects, at every level, the community it serves."

The community that it serves includes many older and disabled people, but where is the provision for them? A further quotation from the website is:

"The College aims to ensure that all actual or potential . . . students are treated equally, regardless of age or disability".

That is not true. The students are being treated unequally because of their age. If they were 17, they would be fine, but because they are older, they are not.

I wrote to the college principal, who kindly replied. He said that the college has three priorities, which come from the Learning and Skills Council and, in turn, from the Department for Education and Skills. According to the principal, the "key priority areas" are 16 to 19-year-olds, basic skills for adults and work-based learning. The course in question does not fit into those. The principal then said:

"In light of finite budgets and infinite demands"—

which we understand—

"it is necessary to reposition our business to reflect the role being asked of us."

I do not think that the college is a business; I think it is a public service. I understand that it has to consider costs and be efficient, but the principal thinks that he runs a business. I do not, and I am worried that courses that are not profitable are being dropped because the business-minded approach says that as certain people are not a Government or college priority, they are therefore not economic. That is the wrong approach to education, and I hope and believe that the Minister agrees.

We have talked about the priorities coming from Government through the Learning and Skills Council. I have mentioned already what the skills White Paper says about pensioners, but the foreword signed by the Prime Minister, the Chancellor and three other Cabinet Ministers says:

"Our ambition is to ensure that . . . individuals have the skills they need to be both employable and personally fulfilled."

So the Government's agenda is not just about jobs, jobs, jobs; personal fulfilment is important. The Prime Minister continues:

"We must motivate and support many more learners to re-engage in learning."

That is what the IT outreach course does. He goes on:

"For too many people, learning is something that stops when they leave school. Learning new skills, at work and for pleasure, must become a rewarding part of everyday life."

One final quotation from the Prime Minister is:

"Creating a truly demand-led approach means reforming qualifications, reforming the way we fund colleges, and reforming the way we deliver training."

There is plenty of demand. There may be other sources of workplace-based training, but colleges are often the only place where courses such as the IT outreach course can be done. Where can someone who needs the extra time find such a course? I do not know.

I have a specific question for the Minister on funding. I understand that although FE colleges have been given the funding that they requested, they have been asked to do 3 per cent. more for it. Previously, if they delivered 97 per cent. of their target, they got the funding that they needed, but now they receive that funding only if, for that same money, they deliver 100 per cent. The colleges thought that they had been given long-term funding stability, but then discovered that they had to squeeze out a further 3 per cent. That is part of the reason why colleges such as Filton are considering the future of courses of that sort.

I hope that I have given a flavour of how important the course is to my constituents. They think that they should be as much of a priority as teenagers or folk who need basic skills. They think that that course is important, and I agree.

Although I am unhappy with the idea of colleges as businesses, I am not critical of the college itself. I pay tribute to the staff, who have done a tremendous job.

My constituents want to know what the Minister can do to help them. I know that if I were in the Minister's position I would respond to this debate and then go on to do something else, and might even forget about the issue. However, I urge him not to forget about the people who have contacted me. I ask him to intervene personally to try to ensure that courses of that sort, which are valued so much by my constituents, will continue to be available to them and to others like them in the future.

11.16 am

The Parliamentary Under-Secretary of State for Education and Skills (Mr. Ivan Lewis): I congratulate the hon. Member for Northavon (Mr. Webb) on securing this debate. The issue is important; it concerns people, and most politicians are in this business because they care about making a difference for the people that they represent and for society in general.

The hon. Gentleman powerfully articulated the concerns of his constituents, and the impact and benefits that many of them felt that they had gained from participating in such courses. I agree that there must always be a place in our lifelong learning system for learning for leisure, pleasure or self-development, which is distinct from learning for employability and for direct tangible economic ends.

Over the past three years, since I have held the brief for education, I have spent a lot of time meeting adults for whom learning has not been part of their lives for many years, but who have gone back into learning later in life. I have seen how that can transform people's self-confidence and how people can experience what I describe as the dignity of self-improvement, which many of them have not had the opportunity to experience in an educational context.

As the hon. Gentleman said, it is also true that for older people, this is as much a health policy as an education policy. It can make older people feel that they have something positive to offer their communities, and that they can continue to develop into their 80s and 90s and beyond. There is strong evidence that that supports their physical and mental health.

People with disabilities should also be given the opportunity to fulfil their potential in the same way as everyone else, although that cannot always be achieved through conventional or mainstream means. There must be particular provision to enable people with disabilities to do so.

We accept the importance of that kind of learning in the context of lifelong learning. It might be worth reflecting on what has happened to the adult and community learning part of the lifelong learning budget. We have agreed a national budget with the Learning and Skills Council for 2004–05 of £207.4 million, which has increased from £206 million in the previous year. I believe that that demonstrates our commitment to safeguarding opportunities for lifelong learning that does not lead to qualifications.

We do not apologise for saying that the Government have to make tough choices about priorities on the adult skills agenda—we were supported on that issue by the hon. Gentleman's Front-Bench Liberal Democrat colleagues. It is the Government's responsibility to make those choices, and I shall explain some of the priorities in a moment. However, in that context, there must be a ring-fenced, protected place for adult and community learning—for learning for leisure that does not have a direct, tangible economic gain.

In the context of the courses in which the hon. Gentleman's constituents participated, he rightly says that people are very emotional about using a facility that they have got used to using, that they feel comfortable with, and where they feel that the staff are focused on their needs—positive and complimentary things are said about the staff. I totally relate to and understand that on a personal level, but I also accept that the college has a finite budget and that it has to make difficult decisions.

The college's argument with regard to the outreach programmes at Bristol Rovers and Bradley Stoke is that demand has fallen significantly in recent years and the courses have been running well below capacity. It has been willing to subsidise them for a couple of years, but, having reviewed matters, it feels that that is not the best use of its resources, because those resources are finite.

Liberal Democrat spokespeople and I do not differ on the human importance of lifelong learning and its centrality to the future of the country. Often, our only difference on these issues is about the pretence that the state never has to prioritise and make tough decisions and that there are never finite resources. To pretend to constituents that any country or college can be run in that way is to deny reality. That is my only real criticism of the presentation of today's argument.

The hon. Gentleman rightly asks what will happen to the learners involved. Fundamentally, that is the most important thing. Are we telling them that, as a consequence of these changes, there will be no access to IT learning in the vicinity of where they live or within a reasonable distance? That is not the case. The college assures me that learners will be able to complete their courses at the main college and then enrol on other IT courses. The college is also working with the local

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learning and skills council to provide a mobile digibus service that will take IT training opportunities directly to the community.

If we look at ICT provision available in the area that the hon. Gentleman represents, we find that there are other colleges. There are 15 learn direct centres and 18 UK online centres, all of which are a consequence of the investment that this Government have put into further education and lifelong learning, and specifically into ICT.

The hon. Gentleman asked me to take a personal interest. The personal interest I will take is that if that information proves inaccurate and if alternatives are not available to the individuals concerned, I will want to know about it. I cannot guarantee that every individual will be fixed up with a bespoke, on-your-doorstep service, but I am anxious that as many of them as possible continue to have the opportunity to access ICT courses within a reasonable distance of where they live.

Mr. Webb: I am grateful to the Minister for that offer. He says that it is all very well for Liberal Democrats to say that everything is a priority, but I was quoting the Government's priority. They said that pensioners should be a priority, so why are they not ensuring that their own priorities are seen through?

Mr. Lewis: That is the disingenuous and inconsistent bit of the argument. Saying that the Government will protect adult and community learning as part of the skills strategy, which I have demonstrated that we have done this year, and saying that we regard pensioners as an absolutely top priority in terms of the adult and community budget, which is part of the overall lifelong learning budget, does not mean that every single existing course and centre will be kept open ad infinitum. That is the inconsistency and dishonesty I referred to. In every area, college principals have to make decisions.

I accept that colleges are public services, but like every other public service they have to be run in a business-like way. I hope that the Liberal Democrats who run local authorities expect the officers who run the departments to do so in a business-like way. I am sure that they expect that, because in the end we have to represent the interests of the taxpayers and to ensure that public money is spent appropriately. Everyone who runs institutions of any kind—not just governmental ones—have to make choices about priorities. My contention is that all the individuals affected are entitled to be emotional and upset, and to feel bad about the decision that has been made. It is his duty to advocate their interests. However, it is not right to go on to say that this demonstrates a lack of Government commitment to lifelong learning and to adult and community learning, or to ensuring that, as part of our commitment to that learning, the provision available to older people is central. The Government have ensured that nearly 1 million learners access ICT through learn direct, and a very high proportion of them are pensioners. We know that many pensioners are enrolled on college courses of one kind or another; sometimes they are doing quite basic ICT skills and sometimes more advanced courses.

My only difference with the hon. Gentleman is about the pretence that one or two centres closing is a demonstration of the situation on the ground not matching what we say about national policy. That is a very deliberate Liberal Democrat strategy. If one examines the range of alternative provision available, one finds that there are still plenty of ways that pensioners can access such provision. No Government can say that everything is a priority of national policy.

I want to put this matter in a wider context. We have said that, in terms of skills and post-16 education, our priorities on where the state should put the bulk of its resources are straightforward: the education of 16 to 19-year-olds, and of those adults who do not have basic skills or do not have up to the full level 2 qualification. There is massive consensus that that is an appropriate way for the state to prioritise its resources in the context of skills leading to economic objectives. There is also a ring-fenced pot of money specifically for lifelong learning, for leisure learning, and for quality-of-life learning.

That does not mean that the only people who matter are 16 to 19-year olds or those who do not have the equivalent of level 2 qualifications. It means that we will have to get additional income from employers, and from individuals in some cases, for other areas of educational and training provision. We are being clear about where the Government intend to put the bulk of their resources.

As for the skills strategy, we have also been clear for the first time that if we are to deliver, whether on the skills agenda or on the lifelong learning one, there must be a partnership of contributions from the state, employers and individuals. As we become clearer about priorities, that has implications. Even given that clarity of purpose and that focus in terms of the respective responsibilities of the social and economic partners on the skills agenda, adult and community learning still has a special and distinct place. The commitment to protect it is not just a national one.

We have said that we expect every local learning and skills council to secure reasonable delivery of adult and community learning provision in their local communities and, as part of that, to recognise that learning makes a much broader contribution for older people than merely a narrow educational one. As I have said, it is about contributing to people's mental and physical well-being and to their sense of being part of the community and of being active citizens. It also boosts intergenerational relationships. In lifelong learning settings, people of all generations come together and learn together. In a society where there is unfortunately a lot of mistrust and suspicion between the generations, that is important.

I understand the passion and concern of the hon. Gentleman's constituents, and I will, of course, take an interest in ensuring that, wherever possible, alternative provision is made available to them. However, he should not be disingenuous and pretend that any Government can prioritise everything or that if one centre closes in one constituency, that represents a dilution of this Government's commitment to adult and community learning or to the place that learning rightly plays in older people's lives.

Sitting suspended till Two o'clock.

Sudan (Peace Agreement)

2 pm

Mr. Hilton Dawson (Lancaster and Wyre) (Lab): I am very pleased to have the opportunity to open this debate. We have had a number of debates on Sudan in recent weeks, and the issue has been regularly raised with the Prime Minister, including this morning. I hope that this will be a well-informed debate because, by my reckoning, at least five hon. Members present have visited Sudan in recent weeks. Three weeks ago, the all-party group on Sudan travelled to Khartoum, to the Nuba mountains and to Rumbek in the south. On the Thursday and Friday, we went to west and south Darfur.

We witnessed a catastrophe in Darfur, which has got worse since the rainy season set in. We saw thousands of people who had been driven from their homes and were living in makeshift, inadequate shelters. They complained of hunger, and they lacked clean water, latrines and access to basic health care. Some of the people we saw may since have died, but everyone in the camp faces the prospect of death through water-borne disease over the next few months. Aid agencies were working heroically with limited resources and personnel, but in Darfur we saw thousands of people who need our help now.

In Kalma camp, I spent time playing with a ragged, rapidly expanding group of children who followed us everywhere shouting, "Okay". We shook hands and played some silly clapping and shouting games. They showed us a mobile phone, a radio and a camera fashioned out of clay. I have been in these situations a few times, and one feels that there is hope when children can still play. It is raining now in Kalma camp, and I desperately hope that those children are still all right. They should be—after all, they are the future of Sudan. Despite all the terrible things that we saw and heard, I believe that Sudan has a future.

I want to do something unusual and praise the Government of Sudan for some important things that they have done. They have joined the rest of the world in opposing terrorism. They and the Sudan People's Liberation Army have shown statesmanship, courage and leadership in bringing their country to the brink of a comprehensive peace agreement which, in the words of the Machakos protocol, aims

> "to replace war not just with peace but also with social, political and economic justice which respects the fundamental human and political rights of all the Sudanese people."

Overcoming understandable feelings of pride, as well as suspicion of the international community, they have made a huge commitment to a political settlement in Darfur. They have accepted responsibility for ensuring the security of the people of the region and have acknowledged the desperate need for humanitarian relief.

It is often said that the Government of Sudan react to international pressure. I am sure that is true, but it is even truer that they react to international partnership, as demonstrated by the success of the Intergovernmental Authority on Development at Machakos and Naivasha under the wise chairmanship of Kenyan General Sumbeiywo. The careful diplomacy of the troika—the USA, Norway and, to the Government's great credit, the United Kingdom—has also borne fruit. On our visit to the Nuba mountains, we saw the positive engagement of Sudanese armed forces and the SPLA with the excellent work of the joint monitoring commission. A growing relationship has developed out of the armed struggle that has cost two million lives over the past 21 years, enabling both sides to commit themselves to elections three years after a comprehensive peace agreement and, after six years, a referendum on whether there should be one Sudan or two.

Let us offer praise where it is due, encouragement where it is needed and criticism where it is justified. The criticisms voiced by the people of Sudan are justified, and let us pay them the respect of listening to what they have to say. Everyone on the visit was sceptical about the commission of inquiry on Darfur that was set up by the Government of Sudan. Many people in the UK would be sceptical if an inquiry set up by our Government reported first, and perhaps only, to the Prime Minister. However, the Sudanese Government inquiry reported only to the President. The chairman of the inquiry, the distinguished legal expert, Dafalla Al-Haj Yousif, said that

> "perhaps Sudanese people should be allowed to show what they can do."

The Government of Sudan have an opportunity to show what they can do to relieve the suffering of Darfur. They have issued a joint communiqué with the United Nations; they have the support of countries such as the United Kingdom that have given £62.5 million for humanitarian assistance; and they have made commitments that they must fulfil. They have committed themselves to a ceasefire, to political talks—regrettably, they have stalled since 15 July—and to a comprehensive plan to enforce law and order and to protect their citizens. They are committed to provide 50 per cent. of humanitarian assistance from their own resources and to facilitate the delivery of relief and assistance. They have also agreed to accept human rights monitors, the recommendations of the commission of inquiry and the deployment of the African Union ceasefire monitoring mission.

The eyes of the world are on the Government of Sudan, but the people who can best judge how well they work with the international community to meet their commitments to their own people are the people of Sudan, who will pass judgment when they vote in three years' time. The Sudanese Government have a huge task in Darfur, but they must do much more. They, the SPLA and the Sudan People's Liberation Movement still have a comprehensive peace agreement to conclude. Discussions about security are taking place in Naivasha, after which final negotiations will be required on how the various elements of democracy will work. It is obviously important that matters are dealt with thoroughly and concluded properly. For some time now, our group and others have been aware of the frustrations of many parties and regional groups about what they consider to be the exclusion of many Sudanese people from the process. Earlier today, members of the all-party group met a representative of the SLA, the main rebel group in Darfur. I was horrified by his depiction of the Machakos and Naivasha protocols as agreements that related only to north and south disputes rather than to the whole of Sudan. I was

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similarly horrified by his argument that the SPLA had shown that the only way in which to achieve progress is through armed struggle, designed to bring the Sudanese Government to the conference table and focus the world's attention on the gross underdevelopment of Darfur.

As we speak, there is conflict and massive displacement of civilians in western upper Nile. On our visit, we met representatives of the Beja people from the east of the country, who expressed indignation about their exclusion from the talks. It is a tragic and appalling irony that the Darfur conflict and crisis has arisen at a time when the whole of Sudan should be looking forward to a peaceful future. It is imperative that work gets under way to engage political parties, tribes, regional groups and the whole of civil society so that they can commit themselves to the development of peace, human rights, economic and social justice and democracy for the whole country.

We have been reassured many times that a comprehensive peace agreement will be signed, but it is vital that that happens soon. It is essential that groups throughout that vast country, which is the size of western Europe, learn of their Government's commitment to upholding the rights and aspirations of all their people so that none of them needs wage war again. The last thing that anyone needs in a country that has been at war for 38 of the past 49 years is more war. We should call on the SLA and the Government of Sudan to observe the ceasefire and to get round the conference table to hammer out a peace agreement in keeping with the Machakos and Naivasha protocols. They will need the assistance of the African Union to do so, but no one will benefit from the interference of other nations that wish to pursue their own interests. If Sudan is to make the transition from war to peace, it will need all the assistance that it can muster around the world.

During our visit, we travelled south to Rumbek, where the Sudan People's Liberation Movement is working to transform itself from an army into a democratic arm of local government. Nothing exemplifies the profound need for development more than Rumbek, as we discovered in a visit of only a few hours. A huge number of young people need education, the dirt roads are full of holes and the hospital—the only one for hundreds of miles—is massively under-resourced. The prison does not have effective walls, so people are held in chains, and there is no police force in an area where thousands of people have AK47s. In addition, the women's legal service urgently needs support so that it can represent women with very young children, who face imprisonment for adultery. The problems will doubtless increase in the short term as displaced people and refugees return to their homes from other areas in Sudan and from neighbouring countries across the border.

I commend the Government on their commitment to provide £150 million in development assistance in the next three years. One way of boosting the capacity of Sudanese public services in the short term is to encourage people who came to this country in the Sudanese diaspora but who now want to return to do so, even for short periods, so that they can pass on their skills and assist with the development of vital services. Development and immigration services could combine to promote innovative schemes. Sudan has oil and other natural resources, and can export food if its people are given the chance to grow it. The Naivasha protocols on wealth sharing will ensure that some people who have never had anything will have something in future, but it is essential that that money is used well, not least so that Sudan can demonstrate that the debt relief that it undoubtedly needs will be used to meet millennium development goals and will not be dissipated. I hope, however, that there will be no question of debt relief until Sudan improves its human rights record.

In the capital of Khartoum the benefits of public and private investment are visible in tall buildings and the major roads that are under construction. We visited the city and saw an urban redevelopment scheme at the Wadi el Bashir camp for internally displaced persons, where there was a disgraceful abuse of human rights. The mud-brick homes of people who had fled from conflict up to 20 years ago and who lived on the margins of the city with day-labouring jobs had been demolished, the inhabitants reduced to living in shacks on top of the rubble. Latrines had been demolished in a hot country at the start of the rainy season, thus inviting a cholera epidemic. There was no discussion or consultation; there was only an armed guard on a bulldozer to enforce compliance. Democracy cannot come too soon to Khartoum.

I have been speaking for a fair amount of time, but I want to return to Darfur, where I hope the children are still able to play. I shall represent some more voices of the people who may still be there. One old man wept by his home of grass and twigs that was about the size of a coffee table. A woman was trying to live under a thorny bush. Another woman who had given birth two days previously was sick, as was her child, and they were trying to live under a piece of plastic sheeting stretched over some grass and twigs. One woman's baby had been injured as she fled through the trees from a helicopter gunship. A man showed me where the Janjaweed had shot him. Some Arabs told me how the Sudan Liberation Army had driven them from their homes. Some people told me that they are all Muslim, but that their tribes include Arabs, Africans and people who are somewhere in between. A village leader told me that they all wanted to go home, but could not do so until it was secure, and that they would not be pushed to return until they were convinced that it was safe. Some people told me that they would never return to their villages, because if they did so they would never feel safe again.

One man acknowledged that the heart of the problem is the age-old dispute between pastoralists and nomads to which there must be a negotiated solution. Another man said that it is a complex situation. One woman simply said to the international community, "Please help." The situation is extremely complicated, but we must help. The Government, Members of Parliament and, indeed, our constituents can all do so. Yesterday, the Disasters Emergency Committee' rightly launched an appeal for Sudan. I profoundly hope that the entire population of the United Kingdom will respond to that appeal and provide resources and money so that people on the ground can ensure that services are delivered to some of the most needy people in the world.

The all-party group believes that parliamentarians can play a part. We all have constituents who contact us about international development issues, and their

interest is most welcome. There is huge interest in international development and the problem of world poverty. We all have databases and lists of people whom we can contact. The all-party group will write to other MPs tomorrow to ask them to urge people in their constituencies to contribute to the DEC appeal. Such a transaction is, by its very nature, private, but we hope that MPs will have an idea of how much their constituents will contribute to the DEC appeal and that they will tell the all-party group. We could then say to the Government, "You are doing a great deal and have done a tremendous job of diplomacy. You are investing a great deal in development. Indeed, you are making the largest cash investment of any country in the world. You certainly outflank the other countries of the European Union, which need to do a great deal more. However, we want you to do more." We would appeal to the Government to make a contribution double the amount that MPs predict their constituents would contribute to the DEC appeal.

We can all do more to help the people of Sudan, and we must do more in the long term to assist the country's development . There is hope, and this is a crucial time for us to be involved in a positive and constructive way.

Dame Marion Roe (in the Chair): Before I call the next speaker, I remind hon. Members that the winding-up speeches are due to start at 3 o'clock. Several hon. Members are trying to catch my eye. If speeches are kept reasonably short, everyone who wants to participate in the debate can do so.

2.20 pm

Dr. Jenny Tonge (Richmond Park) (LD): Thank you, Dame Marion. I congratulate you on becoming a dame. I also congratulate the chairman of the all-party group on Sudan, the hon. Member for Lancaster and Wyre (Mr. Dawson), on securing the debate so soon after our return from the country. I thank him, too, for being a brilliant chairman and for giving a speech that left little to be said, although I am sure that we will all say a lot.

My immediate reaction to the situation in Darfur is anger. I have said it before and I will say it again: since I was elected in 1997, this is the second time that there has been a major humanitarian crisis in Sudan and that makes me very angry. There are so many similarities between what is happening now and the situation in Bar al Gazal in 1997, which I witnessed. Even the Sudan Liberation Army appears to have connections, however tenuous, with members of the Sudan People's Liberation Army—it is certainly talking to them—who operated in southern Sudan and were among the combatants in the civil war there over so many decades.

There is a relentless flow of arms into African countries, especially Sudan. Wherever one goes, one sees little children in possession of arms whether or not they are child soldiers; arms are in all the villages. There are similarities between the Murahaleen in southern Sudan, who are definitely supported, aided and abetted by the Government of Sudan, and the Janjaweed in Darfur. They are nomadic, Arab tribes, who are armed and supported by the Government of Sudan. That might be denied, but it is reasonable to assume that what happened in southern Sudan is also happening in Darfur.

The Secretary of State is not present and nobody appears to have read the International Development Committee's very good report and investigation into the factors leading to crisis in southern Sudan in Bar al Gazal in 1997, yet similar things are happening in Darfur. Members of the all-party group find it strange that no one seemed to bother about what was developing in Darfur; all the signs were there but no one took any notice. As the hon. Gentleman said, there is fighting in Malakal in the upper Nile region. Could the same situation develop in upper Nile, as we are trying to deal with the problem in Darfur?

I am intensely angry that no development aid is going into Sudan, which is the size of Europe. It is as if we said that because there is civil war in Italy, for example, we must not give aid to the UK. That is the scale of things. For there to have been no development assistance or projects in those parts of Sudan that are not at war, is a very great error by the international community.

I am angry, too, because when we were in Sudan no one seemed to claim responsibility. The non-governmental organisations said, "Oh well, we knew but no one was listening", and the peace-process negotiators said, "We were concentrating on the peace process and we didn't know that things would be that serious in Darfur." The United Nations set-up that the group visited in Sudan denied all responsibility for or knowledge of what was going on. That was very depressing indeed for members of the all-party group; someone, somewhere could have alerted the United States and the UK negotiators even if the Government of Sudan had not been alerted or did not know what was happening. The situation has been going on for years. Why were they not alerted, and why did they not know?

As the hon. Member for Lancaster and Wyre said, the peace process is excellent; we are so thrilled with it. The agreement is for all the people of Sudan. It promises elections in three years and that all regions will be involved. It will affect all the people of Sudan; it will help the people of Darfur and of upper Nile. Why was it not sold to all the people while this process was going on? As the hon. Gentleman said, the exclusion of people in other parts of Sudan from the peace process while negotiations were going on was a great mistake.

The crisis in Darfur is portrayed as genocide, ethnic cleansing and as Arabs versus Africans. People rightly remember Rwanda, and want something to be done about the situation. People like simple solutions and soundbite descriptions, but everyone who has been to Sudan knows that the situation is hugely complicated. No matter how complicated it is, the fact remains that tens of thousands of people have died already, hundreds of thousands will die if the aid does not get through to them, and a million or more are displaced. Living conditions are appalling, as the hon. Gentleman said.

The Sudan Liberation Army, which was formed only in 2003—it is less than two years old—claims that it had to take up arms against the Janjaweed because the traditional attacks by the nomadic Arab tribes against the pastoral Africans were getting worse, and it alleged that that was being supported by the Government of Sudan. That has gone on for decades. When I visited the displaced people's camp in Khartoum, I saw people from Darfur who had been there for nearly 20 years. Everyone must have been aware of what was going on and of the fact that it was escalating. The SLA claims

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that the Janjaweed are armed and encouraged by the Government of Sudan. As I said earlier, it is difficult not to believe that, because the Murahaleen in southern Sudan were certainly armed and encouraged by the Government.

When a SLA-led rebellion occurred, the Government of Sudan tried to put it down in a heavy-handed way. My reading of events is that the reaction was too heavy-handed, the Janjaweed were left to let rip, and the Government lost control of the situation and desperately needed help from the international community to deal with the crisis.

What must be done? There is no question but that aid must be provided to save lives. We must make the Government of Sudan stick to their commitments. Their written commitments, which are three pages long, are excellent, and contain all the things that need to be done. Some 50 per cent. of the aid needed will be contributed by the Government of Sudan, the transport of aid will be facilitated, the militia will be disarmed, and villages will be policed so that people can return to them. Please God let that happen, and let us help the Government of Sudan to make it happen.

The international community should also make its contribution, not just in aid but with more monitors and peacekeepers. We saw an excellent and impressive example of peacekeeping conducted in the Nuba mountains under a Norwegian general, General Wilhelmsen, who should be congratulated on the operation that he is undertaking there.

Can the African Union do the same thing? We are worried that the African Union peace monitors might not be strong enough or experienced enough. Is the international community prepared to strengthen the monitoring process in Darfur, once there is a proper ceasefire as opposed to a verbal one?

We must also sell the peace process to the rest of the Sudanese. As the hon. Member for Lancaster and Wyre said, we saw little pockets of wonderful things. We visited a clinic run by Médecins sans Frontières in a village in the Nuba mountains. It was brilliant and well run, and I would have been happy to work or be a patient there. Likewise, there has been a huge improvement in Rumbek since we were there two years ago. Things are beginning to happen. Admittedly, it appeared that the work was being done by non-governmental organisations, and it needs to be rolled out throughout Sudan. Another example was an excellent school in Rumbek run by UNICEF, so there are signs of development.

What we need is a Sudanese Marshall plan agreed by the United Nations, international donors and the Government of Sudan, because we must help. The hon. Member for Lancaster and Wyre mentioned the diaspora, and I have to plug my charity, Afrimed, which was founded by Zeinab Badawi. It is working on that issue, trying to get people from the diaspora to go to Sudan to give help for a few weeks or months.

I make a plea to the Minister to consider the needs of the Arab nomadic tribes in Sudan. It is all very well to dismiss them as monstrous, raiding and killing Janjaweed or Murahaleen, but they are not doing it just for fun. Global warming, which is our responsibility, is causing the desert to spread south in Africa, and people are running out of land on which to live and pasture their animals. It is difficult for them, and times are getting worse and worse. If we do not address their problem, there will be more strife and struggle as tribes from north Africa move further south, trying to get better conditions for their families and animals. We all know that a lack of development and diminishing land causes more war, that wars lead to more poverty, and that poverty leads to more war. The situation gets worse and worse.

Unless we address the issues, throwing aid at humanitarian disasters will be pointless. I know that that sounds cruel, but without long-term plans to help, our crisis appeals and humanitarian aid will mean only that people die more slowly. We must follow aid with proper development. Failing to act on the wider issues would mean that we could be as guilty of the charge of genocide as anyone. We must act.

2.33 pm

Mr. David Drew (Stroud) (Lab/Co-op): Thank you, Dame Marion. I will take careful note of your strictures on time.

I am delighted to follow the chairman of the all-party group, my hon. Friend the Member for Lancaster and Wyre (Mr. Dawson), and the vice-chairman, the hon. Member for Richmond Park (Dr. Tonge). I cannot follow their passion, as I shall be talking about the security situation, but I sign up completely to the emotional way they put their case, the accuracy of which I know to be only too apparent, having visited Darfur in particular and Sudan in general.

I have two quick appeals to make to the Under-Secretary of State for Foreign and Commonwealth Affairs, my hon. Friend the Member for Sunderland, South (Mr. Mullin), and then I will comment more generally on security. One point comes directly from the meeting this morning with the representative of the SLA, which my hon. Friend the Member for Lancaster and Wyre mentioned. That representative made it clear that the talks with the Sudan Government could not take place in Addis Ababa because the SLA representatives had not been able to get their passports properly verified. Could that be sorted out quickly? The fact that they had Eritrean passports probably did not help, but they need to get to Addis Ababa very quickly. Without those talks, there will be no opportunity for a ceasefire or any way of bringing meaningful peace to Darfur.

We should also ask the SLA to make it clear on the ground that it is opening up the land that it appears to control to humanitarian aid. The worrying thing we learned from the NGOs was that they knew very little about the land under SLA control. We should also make it clear to the Government of Sudan that we believe, having visited the camps—I visited Kass, which is between el-Geneina and Nyala—that any attempt to move the internally displaced persons, for whatever reason, without their full consent would be totally reprehensible. From what we saw in Khartoum, I would say that the Government do not have a good reputation. People are scared to death, and the last thing they want to be told is that they must move, even if it is for their own security. They do not believe it, and I think they have every reason not to.

I shall quickly mention the wider security situation. As my hon. Friend the Member for Lancaster and Wyre and the hon. Member for Richmond Park said, we saw some very good things. The situation in the Nuba mountains showed that ceasefire monitoring could be effective. There is quite a complicated arrangement there between the three organisations: the verification monitoring team, the civilian protection monitoring team and the joint military commission. I shall not go through what each of them does, but within reason they pull together and seem to be an effective force on the ground. They are not great in number. The JMC, the organisation with which we spent the most time, numbers tens, not hundreds, of people, but because it can call on airborne movement it can get to places quickly, and it can work with other bodies, such as the CPMT, to examine outrages. All the evidence that both sides presented to us suggested that there had not been any serious outrages.

If the arrangement can work in Nuba, it can work elsewhere. The problem that I foresee, as has been mentioned by the hon. Member for Richmond Park—who is my hon. Friend in this respect—is the difficulty of transferring what works in Nuba to the north-south dialogue and to Darfur. I have not yet written my report, so my colleagues cannot disagree with me on that, but I hope they will see where I am coming from. I am worried because we are moving from a scheme that seems to work to a situation in which the UN is being asked to take over in the Nuba mountains at the same time as it takes over the north-south monitoring of the ceasefire.

We need the arrangements in place sooner rather than later. A worrying thing, which we have seen in Rumbek, is that there have been outbreaks of fighting among people who had previously been on the same side, just because there is no effective policing and there is not as yet any form of monitoring of who has weapons, what they are doing with them and whether they can be persuaded to hand them in. We need such arrangements in place sooner rather than later, and that is as true in Darfur where we urgently need the ceasefire to take effect. We are all led to believe that there is a ceasefire, but it did not seem that way when we were there because the Government were still on the ground with their helicopter gunships, and it seemed that bombing was still continuing, even if to a lesser extent. The SLA is still there and has not given up its land.

We need monitoring troops on the ground, and we need not just military personnel, but civilians—a mixture of the two. When my right hon. Friend the Secretary of State for International Development returned from his visit to Khartoum, he understandably made great play of the fact that we would be paying for those monitors. It would be good to know what progress is being made on that. The sad thing that emerged from our trip a fortnight ago was that there seemed to be little evidence of real people coming in and little evidence that the expertise available from the Nuba mountains was being drawn on, other than with regard to what was happening as a by-product of the complications that we witnessed. We need the expertise in the Nuba mountains to be brought in, and we need real people, although not in huge numbers, who know what they are doing. That is the pressure on the African Union.

We already have a different process in the Nuba mountains from that in the north-south dialogue, and a third group—the AU—is being asked to undertake the monitoring in Darfur. The possibility for confusion and, dare I say it, disagreement over who pays, who does what and who makes sure that it is done properly is obvious for all to see.

It is on that point that I make my plea to my hon. Friend the Minister. We need to get the security situation sorted out sooner rather than later. Yes, we saw starving people and people who will die from disease, but the overwhelming cry from the people in the camps was, "We want security. We will not go back until we know that our land is safe." We saw the burned-out villages, so we can understand that.

We have to secure those people where they are at the moment, and give notice of the fact that we will make sure that the countryside is returned to peace. We must ensure that that carries on in the longer term. That is an enormous effort, and we are doing that not just in Darfur, as my hon. Friend the Member for Lancaster and Wyre says: we also have to consider the Shilluk Kingdom and the Red sea area, where tensions, and the Balkanisation of the country, are sadly all too evident. At the same time, as my hon. Friend rightly says, we have to pump in humanitarian aid, not just as a Government but as individuals.

2.41 pm

Ms Sally Keeble (Northampton, North) (Lab): I, too, pay tribute to my hon. Friend the Member for Lancaster and Wyre (Mr. Dawson) for the way in which he secured the debate and has led the all-party group on Sudan. As he rightly says, the pictures that have horrified the entire world in recent weeks have been of a humanitarian disaster, but underlying and causing that is an acute political problem. I am pleased that my hon. Friend the Minister with responsibility for Africa is responding to this debate, because I think that he can give some assurances on the political points. They are the ones on which we will need progress if there is to be a long-standing solution to the problems in Sudan.

Quite often, we can remedy the immediate humanitarian disasters, and the country will stagger on, although the real problems that underlie what has happened have not been resolved. We have to make absolutely sure that our sympathy for, and response to, the plight of the victims of the crisis in western Darfur does not detract from a determined search for a political settlement.

Everyone present here and at previous debates on the subject is clear that the particular problem underlying what has happened in western Darfur is the attitude and activities of the Sudanese Government. There is also the difficulty of the long-running civil war in Sudan, which is the longest running in the world. If we think about it, the current generation in Sudan is probably the last that can remember a time when the country was at peace. If it does not seize the opportunity to restore some kind of peace, there will be a generation that has never known a country with any stability.

I went to Sudan shortly before the all-party group visited, and had quite a different experience—although we probably came to similar conclusions—because I came from the south after travelling around some other

[Ms Sally Keeble]

east African countries. I spent a lot of time with people from the SPLM, and saw and heard about a lot of problems similar in type to those in Darfur, although they were on a much smaller scale. I also saw the continuing humanitarian problems in the south, which are getting worse because of the lack of peace, stability and a political process that will enable reconstruction and development.

Our country had a historical role in Sudan, and we therefore bear a heavy burden of responsibility for support in the current troubles. I pay tribute to the Government for being at the forefront, both in providing humanitarian aid and in their political involvement in the peace process. I want to make a couple of suggestions on what my hon. Friend the Minister could do to take that forward.

I very much hope that my hon. Friend and the Government will continue to provide a high level of support to Sudan to make sure that the peace holds. That refers partly to the provision of aid. It is not just humanitarian aid; it is transitional aid to support the peace process. I saw a country that had gone backwards and that was in a state of complete devastation; I do not think that I saw a single stone-built house during the whole time that I was there. I also did not see a single drop of tarmac. People were ploughing the fields with little hand hoes. I bought one in a market and brought it back. The agricultural revolution has been the introduction of a few ox ploughs.

In the middle of all that, some very able people, including some very able women, were preparing plans for what will happen once peace is established. They desperately need training, support and capacity building now, so that as the peace process proceeds they can start to put things in place. Although I understand that there are issues to do with providing development aid when there is conflict, the time has now come to move on from that. I ask the Minister to consider providing transitional aid and—perhaps more importantly—political support in order to regain the momentum in the peace process, and to ensure that that turns into proper peace programmes, so that the country can find a way out of what seems to be an increasingly fractured situation.

Colleagues have asked the Minister to ensure that there is proper monitoring of the peace. I also ask him to do that; it would be helpful if he set out how that would be done. Whoever provides that, it must be effective and properly resourced. I heard good reports from the south about the high regard in which the monitoring in the Nuba mountains was held. The monitoring needs to be not just north-south but east-west, in places such as the Shilluk kingdom and other areas where there have been profound difficulties. People need to feel a sense of security if they are to return home and do simple things such as planting crops. They must feel some confidence that they will be there to harvest and store their crops.

I am sure that my hon. Friend the Minister will tightly hold the Sudanese Government to the agreements that they have made about the way that they will behave in western Darfur. When I raised issues about western Darfur in southern Sudan, people said, "Well, that is the way that the Government behave." There was a profound sense of mistrust and insecurity. It has taken quite some time for the Sudanese Government to acknowledge their role in what has happened, and it is important that they are not allowed off the hook as the weeks pass. I hope that my hon. Friend will give some assurances about that.

I saw horrifying things when I was in Sudan, although I did not see quite the scale of things that colleagues saw in western Darfur. My hon. Friend the Member for Lancaster and Wyre gave eloquent voice to some of the hardships that people have suffered. As we are politicians, we understand the relationship between politics and humanitarian difficulties, and I hope that my hon. Friend the Minister will give assurances about securing a peace process that is political and that delivers real and lasting peace to people in Sudan so that they can rebuild their lives and their country.

2.49 pm

Tom Brake (Carshalton and Wallington) (LD): I am happy to follow the hon. Member for Northampton, North (Ms Keeble). She made a measured contribution. I congratulate the chairman of the all-party group on Sudan, the hon. Member for Lancaster and Wyre (Mr. Dawson), on keeping the focus on this issue both inside and outside this Chamber, and on piling the pressure on us as individuals about what we can do and on our Government and the international community. We need to keep the focus on Sudan and Darfur as the humanitarian crisis worsens.

Other Members also made valuable contributions. My hon. Friend the Member for Richmond Park (Dr. Tonge) raised the issue of climate change and desertification, which others have not mentioned. She highlighted the fact that even if the conflict were not taking place, we would have to tackle that substantial issue, for which we bear a degree of responsibility because of the pollution that we are creating.

It was appropriate that the hon. Member for Stroud (Mr. Drew) should have reminded us of the SLA's responsibility for ensuring that access is provided to the areas that it controls; parties other than the Sudanese and the Janjaweed are involved as well. I thank the Minister and his colleagues for making the additional funding available for Sudan—that is welcome, timely and appropriate. Members were right to draw attention to the launch of the appeal, which is now under way.

Certain people have characterised the Government's policy on Sudan as one of quiet diplomacy. Does the Minister think that a fair description? Perhaps the quiet diplomacy has been for public consumption, but I hope that behind the scenes there has been some loud and not so tactful diplomacy with the Sudanese Government. Regrettably, whether there has been quiet diplomacy or something much more vocal, the humanitarian crisis seems to be worsening and deepening in Darfur. Many leading commentators are now referring to genocide, although that may be a simplistic way of encapsulating the situation. I understand that the US Congress may be debating this matter at this very moment. It will come to some conclusions, during the next few hours or days, on whether genocide is taking place.

Many parties, including the Liberal Democrats, have called for a tough Security Council resolution that would include sanctions in Sudan if there were no

immediate improvement in the situation. I stress that the improvement should be immediate, because if ethnic cleansing is going on—and the satellite photographs suggest that it is—leaving it for a few more days is hardly an option: the ethnic cleansing might then be complete and the Sudanese Government or the Janjaweed might get their way. If the Government are not willing to go public on supporting a much tougher resolution, what further measures are they considering? The Secretary of State for International Development said on 14 July that

"we shall have to return to the Security Council to take further measures"—[*Official Report*, 14 July 2004; Vol. 423, c. 1394.]

When he sums up, will the Minister set out precisely what further measures the Government have in mind if there is no immediate progress?

It is regrettable that Darfur has not been included in the peace process. When we debated this issue on 9 June, the Minister stated that the Government's position was

"to ensure that the catastrophe in Darfur does not destabilise all the good work that has been done in the past couple of years to achieve a settlement between the north and the south."—[*Official Report, Westminster Hall*, 9 June 2004; Vol. 422, c. 88WH.]

Nobody would want to jeopardise the peace process between the north and the south. However, separating the two—allowing the peace process to progress but the ethnic cleansing to proceed in Darfur—has perhaps been a mistake.

I want to ask the Minister a specific question. Given that the situation in Darfur is worsening and that there is growing evidence of the Sudan Government's involvement in supporting the Janjaweed and in carrying out a policy of ethnic cleansing, does he believe that any peace can be achieved in Sudan if all areas of conflict are not included in the negotiations? Has the Minister had time to look at the Human Rights Watch report that came out yesterday? It says that it has in its possession official Sudanese Government and local government documents, dating principally from February and March, that clearly set out the Sudanese Government's policy, or at least the measures that the Sudanese Government intend to be taken on the ground. They relate to including the Janjaweed in some of the security committees and facilitating the return of some displaced persons to their original homeland and blocking the return of others. A strong body of evidence suggests that we cannot take at face value anything that the Sudanese Government say about their intentions, because back in February and March their intentions in relation to the activities of the Janjaweed were made clear in those documents. I hope that the Minister will comment on that.

Other Members have commented on the level of monitoring and the number of staff on the ground. There are something like 60 UN monitors and 300 peacekeepers from the African Union. Does the Minister consider that to be sufficient? Does he think that there is a case for a much larger presence and for human rights monitors to be dispatched to the region? If he does not think that that action should be taken immediately—in the next 24 hours or the next seven days—is anything being done to set things in motion should that become a necessity in the next few days or weeks?

The Government have made the welcome announcement of additional aid to the region. Although it is not part of the Minister's brief, I hope he will be able to say what safeguards are in place to ensure that that aid arrives in the right place and is not diverted. Perhaps there should be some conditionality between delivering the aid and delivering on the peace agreement.

Does the Minister think that there is a role for the UK in preparing a contingent of peacekeepers and monitors to be deployed if it is decided that genocide is taking place? It would not necessarily be for immediate deployment, but the planning involved in such measures takes weeks, months or possibly longer. What efforts are being made now? Is dialogue taking place with other European Union or NATO countries, or in any other forum, on that option?

The final issue that I would like to raise is oil. Looking at diagrams of the concessions in the Darfur area, it appears that there is significant potential for oil production. For instance, the Chinese National Petroleum Corporation has a substantial concession in southern Darfur. To what extent does the Minister believe that oil revenue considerations are playing a part in what is happening in Darfur?

The progress that has been made so far on the peace process is welcome. Its applicability so far to the Darfur region, however, is in doubt. I urge the Minister to continue to exert any pressure that he can from our Government in any international forums to make the Sudanese Government, and the other offending parties in this crisis, aware that the international community will not stand by and watch what is happening without taking appropriate action, which could involve military action if there is no resolution.

2.49 pm

Mr. John Bercow (Buckingham) (Con): Thank you, Dame Marion, and congratulations on your recent and deserved recognition. I join other colleagues in congratulating the hon. Member for Lancaster and Wyre (Mr. Dawson) on securing this debate, on presenting his and, to an extent, our findings with such eloquence, and on leading our delegation to Sudan with skill, charm and unfailing good humour. He will accept that he was assisted enormously by one person who has not been mentioned, but should be, and that is the co-ordinator of the all-party group on Sudan, Sultana Begum. She did a magnificent job; there was a thoroughly convivial spirit for virtually all the visit and it was an extremely worthwhile exercise.

Briefly, I would like to say something about the north-south accord and its prospects, and then focus my remarks on Darfur before hearing the Minister. The north-south accord is of course vital. Of course we attach importance to it and of course we are investing an element of hope in it because we know that without that process, disaster for the whole of Sudan is the alternative. That said, and an investment of hope though we have placed in it, there are real concerns about the fragility of the process.

I would like to ask the Minister what assessment he has made of the threat all the way along the line to the implementation of the north-south peace process as a consequence of those elements in Khartoum which are frankly opposed to the peace deal altogether; and what

[Mr. John Bercow]

assessment he has made of the additional factor of policy incoherence and a lack of capacity on the part of the SPLM/SPLA. Does he share the concern that militias will continue from time to time to be used by elements of the ruling party to undermine cohesion in southern Sudan, especially around the oilfields? If he does share that concern, will he provide some idea of how the Government intend to address the issue?

I would like to focus on the situation in Darfur, where several colleagues spent two days. The plight of people existing—I will not say "living"—in IDP camps in Darfur was probably more harrowing a sight than any I have witnessed in my adult life. There are 1 million people so displaced, but when one sees the people concerned one realises that they are existing in pathetic little shacks held together variously by pieces of stick, string or feeble plastic. As I think the hon. Member for Lancaster and Wyre said, those tents or shacks are commonly the size, in terms of length and breadth, of only a modest coffee table, and they are not very high either. It was common for us to see eight people in a paltry shack, of whom five or six would be children.

In the course of the visit, the hon. Member for Stroud (Mr. Drew) regularly drew our attention to the fact that there was a proliferation of families headed by females. There would be no male in the family, as he had been killed, was engaged in conflict or was elsewhere displaced, and one saw women in the most desperate circumstances seeking to keep body and soul together.

In essence, there are two major features of the process, insofar as public policy is concerned: the humanitarian response of civilised and concerned Governments, and the foreign policy response. On the subject of humanitarian responsibility and commitment, I will continue the non-partisan approach that I have adopted hitherto and say that the Government's humanitarian record is very good. I congratulate the Secretary of State for International Development on that today as I have done on previous occasions.

The British Government can hold their head high and be proud of the fact that they are the largest cash contributor in humanitarian terms and, after the United States, the second largest overall contributor. Good work is being done and, according to eyewitness accounts, humanitarian aid was starting to get through to the people who needed it. Food and some modicum of primary health care were being provided, and enormous credit is due to the NGOs for facilitating that effort.

On the humanitarian front, the problems are as follows: first, other Governments are ready and willing to explain at length why they are not doing more than they are doing—by implication, pointing to areas of the world where they are doing more than we are doing. I find that explanation, given by many EU ambassadors, singularly unpersuasive. In particular, the otherwise engaging and eloquent French ambassador was especially irritating on that front, talking about countries to which the French are contributing.

My response to that is that I am not interested. The crisis in Sudan is there, the challenge is now, the scale is enormous and the contribution that we can make as an international community by providing the aid in a spot that probably exceeds anywhere else in the world in the scale and immediacy of its need is so great that talking about other places is not good enough.

Ms Keeble: Does the hon. Gentleman agree that in Sudan, uniquely, aid is extremely expensive? Food that costs $200 a tonne to buy costs $1,000 a tonne by the time it is transported because the logistics of providing aid in Sudan are so complex, so there is a real need for volumes of aid and money.

Mr. Bercow: Certainly, volumes of aid and volumes of money are of the essence. That is part of the first aspect of the humanitarian deficit to which I alluded a moment ago. I said that there were two categories of problem. The first category is inadequacy of resource. The second is a logistical obstacle to the delivery of the aid. We continually hear reports—since I returned from Sudan I have seen others on UN and other websites—of local authorities that continue to demand travel permits despite the international commitment that the Government of Sudan have made to facilitate NGO access and delivery of humanitarian aid.

In addition, there is a genuine anxiety about Khartoum's 90-day registration plan, which makes many NGOs reluctant to increase the size of their asset bases in Darfur for the simple and understandable reason that they have no idea whether those permits will be renewed in due course. If anybody thinks that the humanitarian crisis will be significantly alleviated, let alone resolved, within 90 days, then they are, frankly, in need of medical attention. There is not the slightest prospect of that happening. That is why I am so concerned.

Let us talk about the foreign policy side of the equation. We are blessed—I say that sincerely—by the presence of a Foreign Office Minister. I understand exactly where the hon. Member for Richmond Park (Dr. Tonge) is coming from on the subject. I think that because we are both humanitarians, we would both be inclined, when push comes to shove, to continue with humanitarian aid—even while recognising the downside of simply propping up a regime or slowing the process of death—because the alternative is even worse.

I understand why the hon. Lady has regularly made the point that aid is nothing like enough, and that it is self-delusory to suppose that it is anything like enough simply to chuck aid at a situation that is exacerbated and compounded not by natural disaster but by man-made design. That is what has happened in Darfur, in particular, and across Sudan.

In essence, one must decide whether one believes that quiet diplomacy—I pick up on what was said by the hon. Member for Carshalton and Wallington (Tom Brake)—or remorseless pressure is the best means by which to achieve progress in Sudan and, in particular, in Darfur. Of course that simplifies the argument, but the fact that there is complexity in Sudan, including in Darfur—the fact that it is not a straightforward Arab versus black African conflict—does not in any way absolve us of responsibility from trying to reach an overall judgment about the approach that is likely to be most productive.

I put it to the Minister that—I say this on the strength of my visit—pressure, pressure and more pressure on the Government of Sudan seems to be of the essence, both if we are to get commitments from the Government to behave themselves and if those commitments are to be monitored and fulfilled.

I remember meeting Minister Ismail, the Foreign Minister, who is generally regarded as something of a dove in that regime. As is often the case with Foreign Ministers, he is charged with the responsibility of making the Government's case in the international media. Of course, he was engaging and articulate and had responses to our inquiries—he would be an extraordinarily ineffectual Minister otherwise. That said, I found his arguments unpersuasive. He spent several minutes complaining to us about the BBC's representation of his Government's policy. His comments were thoroughly uninteresting, unpersuasive and typical of a Government on the run, making a patchy attempt to defend a not very good record.

The Sudanese Foreign Minister also spent a considerable amount of time telling us that his Government would simply walk away if the pressure became too great. In case that argument is still prominent in the counsels of the Foreign Office, I want to make the argument to the contrary. If the Government of Sudan were to be dissuaded from pursuing the north-south peace agreement simply because they were subjected to heavy pressure over Darfur, they cannot have much of a commitment to the peace process.

The international community cannot allow itself to be bullied into not taking a robust approach to the Government of Sudan on the grounds that, if we do, the modicum of progress that has been made will somehow be discontinued or suspended. We must be prepared to look the Sudanese Government in the eye and say that there is a carrot for their country—the provision of decent development assistance over a period to foster the peace process and to reconstruct the country—but that the international community is entitled to insist on vastly better behaviour.

We need a much more robust United Nations Security Council resolution. As the Minister knows, that is what the United States Administration, Secretary of State Colin Powell and others favour. The resolution must unequivocally condemn the Government of Sudan for the horrific human rights violations that have taken place in Darfur. It must insist that those human rights violations be independently, publicly and internationally investigated, that a guarantee be given—there was grave doubt in my mind about this when we visited Darfur—that people in the IDP camps will not be obliged to go home until the region is secure and it is safe for them to do so, and that the Government of Sudan will do all that they reasonably can to disarm the Janjaweed and other militias that are killing, threatening, raping and otherwise abusing the human rights of the civilian population.

We have a choice: do we take an approach of quiet but weary resignation or one of up-front and dynamic representation of what we believe to be right? I am an admirer of a humanitarian and activist foreign policy. We are debating Sudan and Darfur, and I will not in any way be deflected from that subject. I know that I will get into trouble with you, Dame Marion, if I do. Suffice it to say that I am one of those who greatly admires the Prime Minister's stance on Iraq. I wish to take this opportunity to say that the Government must be prepared to do all that they can, within the United Nations, to intensify pressure for change. If that means indicating that, without change, a robust sanctions policy that does not operate to the detriment of the population but is deliberately and calculatedly targeted at those who are preventing progress will be applied to the Government of Sudan, so be it. If that means considering deployment of a UN protection force as a last resort, so be it. If that means contemplating a much more forceful approach than has been deployed so far, so be it. We cannot allow a situation in which, over a period of months, hundreds of thousands of people die who would not die if there were a definite peace, an adequacy of human rights monitors, a proper supply of ceasefire monitors and a disarming of the militias.

Mr. Dawson: I admire the hon. Gentleman's passion and commitment. Is he concerned that in advocating that stance he may play into the hands of groups such as the SLA, which would like to escalate the situation further?

Mr. Bercow: I have no desire to do that, as the hon. Gentleman knows. I am not saying that we are at the point at which military action should be taken, because there are problems with that, but it should not be ruled out.

I conclude by urging the Minister to press the Government of Sudan on one specific indicator of good faith: the inquiry into the commission of human rights abuses by Government bombing on the one hand and collaboration with Janjaweed militia on the other. If we do not press for a clear commitment of independent scrutiny on that front, we cannot hope for the wider progress that we need to see and that the people of Darfur deserve.

3.16 pm

The Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs (Mr. Chris Mullin): We have had a constructive and useful debate. I am grateful to my hon. Friend the Member for Lancaster and Wyre (Mr. Dawson) for giving us the opportunity to discuss this important issue and for the measured tones in which he introduced the debate. I thought that the debate was all the better informed for the fact that about four or five hon. Members present have first-hand experience. I shall deal briefly with some of the points raised—I was asked a large number of questions, not all of which I shall have time to respond to—and then set out what I want to put on the record.

Several hon. Members asked about African Union peace monitors and the example of the Nuba mountains was mentioned. The British monitor, Mr. Rob Symonds, who is now with the AU in Darfur, helped to set up the joint monitoring commission in the Nuba mountains, so he has a lot of experience and will be able to bring some of it to bear in Darfur.

I was asked by the hon. Members for Carshalton and Wallington (Tom Brake) and for Buckingham (Mr. Bercow) whether the Government's policy was one of quiet diplomacy. It is not. No casual observer of our

[Mr. Chris Mullin]

pronouncements and activities over the past six months could think that our policy is confined to quiet diplomacy. We have made representations in public and private to all the parties at all levels of the Sudanese Government. I shall take the opportunity to say something about that again in a minute.

One or two hon. Members touched on the role of the Sudan Liberation Army, and they were right to draw attention to that, because it is sometimes overlooked. The SLA is a major player and has been attacking food convoys, taking hostages and stealing vehicles, even as the humanitarian operation has got under way. Its role should not be overlooked, although inevitably we have to focus on the role of the Government of Sudan.

My hon. Friend the Member for Northampton, North (Ms Keeble) said that in the end there must be a political solution and that it is not just a humanitarian issue. I entirely subscribe to that. We shall certainly do all that we can to bring the parties to the conference table. Talking of that, my hon. Friend the Member for Stroud (Mr. Drew) said that the SLA was complaining that it had had difficulty getting the Eritrean passports of its members acknowledged. That is the first that we have heard of that issue. We have been doing all that we can to encourage the SLA to make its demands at the conference table rather than as a precondition to going to the conference table. It has raised a number of points with us but not that one, and I note it with interest.

My hon. Friend the Member for Lancaster and Wyre and others have been gracious in mentioning the role of the UK. I am grateful to the hon. Member for Buckingham for saying that we can hold our heads up high. None of us wants to be complacent; we all know that nobody has done enough or was on the scene early enough, but we have done more than most. We can, as the hon. Gentleman said, in the global scheme of things, hold our heads up high.

We have played a leading part in trying to resolve the crisis. My right hon. Friend the Secretary of State for International Development visited Sudan, including Darfur, in June; the Foreign Secretary has had conversations with the Sudanese Foreign Minister, the most recent of which was on 12 July; our ambassador in Khartoum, Mr. William Patey, has for a long time been making daily representations to the Sudanese Government at all levels on all the issues that we would wish him to raise—both political and humanitarian; the UK special representative, Alan Goulty, who has just returned from the region, had a meeting with President Bashir very recently; and I have had two long conversations with the Sudanese Foreign Minister, most recently at the African Union summit in Addis Ababa the week before last.

The United Nations Secretary-General, Kofi Annan, and the US Secretary of State, Colin Powell, both visited Sudan at the end of June, and during those visits the Sudanese Government made a number of commitments to improve the security situation and humanitarian access. They agreed to deploy more police to Darfur, to disarm the Janjaweed, to resume political talks, and to remove all obstacles on visas for NGOs. There are signs that they are—albeit belatedly—taking steps to honour those commitments. We have been pleased to see improvements in humanitarian access and the fast-tracking of visa applications for NGOs. Sudan's Ministry of Foreign Affairs has instructed its embassies to facilitate visas for NGO staff for Darfur within 48 hours of application and to exempt them from all fees, and foreign aid workers in Darfur are now exempted from restrictions on movements of foreigners.

On the security situation, the Sudanese Government have announced the deployment of an additional 6,000 police from outside Darfur, and claim to have arrested 40 or so Janjaweed and begun the disarmament process. The UN has reported that some police have started to arrive in Nyala, el-Fashir and el-Geneina, and that there has been some limited removal of militias from areas around IDP camps in el-Fashir.

Together with the US and our EU partners, we have made it very clear that UN Security Council action will be needed if the Government of Sudan do not honour the commitments that they have given—so the international community will continue to monitor the situation closely in the coming days. Meanwhile, discussion of the US draft Security Council resolution and of the possibility of targeted sanctions continues. Given the urgency of the crisis—

Tom Brake: Will the Minister give way?

Mr. Mullin: If the hon. Gentleman will forgive me, I have been asked to deal with a lot of points, and I think that other hon. Members would like me to put on record the Government's position.

Given the urgency of the crisis, it will, of course, be crucial to ensure that any Security Council action has a quick and positive impact on the ground. It is also important to ensure a balanced approach to the problem, as violations of the ceasefire continue on all sides. There are some signs that Janjaweed activity may be decreasing, but it is too soon to conclude that that is a genuine trend. In any case, rebel activity continues.

We consider the full deployment of the AU-led ceasefire commission to be key to improving the security situation. The deployment of ceasefire monitors in the Nuba mountains has, as hon. Members have observed, had a positive effect on the situation there, and we hope that the deployment of the AU monitors in Darfur will have a similar effect. As hon. Members may know, we have contributed £2 million to the initial setting-up costs of the AU monitors and the EU is making available €12 million.

It is early days, but more than 60 monitors and staff are in place in Darfur, and others are based in Chad and Khartoum; the UK monitor, Mr. Rob Symonds, arrived in el-Fashir last weekend. The AU plans to expand its presence next to el-Geneina and Kebkabiya. It has two helicopters in Darfur, and a third is on its way. Forty-nine vehicles are being fitted out in Khartoum before being flown to Darfur. Further aircraft are expected shortly. Access to fuel is problematic in such a remote area, and that is being addressed. The AU is also working on force protection arrangements and plans to deploy between 200 and 300 men for that purpose. The AU is already operational. Several investigations have taken place and we will take a close interest in the results of those.

Given our concerns about civilian protection and the human rights situation, we are also in close contact with the Office of the UN High Commissioner for Human

Rights. As hon. Members have said, there have been massive human rights violations by the Sudanese Government and the Janjaweed militia, which may constitute war crimes or crimes against humanity. The report speaks of forced displacement, the arbitrary killing of civilians and rape. It is deeply disturbing, as is the recent report from Amnesty International. We and our EU partners have made it clear that reported attacks against civilians should be thoroughly investigated and the perpetrators brought to justice. We are also supporting the deployment of UN human rights monitors.

On the humanitarian situation, there has been significant progress on access and Sudanese Government procedures, although some constraints remain. The UN is now accessing some SLA areas for the first time. In all areas, small pockets of internally displaced people have been found. Disease is a growing concern throughout the region; as the rains have started, there is much to do and very little time.

My right hon. Friend the Secretary of State for International Development announced on 13 July that DFID was setting aside a further £28 million for the remainder of this financial year. That brings the total UK humanitarian assistance for Darfur to £62.5 million, which, as hon. Members have said, makes the UK the second largest bilateral donor—after the US—and the largest cash donor to the crisis. The size of that response highlights the UK's commitment to Darfur and to Sudan as a whole. However, the UN is still reporting a funding gap of $140 million. We continue to press other donor Governments, including our EU partners, to increase their contributions.

We are in close contact with the UN as well as NGOs on the ground. The focus must now be on building capacity. The UN is almost halfway through its 90-day action plan and it is continuing to scale up its operations. As my hon. Friend the Member for Northampton, North said, only by addressing the underlying causes of the conflict will a sustainable solution be found. The political talks that got under way in Addis on 15 July concluded two days later having made little progress. The rebels set a number of preconditions before they would enter into a substantive dialogue and we are encouraging them to make their demands at the negotiating table and not outside it.

The peace agreement that emerges from Naivasha offers the best hope for the whole country. By offering the prospect of a truly decentralised federal system, it should help to address some of the root causes of the conflict in Darfur and elsewhere. Clearly, there can be no comprehensive peace in Sudan without a resolution to the crisis in Darfur, but with the peace talks at Naivasha at a critical stage, the international community must continue to push hard for progress on both issues in parallel—in particular on implementation, which someone asked me about a moment ago. We assess that there is the political will on both sides—north and south—to make the agreement work, but we recognise that it will require very detailed international pressure.

In the brief time available, I have tried to put on record what the Government are trying to do to deal with what we all acknowledge to be one of the worst humanitarian crises of recent times.

Mr. Dawson: I want to stress the importance of engaging other groups and organisations and civil society in that peace process. At meetings in London and certainly in Sudan, the fear that groups are becoming more and more alienated has come over loudly and clearly. We certainly do not want more groups to take up the armed conflict route that the SLA has followed.

Mr. Mullin: My hon. Friend makes a very powerful point.

Mr. Jim Hemingway

3.30 pm

Mr. Fabian Hamilton (Leeds, North-East) (Lab): I am grateful for the opportunity to have this Adjournment debate on the case of a whistleblower, which I have found very disturbing and with which I have been dealing for almost four years. It might help the understanding of the case if I give some background information.

When Jim Hemingway first came to my advice surgery in autumn 2000 I had little idea that a case that seemed relatively straightforward would result in the bullying and victimisation of an employee of Leeds Metropolitan university simply because he chose to be public-spirited and to save the taxpayer a vast amount of money that would otherwise have been spent on items for which it was never intended.

Mr. Hemingway is an associate lecturer and unit manager of the film and moving image part of Leeds Metropolitan university—formerly the northern film school—which is one of the two great universities in Leeds. He worked there for almost 15 years, but in autumn 2000, he became concerned that European social fund moneys paid to the northern film school were not being used as they should have been. He was especially concerned that a firm of consultants had claimed 10 per cent. of the moneys for which it had successfully applied as its consultancy fee, something that was expressly excluded under the terms of the application.

On 29 August 2000, the Government office for Yorkshire and the Humber wrote to Leeds Metropolitan university, after it had received a letter from Jim Hemingway, saying that it had been brought to its attention that the consultants' costs may have been claimed as part of the ESF applications and that the consultants were not eligible to do so. It asked the university to clarify the position. The consultancy referred to, based in Warwick, was called J & AB Associates, and on 28 April 1998 it invoiced northern film school for £16,152.96, which was 10 per cent. of the ESF moneys successfully claimed during that budgetary year.

In his memorandum of 21 March 1997, the then head of the film school said:

"We need to remind ourselves that we cannot claim consultants' fees from ESF, so in any spreadsheet it would need to be seen as a contribution towards production costs",

not as a consultancy fee. I stress that Jim Hemingway was not at the NFS in 1997. In subsequent meetings at the northern film school in Jim Hemingway's presence, topics such as how to hide the consultancy fees were discussed. That first alerted him and provoked his action to expose the mis-spending. In early autumn, Leeds Metropolitan university replied to the Government office that invalid consultancy costs had not been claimed from the European social fund money.

On 16 February 2001, I met the regional director of the Government office in Leeds to discuss Jim Hemingway's concerns that he was not satisfied with the accuracy of LMU's response to the question of consultancy. Three months later, the response was found to be incorrect. The regional director sent auditors into the northern film school after an initial meeting with Jim Hemingway to discuss his concerns. The auditors found that the funding for the whole of two northern film school projects should be repaid—a total of £162,419—and that decision was accepted by Leeds metropolitan university.

In August 2001, Government office officials met officials from the Department for Work and Pensions's European social fund division and the special investigations unit to discuss possible further action to take against Leeds Metropolitan university. On 5 September, the Government Office wrote to Leeds Metropolitan university saying that it would need to look at other ESF-funded projects at northern film school. The reply, dated 24 September, said that LMU would, of course, co-operate with any further investigation and on 30 November officials from the Department for Work and Pensions ESFD and the Government office met the vice-chancellor and deputy vice-chancellor of LMU to discuss the measures required to restore Government office confidence in its audit and control procedures for ESF-funded projects. The aim was to ensure that the problems found in three ongoing and one completed northern film school projects were not replicated in other LMU ESF-funded projects and that LMU's internal audit procedures, which had clearly not picked up those problems, could be checked by the Government office to ensure that they were adequate. I should add that Leeds Metropolitan university has other ESF-funded projected totalling some £7 million per annum.

By the end of April 2002, it was clear that the amount that needed to be repaid as a result of Government office scrutiny, totalled £389,706 and that Government office officials were working closely with Leeds Metropolitan university's internal audit to achieve the aim of restoring confidence in the monitoring procedures. In early July that year, the Government office told LMU that the way in which it calculated overheads for ESF claims was unacceptable and that those costs would have to be recalculated. That resulted in a further repayment of £129,398. Leeds Metropolitan university had to repay more than half a million pounds—£519,104 to be precise.

So the public have good reason to thank Jim Hemingway, a man who risked his job to blow the whistle on practices at the northern film school that had implications for the whole of Leeds Metropolitan university and to stop the improper claiming of taxpayers' money and the reclaiming by the Government office of that money. Jim was, therefore, concerned when he started being victimised at work by line managers and other senior staff at the northern film school. On 24 July 2002, he contacted the Government office to say that, despite his name not being leaked to LMU, somebody at the northern film school had clearly found out, or guessed from the Government office line of approach, that it was he who had informed the Government office of concerns over ESF funding at NFS. Jim asked the Government office to help him by contacting the then vice-chancellor to request him to stop the victimisation. I agreed that a meeting should be held on 13 November 2002, initially between the vice-chancellor, myself and a Government office official, followed by a meeting with Jim Hemingway and a third employee of the university, should the vice-chancellor agree to that extra meeting. The aim was to try to

persuade the vice-chancellor to resolve the problems now facing Jim Hemingway as a result of his brave judgment to go outside the university to raise his justified concerns over ESF funding.

Why, then, did Jim Hemingway not use internal procedures at LMU to raise his concerns before contacting me as his MP? The answer is simple. Jim wanted to raise the issues that concerned him through LMU and never had any real wish to bring the matter outside the university. However, when he searched the LMU website before approaching me, he could find no mention of any policy about whistleblowers or public interest disclosures within the university.

Shortly after the meeting in November, Jim told the human resources employee relations manager of LMU that he could not find any internal policy on whistleblowing and asked whether such a policy existed. The employee relations manager told Jim that there was no such policy, but that he had raised Jim's particular case with the assistant dean for policy and resources at the faculty of health and the environment. A few days later, it transpired that such a policy did exist. Part of that policy explicitly precluded others from being informed of the name of the potential whistleblower. Yet, the employee relations manager had already told the assistant dean about Jim Hemingway, although he later denied ever having done so.

The prospect of the employee relations manager being made responsible for the conduct of the grievance procedure that Jim had instigated after being victimised and bullied by senior staff made it clear to him that he would not receive what he felt would be an honest hearing. Those involved in the bullying and victimisation were to be the very people involved in stages one and two of the grievance procedure. He had little confidence, therefore, that it would fair and equitable.

Since 2002, Jim Hemingway has consistently been bullied and victimised by members of staff, usually those in managerial positions above him, so that his working life has been made intolerable. That is why he wanted to tell the then vice-chancellor of the university exactly what was going on, and how his course leader and the assistant dean of the faculty had treated him after somehow finding out that he had been the whistleblower. The vice-chancellor's advice to Jim at the 2002 November meeting, at which I was present, was to continue with his grievance against his course leader despite Jim's intention to withdraw it.

Already concerned that he would not receive a fair hearing, Jim was alarmed to discover that the assistant dean did not even make notes of the preliminary stage of the grievance with the course leader, especially since the course leader totally contradicted herself in her written statement. The assistant dean allegedly forgot what had been said, although Jim's notes of that meeting, which were put immediately on file at his trade union, Unison, could easily have reminded him.

The main source of Jim's complaint about the procedure was that the assistant dean also forgot to tell the course leader not to speak about the grievance to other members of staff who were witnesses in the case, which she proceeded to do; that happened, despite its being one of Mr. Hemingway's main requests to the assistant dean before he would proceed. Jim and his witnesses felt intimidated, especially when the course leader asked people to change their statements. In spite of the fact that Jim's trade union, Unison, was involved during the grievance, the result of the flawed grievance procedure was that the case against the course leader was unproven.

I have good reason to believe that the course leader used her position to manipulate staff and students for her own political ends and at the expense of the courses that she was meant to manage. I have many examples of statements, as well as e-mails and memorandums, from students and staff who supported Jim's case. The Minister may have that file after this debate.

The story of Jim Hemingway's whistleblowing is not uncommon. There is the celebrated case of Paul Van Buitenen, who is now a Dutch MEP. He worked for the audit department of the European Commission and exposed corrupt practices that brought down the Commission EUROSTAT in 2001. That famous case had a much higher profile and involved a great deal more money, but the principle remains the same. If someone employed by a large organisation risks their career to expose the misuse of funds and is then penalised for doing so, that cannot be just or right.

Jim Hemingway's case revealed not only the weaknesses of the internal auditing system at Leeds Metropolitan university, but the lack of any coherent and consistent policy within LMU to protect people like Jim. I call on the Minister to instigate, in response to my debate, a nationally approved policy for all higher education institutions in England, which deals with public interest disclosures or whistleblowing, so that in future people like Jim can be assured that they can report genuine abuses without risking vilification and bullying—and, in some cases, the loss of their jobs and careers. Public bodies should be pleased that people like Jim exist—people who, out of a sense of public duty, report their concerns irrespective of the cost to themselves. I hope that the Minister will assure me today that he will investigate the possibility of developing such a policy, which will be standardised throughout the country's universities.

I also want an assurance that the Minister will request that Leeds Metropolitan university rewrites its grievance procedure to ensure genuine impartiality. That could mean outside arbitration being used in the resolution of disputes between employees. That arbitration could be in the form of an individual from another university or from a faculty in the same university who was completely unrelated to the faculty subject to complaint. What is important is that such a grievance procedure is seen to be fair, just and equitable by all sides in any dispute. That was plainly not the case with Jim Hemingway.

I have been careful this afternoon not to mention the names of individuals involved in this case apart from the person central to it, Jim Hemingway. There is, however, one individual who deserves to be mentioned by name. Dave Wright was the Government office official who carried out the audit so carefully, found the moneys that had to be repaid and ensured that all parties were kept informed at all times. He should be commended for his excellent work in following up Jim's concerns and in helping the university to ensure that such a problem can never happen again.

[Mr. Fabian Hamilton]

Why do I need to raise this case again after two years, when the whole ESF question has been dealt with and the moneys improperly claimed have been repaid? I need to do so because my constituent has continued to pay the price for his honesty by continuing to be the victim of bullying by his superiors. The university denies that Jim Hemingway has been victimised, but the evidence contradicts that. Will the Minister read the file that I intend to give him after the debate? Will he or his officials be prepared to meet Jim Hemingway?

My aim today has not been to vilify or castigate one of Leeds's great universities. All eight Leeds MPs are proud of Leeds Metropolitan university and its older sister the university of Leeds. We wish them continued success. I pay tribute to LMU's previous vice-chancellor, Leslie Wagner, and to the university's new vice-chancellor, Simon Lee, who I know will proudly carry the university forward.

The film school now has new management. I hope that there is still a place in the school for people of integrity, like Jim Hemingway. I hope that, having improved their internal audit procedures so that the ESF issue can never arise again, the vice-chancellor and the whole university will improve their internal grievance procedures along the lines that I propose. I hope that the Government will look at a common system for dealing with whistleblowers in English higher education institutions. Only in that way can we ensure that our great universities, so important to the future of this nation, go from strength to strength.

3.47 pm

The Minister for Lifelong Learning, Further and Higher Education (Alan Johnson): I congratulate my hon. Friend the Member for Leeds, North-East (Mr. Hamilton) on securing this debate and on drawing my attention to this case. It typifies the work that he has done on behalf of his constituents. His personal involvement is a great credit to him.

I emphasise that I have not been involved in the details of the case. I became aware of it only in the context of this debate. My officials have since talked to Leeds Metropolitan university and to the Government office for Yorkshire and the Humber to find out more information for the purposes of the debate. I hope that my hon. Friend will accept that I am unable to respond about some of the specific details that he raised.

It is worth putting this case in context. Staff complaints in the post-1992 university sector, which includes LMU, are dealt with through the universities' own procedures. The Government have no role to play in this area, as we have no involvement in appointing staff in higher education or agreeing their conditions of service. Responsibility for ensuring that concerns are addressed directly and with appropriate discretion rests solely with the institution concerned. Universities are, of course, subject to employment legislation in relation to their employees. As employers they are also subject to the requirements of the Public Interest Disclosure Act 1998, which was implemented to protect whistleblowers, such as Jim Hemingway, whom my hon. Friend rightly commends for his actions.

The Government are not involved in the internal employment issues of autonomous independent universities such as LMU. I am, however, able to make some comments on this case on the basis of information that I have received. First, LMU has a policy that reflects the provision of the Public Interest Disclosure Act. It put that in place in 2000 and revised it subsequently. I am told that it is available on the university's website. I heard what my hon. Friend said about the problems that Jim Hemingway had in finding that information. I understand from the university that Mr. Hemingway did not submit his complaint to the officer designated to deal with public interest disclosures. My hon. Friend explained why that was the case, but the result is that his case has not been dealt with through the university's usual procedures or in line with the Public Interest Disclosure Act 1998, which was introduced to protect individuals like Mr. Hemingway. My hon. Friend said that that was because Mr. Hemingway was not aware of the policy when he made his complaint. I accept that point, and concede that that is a cause for concern that we need to address.

From the information that I have received, I understand that the concerns raised by Mr. Hemingway have been taken very seriously. Both the relevant Government office and my hon. Friend commended Dave Wright for his work, and the university has thoroughly investigated Mr. Hemingway's initial concerns about the inappropriate use of European social funds. The issue is relevant, and it was entirely proper for it to be raised. What happened was wrong. The problem has been resolved, as my hon. Friend said, to the satisfaction of the Government office and the university.

Mr. Hemingway's concerns were validated as a consequence of the investigation, which led to a significant recovery of public funds. That is a positive result. I understand that the investigation also led to another positive outcome, in that it prompted the university to revise its funding procedures to bring them into line with the policies and criteria required. I also understand that since Mr. Hemingway's meetings with the vice-chancellor of LMU and the dean of Mr. Hemingway's faculty, the university investigated Mr. Hemingway's other concern that he was being victimised at work because of his actions.

I have been informed that the university has taken remedial action in the past two weeks to assist Mr. Hemingway. I cannot go into further details about the specific nature of that action because it involves another individual who also has rights and is employed by the university, but I believe that my hon. Friend has already been informed about that development. I hope that the university's actions will enable Mr. Hemingway to pursue his chosen career with confidence and that they will lead to a satisfactory outcome of this difficult case.

Let me reassure my hon. Friend that the Government are committed to ensuring that people who declare any malpractice at work are protected from persecution. That was the whole point of the Public Interest Disclosure Act 1998. I was Minister for Employment Relations, Industry and the Regions when we introduced that Act, which sent a clear signal to all that the Government were taking the issue seriously. We continue to take it seriously. The Act promotes the public interest by protecting whistleblowers from dismissal and victimisation in specific circumstances.

The Act owes a great deal to the charity Public Concern at Work and its tireless advocacy of the whistleblower's cause. I am aware that the higher education sector is committed to ensuring that staff feel able to raise matters that could be of public concern. Universities, like other public bodies, have a duty under the Act to conduct their affairs responsibly and transparently and to take into account the requirements of their different funding bodies. They also have a responsibility to take account of the Nolan Committee's recommendations on standards in public life.

As the Nolan Committee showed, there is a clear link between whistleblowing and accountability—an issue that many organisations understand. Staff are often aware of things being wrong where they work, and we must enable people to speak out about misconduct in organisations without their being punished. There can be no accountability in the workplace if staff remain silent through fear of repercussions, and enabling staff to speak out within their own organisations is a benefit to those organisations. The Committee of University Chairmen has taken on board the Nolan Committee's recommendation, and has produced a guide for members of governing bodies on establishing whistleblowing procedures in higher education institutions. Unions also have a critical role to play by supporting and advising their members.

It is clear from my hon. Friend's remarks that he believes that the higher education sector is not doing enough in this area. Indeed, his first of five points to me was that we should have a nationally agreed policy. I have already said what the Government's role is in relation to staffing issues in higher education. On the specific requests to instigate a national policy on public disclosure for higher education institutions and to ask Leeds Metropolitan university to revise its policy, I have no remit. On grievance procedures, on which I took legislation through in a previous life, my hon. Friend knows that from October every workplace in the country will be entitled to have a grievance procedure, including a three or four-step procedure. That is as far as the Government can go to ensure that such issues, which are proper to internal discussion, fall into line with accepted practice.

I have no remit to fulfil those requests; they are not matters for the Government. As I have said, it is inappropriate for me to dictate to universities the detailed matters of their internal employment relations policies and practices, provided that they are in line with employment law. However, I can commit to contacting the relevant representative higher education bodies about the wider issue that my hon. Friend has raised. Universities UK and the Association of University Teachers are examining staff complaints in higher education in order to develop new internal machinery to deal with complaints from staff that are currently not covered, or that are inadequately covered, by employment law, courts or tribunals. Although that might not cover whistleblowing cases, it should address wider staff complaints. I will bring this matter to the attention of those bodies, although I cannot prejudge the outcome of the process, as it will be subject to discussion between the two bodies in the sector, the employer and the unions. However, those developments will have an impact on universities' existing policies.

I am confident, from my hon. Friend's account, that the university is fully aware of the issues raised by this case. Like other higher education institutions, it will have to take account of future developments in the way it handles staff complaints. If staff cannot find reference to the internal procedure on, for example, public disclosure, it is in the university's interests to rectify that. I was pleased to hear my hon. Friend pay tribute to the two splendid universities in Leeds, and I am sure that they will take full notice of the issues that arise from the case.

My hon. Friend asked me to commend Dave Wright, which I have done in passing, but am happy to do again. He is a splendid official and has performed particularly well in this case. My hon. Friend asked me to take the file and read it, which I will. He asked if I would meet Jim Hemingway. I would be happy for my officials to meet him, if that is what my hon. Friend wants, but it would be wrong for me as a Minister to become involved. I must emphasise that that meeting could not lead to any direct intervention in the case by the Government or my Department.

I shall reiterate the main features of the case that my hon. Friend mentioned. Jim Hemingway is still in employment and has not been dismissed. There is a difference between the university and the employee about whether he has been victimised. I hope that the actions during the past two weeks of the new vice-chancellor—although there is no criticism of the splendid Leslie Wagner, the previous vice-chancellor—have addressed some of the concerns. The crucial point about individuals such as Jim Hemingway, who did the right thing from a sense of public spiritedness, who was absolutely correct and who as a result saved the taxpayer large dollops of cash that were being misdirected, is that they should be applauded at every stage. We are determined to ensure that legislation is there to protect people in his position.

Leeds Metropolitan university is a good university that is concerned about its employment relations record. Everything that I have seen since becoming involved has suggested that it is determined to learn any lessons that it can from the case. There may be some disagreement, but Leeds Metropolitan university wants good employment relations in the same way as my hon. Friend and I want them.

I congratulate my hon. Friend on raising the debate, and I hope that I have reassured him on some of those points.

Death Penalty Cases (British Citizens)

4 pm

Mr. Alistair Carmichael (Orkney and Shetland) (LD): Thank you, Dame Marion. You have a distinguished career as a Select Committee Chairman, but I have not before had the pleasure of serving under your chairmanship in Westminster Hall.

I am pleased that the Under-Secretary of State for Foreign and Commonwealth Affairs, the hon. Member for Sunderland, South (Mr. Mullin), is in his place. He has a distinguished past as a campaigner on several causes: my researchers unearthed an early-day motion from 1988 in support of Kenny Richey—I shall refer to his case later—on which the Minister's was the first name to appear. The Minister is now above such things as early-day motions, but it is reassuring to those of us who have not yet ascended to such dizzy heights, and may never do so, that someone of the hon. Gentleman's convictions has managed to get where he is.

The debate should be an opportunity to discuss in broad and general terms the Government's policy and practice in relation to representations made to foreign Governments on behalf of United Kingdom citizens facing the death penalty abroad. My interest in the subject was initially engaged as a result of my involvement in the campaign to save Kenny Richey, a fellow Scot, who is currently on death row in Ohio. In February, courtesy of Amnesty International—the appropriate entries have been made in the Register of Members' Interests—I visited Mr. Richey and met representatives of the consular office in Chicago, who were helpful and supportive. I place on record my gratitude, and that of Amnesty International's representatives, for the assistance that the consular office gave, at the time and subsequently, to Mr. Richey.

Before I went to Ohio, I was instinctively opposed to the death penalty, as many who would call themselves liberals—with a small "l"—are, but without getting too excited about it. I came away feeling very differently: if I am an anti-death penalty zealot now, it is as a result of what I saw and experienced in Ohio, and I make no apology for that. Capital punishment is inhumane and dehumanising for all concerned with it. Even if we in this country tolerate it in other countries, it diminishes us all.

I give credit where it is due and acknowledge that the Government have made significant progress in relation to death penalty cases involving British citizens. It is proper that we should contrast it with the record of their predecessor. In 1995, the then Prime Minister, John Major, flatly rejected appeals to intervene in the case of Nicholas Ingram, who was sentenced to death in Georgia. Clive Stafford-Smith, a lawyer who has substantial involvement in death penalty cases, said subsequently that he believed that had the British Government intervened in that case, Nicholas Ingram would still be alive. That illustrates graphically how important it is for the Government to get the policy right. "Life and death" is a term that is bandied around pretty glibly in this place, but this is one of the few issues we have to deal with whose outcome genuinely is a matter of life and death.

I welcome the fact that in relation to the two British nationals currently on death row in the United States, Government representatives have been increasingly proactive in the past six months. Kenny Richey and Linda Carty have had visits from consular representatives, which contrasts most favourably with the consular support that was made available in the cases of Jackie Elliott and Tracy Housel. I hope that the increased level of consular activity is indicative of a more proactive Government policy. It is as appropriate as it is welcome. The Government have a policy of opposition to the death penalty. We do not extradite people to countries where they might suffer. The level of consular support is entirely appropriate and is a much more practical and direct demonstration of the Government's wider policy.

The Government have intervened to improve the medical treatment that Kenny Richey has received and I hope that consular pressure will be maintained to ensure that promised improvements are delivered. A system that keeps inmates locked in their cells for 23 hours out of every 24 will never be healthy. After 17 years on death row, Kenny Richey's health is suffering. He suffers from diabetes and sleep apnoea. When I visited him, he was using a home-made false tooth that he had fashioned from a plastic teaspoon. The health care offered by the Ohio state authorities to Kenny Richey is an affront to humanity. We would not be slow to object if it were a practice in a developing country and we should not be slow to object to it being practised by our friends in the United States.

While I acknowledge that great strides have been made in the Government's approach, some significant improvements could still be made. That was brought home to me during my discussions with organisations such as Reprieve and Amnesty International about the Kenny Richey case. In the course of my involvement with the Kenny Richey campaign, I have noticed that certain Foreign Office phrases tend to be repeated fairly frequently. It is often stated that the United Kingdom is against the death penalty

> "in all circumstances and will make representations on behalf of British nationals facing the death penalty at whatever stage and level is considered appropriate."

The words "considered appropriate" are perhaps the key to unlocking any differences that we may have.

I hope that the Government will consider in more detail what they believe to be the appropriate stage and level at which to become involved in death penalty cases. Obviously, each case stands on its own facts and circumstances and each case is different, but I hope that the Government will take an overarching approach. They have a policy on clemency and involvement in clemency pleas. I am not sure whether that is a matter of record but, if not, I should be interested to know whether the Minister will undertake to publish it.

The people with whom I deal who have been involved in death row cases are consistent about the Government's involvement in one respect. The earlier the British Government's intervention, the better and more effective it will be. The general thrust of what we have heard from the Government in the past is that they are reluctant to become involved in an evidentiary legal process of another country. In the first instance, we can understand that that is a perfectly legitimate worry, but when we are dealing with subsequent and appellate stages the validity of that objection somewhat diminishes. There is a different case to be made for

involvement at the later and appellate stages as opposed to when a court is hearing evidence in the first instance when matters of reliability and credibility are at stake.

Human rights campaigners mainly accept that the Government are right not to become involved in the early stages. However, other avenues are open, and one that I have recently been involved with is the submission of amicus curiae briefs. They enable the Government to make it clear to the court that we are opposed to the use of the death penalty. The views of the United Kingdom Government are listened to and respected abroad. We could and should do more to take full advantage of that, and I hope that the Minister will explain the reticence that is sometimes apparent when an opportunity presents itself to register our opposition to and concerns about the death penalty in this way with different courts. I am aware that the Government filed an amicus brief in the case of Krishna Maharaj, but why is that the only case in respect of which they have done so? What criteria do the Government apply when deciding whether to file an amicus brief? Why do the Government never comment on the disquiet they—or, indeed, members of the British public—have about particular judgments? Reiterating our opposition to the death penalty in the abstract is one thing, but the Government have an obligation to draw attention to an unsafe conviction where that is suspected.

As well as getting involved at an early stage, it is vital that the Government's consular representatives act in the most effective way. There is a need to build relations with the correct people as soon as possible; that will depend on who in the state can grant clemency—the governor or the board of pardons and paroles, for example.

I turn briefly to people who hold dual nationality. Tracy Housel and Jackie Elliott were both dual nationals. Kenny Richey is a dual British-American national. There is some concern that the Government are more restrained in cases involving dual nationals. In February, the Prime Minister wrote to me in relation to Kenny Richey that

> "under international law we have no right to demand consular access to dual nationals in the country of their other nationality".

That is undoubtedly the case, but can the Minister confirm that dual British nationals will receive the same assistance from our Government as anybody else who has British nationality, and will he accept that a dual British national is as British as anyone else, and as such deserves the same representation?

Capital cases are notoriously protracted. Kenny Richey has been on death row for 17 years. Not only can they be long drawn-out processes; they are also incredibly unpredictable. Decisions can be made in just a few days, or they can take a year. Therefore, can the Minister guarantee that the Foreign Office is always vigilant so that it can act quickly when decisions are made? What monitoring processes are in place? I was pleased to see in a letter from Baroness Symons dated 21 June 2004 that the Foreign Office has drawn up a

> "comprehensive lobbying strategy, taking into account the possible outcomes of Mr Richey's appeal"

Will that now be common practice, and does that strategy include the direct intervention of the Prime Minister, should it be necessary? It will surprise no one that I have reservations about the judgment and character of the Prime Minister. However, the fact remains that in the United States in particular he is held in very high regard, and I have no doubt that he would be listened to if he were to make it his practice to lift the phone to speak to a state governor, or whoever else is appropriate, in order to ask for clemency, or to draw attention to any doubts about the safety of a conviction or to make any other representation. I have no doubt that that would be a telling intervention, far beyond anything that the Minister or I would ever be able to achieve.

As cases involving British citizens reach the end of their legal channels and clemency becomes the only possibility, the Government should be prepared to become vocal and visible in defence of British citizens. It is important that consular representatives be present at court hearings and that they are known to be present. The United States authorities, in particular, should be aware that our Government are monitoring cases extremely closely and have an interest in their outcome.

I shall consider briefly the way in which the Foreign Office works with those representing British people on death row. Clearly, the Government's first priority should be to work with the legal representatives of the citizen in question, especially in the country where they face execution. Surely, however, that co-operation need not be exclusive, but can be extended to those representing the inmates in this country.

Such cases inevitably attract press attention and other media involvement, and there is a role for organisations such as Amnesty and Reprieve. They have a wealth of experience and knowledge on which the Government could draw. What steps will the Government take to work constructively with such organisations and to see them as an asset, rather than a threat? I hope that the Government accept that it is in the best interests of British citizens facing the threat of execution that they should work constructively with such organisations and defendants' legal representatives in this country. Is the Minister content that such relationships exist between those organisations and the Foreign Office?

I am anxious to allow the Minister as much time as possible to reply.

4.16 pm

The Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs (Mr. Chris Mullin): The hon. Member for Orkney and Shetland (Mr. Carmichael) has raised an important issue, in which, as he kindly acknowledged, I have taken a personal interest over the years. He raised the form of words that we use, and funnily enough the first sentence of my brief says that the UK opposes the death penalty in all circumstances. We consider it a cruel and inhuman punishment, and no credible academic study has demonstrated any deterrent effect. Also, as we have learned over the years, this country has executed a number of innocent people. I recall that, of the 18 people convicted in connection with terrorist offences in the

[Mr. Chris Mullin]

mid-1970s, all of whom turned out to be innocent and in whose release I played a part, 10 would have hanged had we had the death penalty at the time. As Kofi Annan has said:

"The forfeiture of life is too absolute, too irreversible, for one human being to inflict it on another, even when backed by legal process."

The UK removed the death penalty from its statute books in 1998, although it had not been carried out here for many years. The UK has also ratified protocol 13 of the European convention on human rights, which prevents use of the death penalty in all circumstances, including times of war. The UK is an advocate of worldwide abolition of the death penalty. Indeed, promoting its universal abolition has become one of the most important elements of our human rights policy.

The hon. Gentleman asked that we consider in particular the death penalty as it affects British nationals. I shall outline the general issues first and turn to the case of Kenny Richey later. As my right hon. Friend the Member for Cunninghame, North (Mr. Wilson) announced to the House on 27 February 2001, the Government's policy is to make representations at whatever stage and level is judged appropriate from the moment that imposition of the death penalty on a British national becomes a possibility. That change reflects the fact that, in certain cases, the previous policy of waiting until all legal avenues have been exhausted was perceived as coming into play too late to have an impact. That was especially the case in the United States, where, as we know, the legal process continues up to the person reaching the door of the death chamber. Our policy extends to all categories of British national, including dual nationals in the country of their second nationality—people to whom we are not automatically entitled to provide consular assistance.

Seventy-eight countries retain the death penalty. Our lobbying efforts on behalf of individual British nationals in any of those countries are in addition to the more general lobbying that the Government regularly undertake to abolish capital punishment. Although international law does not prohibit the death penalty per se, it imposes certain limitations on its use. For example, it should not be imposed on juvenile offenders, and all those sentenced to death should have the right to seek commutation of the sentence. I assure the hon. Gentleman that if the death penalty were imposed on a British national in violation of those limitations, we would be active in raising those issues at an early stage. If cases do not raise issues of international law, our lobbying focuses on our abolitionist position.

I have been asked when it is appropriate to make representations. The approach depends on the individual case and the country concerned. The timings and nature of representations are determined by when and how they would be most effective, and we take great care not to do anything that would be counterproductive or prejudice the outcome of legal proceedings. In the US, for example, discretion on whether to seek the death penalty lies with the prosecution. We therefore seek to engage with the prosecution at the earliest possible stage and persuade it not to seek the death penalty in the first place.

In other countries, such as the Philippines, the death penalty is mandatory for certain crimes and the judge has no option but to impose a death sentence. Our representations may focus on the possibility of clemency or commutation of the sentence, once all legal avenues have been exhausted. In all cases, we ensure that our representations are appropriate and that we are not doing something that would be better dealt with by the individual's legal representatives.

We are aware of 11 British nationals currently on death row overseas. A further six face charges that may attract the death penalty. In the last year alone, the Government made a number of representations on behalf of British nationals facing the death penalty. In the United States, for example, the British consul general in Houston wrote to the district attorney supporting a request from a British national's legal team for additional time to prepare a repeal case. In Nigeria, the British high commission has made representations to the attorney general and the state governor of Lagos about a British national sentenced to death for murder. The governor in that case has the power to grant clemency once all appeals have been exhausted. In Malaysia, the Foreign Secretary and the British high commissioner made representations to various members of the Malaysian Government requesting that they commute the death sentence for a British national convicted of drug offences. In all cases, we keep in close touch with the lawyers of the national concerned and our interventions are made in consultation with them.

We have developed other ways to help. First, in the Foreign Office consular directorate, the department responsible for assisting British nationals in distress overseas, we have created the post of human rights adviser, and we have seconded a specialist with a background in international human rights law to the FCO. The adviser takes the lead on all death penalty cases involving British nationals and seeks to ensure that we do everything that we appropriately can to prevent the death penalty from being sought or carried out.

Secondly, in 2002 the Foreign Office established a pro bono lawyers panel. The panel brings together some 60 UK solicitors and barristers who are experts in human rights and/or criminal law, and who are willing to work for free on behalf of British nationals facing trial proceedings overseas where there are human rights concerns, and that includes British nationals facing the death penalty. Obviously, those lawyers cannot themselves represent their clients in court, but they can operate effectively in an advisory capacity, working alongside a local lawyer. We have, for example, appointed a member of the panel to assist the British national sentenced to death in Nigeria.

Mr. Carmichael: While I welcome what the Minister says about local representatives in the country concerned making representations, they are presumably the same people who will be making representations on behalf of British interests in relation to a whole range of matters. If the representation were to come directly from Government in London, it might have a more substantial impact.

Mr. Mullin: I was talking about pro bono lawyers helping the local lawyer, but I also mentioned a case in Malaysia in which the Foreign Secretary and the high commissioner made representations. That sometimes happens, when we judge it appropriate.

We also consider what role the EU might play in helping to prevent a death sentence from being carried out on a British national. The EU is active in lobbying for worldwide abolition of the death penalty, and we work with it.

I welcome this opportunity to set out what we have done for Kenny Richey to date, and what we might do further, depending on the outcome of his appeal. It is worth noting that he became eligible for British nationality only in May last year, owing to an amendment to the Nationality, Immigration and Asylum Act 2002. By that time, he had already been on death row for 16 years as an American national. Mr. Richey is now a dual British-US national and, as the hon. Gentleman said, British consular staff have been successful in requesting the right to see him. Mr. Richey is now able to raise his welfare concerns with us, which we follow up on his behalf.

Members of the British consulate in Chicago keep in regular contact with Mr. Richey's trial lawyers, and co-ordinate with them any representations made on his behalf. They are from a highly respected firm, and we have every reason to believe that they are professional and competent in their handling of the case. The British consul general recently raised our concern and interest in Mr. Richey's case with the Governor of Ohio, Bob Taft, and informed him that if Mr. Richey's appeal for a retrial is successful, we will lobby him further on Mr. Richey's behalf. Under the Ohio judicial system, the governor is empowered to grant clemency in death penalty cases once all proceedings have been exhausted. He has said that he will be open to further representations.

The hon. Gentleman asked about amicus curiae briefs; we are carefully considering the recent request for the Government to submit one in Mr. Richey's case, and we are consulting his trial lawyers about that. The hon. Gentleman also asked about the Government's criteria for deciding whether to submit such a brief. We take into account factors such as whether our intervention would assist and the nature of the legal issues involved. The hon. Gentleman asked whether the Prime Minister would consider intervening personally. We will consider that at the appropriate time, but that is still some way off.

We recognise the important role of non-governmental organisations in promoting worldwide abolition of the death penalty and the campaigns that they run on behalf of individuals facing the death sentence. Their efforts are often instrumental in highlighting irregularities, particularly in those cases that may, in turn, feed into Government or EU co-ordinated representations. We value and respect the work of NGOs and are keen to work with them to co-ordinate efforts wherever possible. However, it is important to note that NGOs and Governments will take different, but often complementary, routes to achieve the same aims.

In conclusion, I reiterate to the hon. Gentleman that the Government are committed to working towards worldwide abolition of the death penalty and will do all that they can to help any British national, including Mr. Richey, who faces the death penalty.

Question put and agreed to.

Adjourned accordingly at twenty-eight minutes past Four o'clock.

Westminster Hall

Thursday 22 July 2004

[MR. EDWARD O'HARA *in the Chair*]

Child Poverty

[Relevant documents: Second report of the Work and Pensions Committee, Session 2003–04, HC 85, and the Government's response thereto, Cm 6200.]

Motion made, and Question proposed, That the sitting be now adjourned.—*[Mr. Heppell.]*

2.30 pm

Sir Archy Kirkwood (Roxburgh and Berwickshire) (LD): I am very pleased to have the privilege just before the summer recess of introducing this debate on the Work and Pensions Committee report on child poverty in the UK, which is an important piece of work. I am gratified that colleagues have turned out in such numbers for the debate, even though they are busy and have other duties clearing their desks before the summer recess. I am pleased to see the Minister as well. He will not have to sit by his phone for the next three hours. Last night, I heard him described in the bars downstairs as a dark horse. I do not know whether that is good or bad, but I wish him well, as I am sure other colleagues do, and look forward to hearing what he has to say.

It is particularly apposite to stage our short debate on this important subject now, as we are able to consider the detail of the Government's plans as outlined last week in the Chancellor of the Exchequer's statement on the comprehensive spending review. We know where we have come from, and we now have a better idea of where we are heading. After the debate this afternoon we might also have a better idea of how we will get there.

I just want to outline some of the details in the report in order to facilitate the debate. For me, the value will be in listening to what other colleagues have to say, especially those who are not diligent members of the Select Committee. It is always good to get views other than the contributions normally made by members of the Committee.

First, I shall briefly discuss the extent of child poverty, the targets and how the Government propose to change the methods of measurement, and employment strategies for specific groups, and then, if there is time, I shall speak briefly about child care, tax credits and benefits.

It is astonishing that over the past 25 years the United Kingdom has done relatively poorly on child poverty. Internationally, our child poverty rate has been comparatively high. It is salutary to remind ourselves that in 1998 the UK had the highest child poverty rate in the European Union. That has significantly changed. By 2001—the figures for that year are the most recent—the UK was ranked 11th out of 15 European nation states, and I am sure that our relative position will have improved a great deal since then. We will learn more about that when the figures are updated. It is clear to any objective observer that much progress has been made, but we started from a very low base.

If one considers the subject and looks at the past, it becomes absolutely clear that specific groups of people who look after children are at a much higher risk of poverty. On the basis of measurements after housing costs, 3.6 million children in the UK are in poverty today. This is a serious issue, and although commendable progress has been made, much more needs to be done. We must not be complacent about this policy area.

The at risk groups about which we all know and about which the statistics are clear include households in which no adults are working, households headed by a lone parent, households with four or more children, households from black or minority ethnic groups, and households with disabled persons. The preponderance and risk of rooted, in-depth child poverty in families with those characteristics are clearly demonstrated.

There is also a geographical and spatial incidence of poverty, and that was demonstrated to those who took evidence as part of the Committee's work. It is clear that there are difficult pockets of poverty in Wales and parts of Scotland. The Committee visited Northern Ireland. Although the measures for assessing the extent of the problem were slightly different and not directly comparable, I was struck by the relative extent of poverty in Northern Ireland.

However, I was struck most forcefully by the extent of poverty in inner London and Parliament and the Government must do something about that. The ambitious targets that the Government have rightly set for themselves cannot be properly achieved unless significant progress is made on the extent and incidence of child poverty in inner London. It is something to which the Department must pay careful attention.

Mr. David Drew (Stroud) (Lab/Co-op): The report is highly readable, and that is not unimportant given the gravity of the subject matter. Does the hon. Gentleman agree that hidden child poverty is not necessarily picked up on, particularly in rural areas because of the increasing social stigma and the way in which we measure that poverty through free school meals, which is the most appalling measure in small rural primary schools that one could use? Does he not agree that we must pick up on the sensitivity of data collection methods used?

Sir Archy Kirkwood: I am very happy to concede that point in full. The hon. Gentleman would expect nothing less, given the area that I come from. Rural poverty is very difficult to measure and the poverty indicators do not pick it up. We must tackle rural poverty as a matter of urgency.

The public service agreement target that the Government set for themselves for 2004–05 will be met. The Committee's report recognised that and the Government's CSR statement last week reiterated a claim that I think and hope will be found to be true, which is that they are broadly on course to meet the 2004–05 target. The report says, in a way that I hope that is readable and accessible, that substantial investment and a clear future focus on the hardest to help groups is needed in order to maintain momentum. Poverty is measured as household income below 60 per cent. of median equivalised incomes. The progress

[Sir Archy Kirkwood]

against the target is measured before and after housing costs and there is some controversy about which of the two measures should be used.

The spending review announced a new child poverty target to halve the number of children in relative low-income households between 1998–99 and 2010–11, on the way to eradicating child poverty by 2020. That target will use the new child poverty measure published in December 2003 using a three-tiered approach consisting of absolute low income, relative low income and, importantly, material deprivation and low income combined. Low income will be officially measured on a before housing cost basis. An important point that one cannot ignore is that, ostensibly, it will enable easier comparison with sister European and other international indices.

The Committee's report acknowledged that the after housing costs measure is important, however, and recommended that it should be used on the basis that spatial distribution is better reflected by examining both measures of poverty—merely relying on before housing costs measurements provides a distorted view of actual housing standards and does not take into account high-cost housing areas such as London.

The child poverty review document published last week stated that the Government would set an additional target in the 2006 spending review

"to halve by 2010–11 the number of children suffering a combination of material deprivation arid relative low income."

The child poverty review and the Government's response to the Committee's report stated that the combined material deprivation and low income measure will reflect the impact of housing costs on living standards and capture the effects of persistent poverty. I am sceptical about that, and I would be pleased to hear the Minister's reassurance that such reflection and capture will happen.

I would also like a reassurance that the after housing costs poverty statistics will continue to be published, because the new statistics will not be available until 2006. In the interim, it is important that the after housing costs measure be maintained, lest those who are more cynical than me about the Government's motives think that they are doing it because it is an easier target to achieve.

I think that the Committee wanted the Government to pursue a clearer policy framework between now and 2010. I was certainly looking for that. I thought that it was important that we got our recommendations to the Government in time so that they could be considered before the comprehensive spending review was finalised. That happened, and I believe that we had an impact—the Department and the Government took some of our recommendations on board.

I am grateful for that, but the Government response to the report rested on the fact that the existing strategy for child poverty reduction could be found in "Opportunity for All", a document that is becoming rather long in the tooth; in the UK national action plan on social inclusion, which is used for European Union purposes and the Lisbon agenda; and finally, in the document that was published last week—the child poverty review document. If I am disappointed about anything, that is it, because it does not really add up to a strategy that will help us take the steps that I think are necessary to maintain momentum between now and 2010, if this job is to be done as the Government say they want.

I hope that we hear a bit more about the Government's coherent step-by-step strategy on how they intend to halve child poverty by 2010. Put basically, I think that the Government's policy is still merely one of work for those who can, support for those who cannot. I do not want to diminish the importance and the value of that approach, because I think that it is the right approach, but it needs to be developed. As we are talking about a Government who are gearing themselves up for a third term—should the electorate allow it—I think that we need some more coherent and detailed thinking than that. It was a perfectly serious and sensible way to approach the Government's first term, but it is now getting a bit out of date and needs refreshing to make it adequate for a third parliamentary term.

Getting parents into work is still an important factor. The Government PSA target is to reduce the number of children living in workless households by 6 per cent. from spring 2003 to 2006—the spending review set another target relative to that, to reduce the figure by a further 5 per cent. between spring 2005 and 2008.

As we also have Sir Peter Gershon's agenda to reduce the number of staff available to man the Jobcentre Pluses, be personal advisors and do the processing for the benefits, is the Minister is confident about those who suffer multiple barriers? The easy wins have all been achieved—the people who were nearest to the labour market have, happily, thankfully and gratefully, been helped into work—so we are now dealing with a client cohort that is suffering greater barriers. The task gets harder, not easier, as do the resources in terms of personal staff time. We cannot get computers to give people personal advice if they suffer from problems such as mental illness—at any rate, not easily, as far as I can see.

There are some questions about the PSA targets for workless households in terms of the staff cuts of last week. The other big question about that, of course, concerns inactivity rates. Nearly 2 million are not active in the labour market and it is also difficult to assist them. The same problem arises in terms of reductions in staff. However, the only answer that the Government seem to have is pilot schemes. I do not diminish the importance of that, because I think that one has to be careful about rolling out new policies—we have a plethora of pilots all over the place and some are certainly worth studying—but I think that we need to see more than pilots.

I would like to see some of these bits of policy rolled out, because it seems stark staring obvious to me that, in some cases, they would help if they were rolled out nationally and funded properly. The other thing about the new deal and people who are on inactivity benefits—and not in the labour market or trying to get into the labour market—is that the pathway to work pilots need to be rolled out as soon as we can get all the evidence

from the work that is being done on them. I also believe that the new deal for disabled people is grossly underfunded, given the task for which it was designed.

Lone parents are another obvious cohort of the work force that needs better and more direct attention paid to it. The Secretary of State told the Committee that the Government's target of getting 70 per cent. of lone parents into paid employment by 2010 was "challenging", which it is. There are many pilots: the work search premium; the return to work credit, which could be a very effective benefit; the compulsory action plans; the work-focused interviews, which are helpful; discovery weeks, which are welcome; child care tasters; and extended schools, which are to be piloted in six cities. All that is excellent stuff, but the pilots are likely to have minimal effect in the next three or five years unless serious money is put behind them so that they can be rolled out to give people access to them in other parts of the country.

Disabled parents are another deserving group, but there is no specific employment support for them. They have the double whammy of trying to look after children while trying to get back into the labour market. I need to be persuaded that more cannot be done to help them. The Committee recommended free registered child care for that group and extending the return to work credits nationally as soon as possible. We also need to learn quick lessons from the pathways to work packages, so that we can roll those out, too. Disabled parents are a very deserving group and we need to help them.

The Committee is doing a particularly important piece of work on service delivery to black and other ethnic minority groups. I have no direct constituency experience of this area of public policy, but it is evident that we are not giving our customers and clients in very hard-pressed communities equal access to the Department's services. It never occurred to me that merely issuing Chinese language leaflets to the Chinese community was not all that one needed to do. It has been driven home to me by examining all the evidence that many members of the Chinese community, particularly its elderly members, are illiterate in their own languages. If we know that, we cannot ignore it. It is not easy to do, but the Department needs to work harder to meets its target of reducing by about 16 per cent. the different rates of employment between black and other ethnic minority applicants and the rest of the population. That has been the target since 1998, but the situation is not improving fast enough.

The Committee considered employment zones with some care and in some detail. Extending such measures to ethnic minority communities would be a significant step forward.

Child care is crucial to making real progress in tackling child poverty. The 2004 spending review was extremely welcome. I like to think that the Committee's recommendations and our report on child care earlier in the year were partially responsible for the welcome addition of new child care places and further funding. The children's centres are also extremely good. I would like to know more about how those centres and places will be allocated, and whether that will be done on the basis of the most disadvantaged. I would also like to know where the child care capacity for the professionals who will man such centres will be found, as that is a problem. One of our worries during the inquiry was capacity. We will have the same old problem that we have with nurses, doctors and dentists: capacity is not there when we need it. The Government will need to try to do something creative to tackle that.

If the employment market is not buoyant enough to do that work thoroughly and to the extent that the Government need, what then? Will they make up the difference? Work for those who can and support for those who cannot will not by itself last until 2010 and 2020 and deliver levels of employment and income that the Government want and we all earnestly hope for. What is the Government position? Some of us are old enough to remember the days when child benefit was a big issue in politics; it never gets a mention these days. Indeed, the whole child poverty review document, which is the foundation of the Government's plan to eradicate child poverty, mentions it only twice.

I might be being a little unfair, but I have concerns about benefit levels, and about targeted benefit increases as opposed to universal increases. We should think carefully about that. The Government should have plans. As it seemed that nobody else was going to, the Committee took a cockshy at working out what we would need to pay at 2004 prices to halve child poverty by 2010; it would be an additional £5 per child per week before housing costs, and an additional £10 a week using the after housing costs measure. Those seem like large amounts.

Mr. Kelvin Hopkins (Luton, North) (Lab): I am very interested to hear the hon. Gentleman's figures. Has he calculated what that would mean in terms of gross cost to the Government?

Sir Archy Kirkwood: The next part of my contribution will answer that important question. There are all sorts of assumptions, and these are cockshy figures—they have to be, as assumptions for 2010 must be broadly drawn. However, if the financial support was targeted, it would cost at least £500 million; if it was universal, it would cost around £3.5 billion. Those are big sums, but compared with what we have spent to date, they are perfectly manageable over the time scale.

All I can say to the Government is, if not these figures, then what? Of course, they must be careful with figures, because some Oppositions are irresponsible and might try to hold them to them. However, I am sure that there are ways of doing research that would inform the debate in a way that would not impale Governments on hooks in the future. It is time that we did that. If the Government are serious about having a properly sponsored and informed debate between now and 2010, that is what they should do. It was what I was hoping for from the CSR and the child poverty review, which is an important document, but it lacks that essential element, which makes it less useful.

I can say on behalf of my colleagues on the Committee that we will continue to monitor closely both parts of the strategy—work for those who can, and security for those who cannot—as we accept that both are vital to eradicating child poverty. Much has been done, as Ministers are fond of saying, but how the Government are to achieve their ambition in the coming years is still not clear enough.

2.54 pm

Ms Karen Buck (Regent's Park and Kensington, North) (Lab): The Committee rightly celebrated the boldness of the commitment to ending child poverty within a generation and the achievements to date. Today, I celebrate the subsequent achievements that are set out in the comprehensive spending review and flagged up in the child poverty review. I will not rehearse those points again, because the Chairman, the hon. Member for Roxburgh and Berwickshire (Sir Archy Kirkwood) has spelled them out. I pay a warm tribute to his leadership in the Committee over the years and through this inquiry.

There is a great deal to be proud of, not just in the work of the Department for Work and Pensions but in the many complementary strategies of the Office of the Deputy Prime Minister and the Department for Education and Skills, and indeed throughout Government. We on the Government side should take a great deal of pride that the latest assessment of the poverty figures and progress by the Institute for Fiscal Studies said that the Government's "redistributive programme"—the "R" word, which I am perfectly proud to claim—had

"brought big gains for low-income pensioners and for families with children at the bottom of the income distribution."

It is not just the Government drawing attention to their own achievements—the Joseph Rowntree Trust, the Institute for Fiscal Studies and many other organisations have, in a sense, audited the progress so far. We need to stress that in an era of cynicism. As the Chairman said, and I suspect that this will be echoed by others today, there is a need to step up a gear to reach the next target in 2010 and possibly even more so to reach the target of eradicating child poverty.

We must ensure that we reach those targets everywhere—in all regions of the country. I am grateful to the Chairman for drawing attention to the situation in London, which I will briefly refer to again. There is a very unequal distribution of concentrations of poverty in different areas of the country. Inner London has the highest child poverty in the whole country. I have said this before and I am afraid that I will say it again: leafy-sounding Regent's Park and Kensington, North has higher unemployment and higher free school dinner entitlement than Jarrow and Gateshead. That is an indication of how the world has changed and keeps changing. Our policies and strategies need to keep changing to keep up.

The Chairman also made reference to the heavy concentration of child poverty among Britain's black and minority ethnic communities, which is indisputably true. I was fortunate enough to have a debate in this Chamber quite recently on the discrimination and disadvantage facing Britain's Muslim communities, which experience by far the worst income poverty and many of the worst manifestations of poverty in the round. That is particularly the case for the Pakistani and Bangladeshi communities. There is also a concentration of poverty in larger families. We have yet to do enough to help families with a disabled person, either a parent or a child, and others. The progress to a single target must not mask the fact that we must make progress regionally in tackling child poverty among many of the groups that have the hardest to resolve difficulties.

I want to emphasise again my concern about the Government's measurement of poverty and the before and after housing costs targets. I say that again with a regional bias, because London is where the disparity between before and after housing costs will be most stark. Currently, before housing costs, 24 per cent. of children in London are in poverty. After housing costs, the figure is 38 per cent. In inner London, 36 per cent. of children are in poverty before housing costs, but after housing costs, the figure is a staggering 54 per cent. The national average before housing costs is 21 per cent. and after housing costs, it is 28 per cent. There is clearly a disparity, as the Chairman also said. We must be careful about that, and in the age of cynicism, the Government must be careful too, so that it is not easy for our critics to claim that the goalposts are being moved. As a representative of a region where the before and after housing costs differential is by far the most dramatic, I must say that the situation probably worries me more than it would worry representatives of other parts of the country.

It is right that much will depend on the rigour and the quality of the material deprivation indicator that the Government are working on. However, the Committee was concerned, as am I and many organisations—the Child Poverty Action Group, Shelter and others—that if there is a significant difference between the after housing costs measure and the new material deprivation measure, people will look askance. It will open the Government up to a great deal of criticism. The Government need to provide assurance from this day forth that the material deprivation measure will be constructed in such a way as to capture children from families with high housing costs.

I want to continue on the housing costs issue by drawing attention to a development that we referred to in passing in the Select Committee report but that has gathered pace since it was written. The implications for the anti-poverty strategy and for the Department of the Government's policy on rents causes me much anxiety. The overwhelming majority of tenants renting in the social housing sector are on benefits, and that is where poverty is most intensely concentrated. The Office of the Deputy Prime Minister has been engaged for some time in a policy of what it calls rent restructuring. Its intention is laudable in many ways, and rational: to try to minimise differentials between rents in the registered social housing sector—the housing association sector—and in council housing provided both directly and through the various other manifestations, and to link rents more closely to the market value of properties.

A recent ODPM consultation document proposes a further acceleration of the rent restructuring policy. It will mean that local authority tenants pay £11 more per month; that is 5 per cent. more on top of a 15 per cent. real terms increase already planned under rent restructuring. In the housing association sector, tenants will pay £17 more per month, or 6 per cent. on top of a 5 per cent. real terms increase in RSL rents. What those dry statistics actually mean is that a pensioner with an occupational pension of £12,000 per year net of tax and national insurance and a current rent of £66 per week would pay a third of their income in rent. A family comprising a couple with two young children and a rent of £81 per week—which is about the cost of the social

housing rents in my area—would have to increase its earnings by £25 a week to avoid relying on housing benefit.

The Government's rent policy will do two things, and I would like the Minister to address them: it will increase the work disincentive by deepening the poverty trap for families paying rent in social housing, because their rents will be higher and therefore higher to escape from; and it will push up the housing benefit bill. Has he discussed with the ODPM the housing benefit implications of this policy?

In terms of the child poverty agenda, the work incentives policy and the social exclusion implications concern me most. Having already begun pilots of a standard housing allowance in the private rented sector—for which there is much to be said—the Government are now moving towards introducing a pilot of a standard housing allowance in the social rented sector. That causes me much concern. Taking child poverty in the round and accepting, as the Government do, that housing conditions and the quality of housing are an important factor in child poverty, this policy will mean that in areas of high housing demand—of housing shortage—people will have to choose between their income and the quality of their housing. Those are the poorest people; I appreciate that there is a market choice higher on the income spectrum. This will intensify social exclusion, as the poorest people will be driven towards the poorest-quality and cheapest housing.

The Government's response to the child poverty report did not engage enough with some of the issues that we flagged up about London—in particular, its higher costs. The issues affect the whole country, but London is at the sharp end. If the Minister has not done so already, I hope that he will have the chance to study the Cabinet Office report on London, which was published yesterday. Its press release states:

"Higher costs of housing, council tax, childcare and transport costs mean that the tax and benefit system has a different impact on work incentives in London than elsewhere in the UK."

That is the first time that the Government have seriously acknowledged that something different needs to be done to ensure that the high-cost area agenda, which relates to London, although not exclusively, has to be tackled.

Some 97,000 homeless households are in temporary accommodation and on present projections, that number is set to increase by about 5,000 a year. Families in temporary accommodation are priced out of the labour market. Rents in my constituency, many for ex-council properties, are £400 a week. The situation creates an absolutely insuperable hurdle for working families.

The progress made on tackling homelessness and bed-and-breakfast accommodation has been a real achievement by the Government. However, if we are to continue with that progress, accepting that the growth of the temporary accommodation sector will continue to increase, the Department for Work and Pensions must grasp that nettle and tackle the issue of work incentives for families in temporary accommodation, so that the people who have the double burden of being poor and having been homeless are not locked out of the labour market.

The Committee welcomed what has been done so far to tackle housing need through the decent homes initiative. I welcome the Government's announcement in the comprehensive spending review of investment to create 10,000 new homes, and I welcome the fact that the DWP has agreed to include a temporary accommodation numbers indicator in its child poverty list. That rightly carries on from the decent homes initiative.

However, a vital, huge and growing area of need that impacts on child poverty is still being missed: overcrowding and housing pressure, which are chronic and growing issues. Some 300,000 families live in overcrowded housing. I ask the Minister to hear representations from those of us who are concerned that movement on targets such as the decent homes initiative, homelessness and temporary accommodation should not squeeze out that critical area of deprivation and poverty.

Finally, I turn to child care. A huge amount of work has been done: the national child care strategy, the roll-out of Sure Start, the children's centres announcement, which was further enhanced by the Chancellor last week, the neighbourhood nurseries initiative and the enormous increase in out-of-school and holiday provision. Those things are very welcome. However, the child care strategy's concentration on families looking for child care in order to work indisputably has a detrimental impact, which might not be evenly distributed across the country, on unemployed households.

In our report, we stated that we were concerned that the informal child care sector, which includes child minder networks, crèches, drop-ins and playgroups, was being squeezed. We said that that was in part due to pressures on local government funding. The Government disputed that in their response to the report, and said that there had been a diversification into early education and full-time child care.

That is true only up to a point. It is not the case in my constituency or in many others. There are massive closures and a lot of churning, although there has still been a huge net gain. That churning is impacting most seriously on families who are not in the labour market but some distance from it, and who will not make the step quickly into full-time employment and requiring full-time day care. The Department should liaise with the Department for Education and Skills about that urgent area to ensure that strategies are in place to allow families and communities in need to get the child care responses that they require as they take steps towards training and preparing themselves for the labour market.

Our report flagged up, as did our earlier report on child care for working parents, the need for some modifications to the tax credits regime. I am a little concerned that the Department continues to argue that not much modification is required and that 320,000 recipients of the child care tax credit is an adequate number. It is far better than in 1999, but it is still modest; and the scheme is not working in high-cost areas or for larger families. The line in the Government's response about the need to incentivise parents to shop around for affordable child care misses the point. As a parent, I

[Ms Karen Buck]

think that we need stable and consistent child care—care that we can cherish as we cherish our children; it is not a market good or a supermarket purchase.

Mr. Hopkins: I draw my hon. Friend's attention to a report in last week's *Sunday Mirror*, which said that the average cost of child care in this country is about £134 a week but that in the Scandinavian countries of Denmark and Sweden it is zero. Should we not aim for zero?

Ms Buck: Yes, we should aim for zero. We have a long way to go, and further progress is required. At the moment there is a real gap in affordability and supply. I have no problem with paying for my child care—as a higher earner, it is right and proper that I should do so. However, a mix of taxation and charging is not unreasonable for child care for younger children. That might change as children aged three and four move to early education, but lower-income families—I would define that term generously—should not have to contribute.

The report said that child poverty should be at the heart of the strategy, that poverty reduction could be achieved through work incentives, and that a wide-ranging series of strategies would be needed to improve neighbourhoods and life chances. However, inequality matters too. My serious worry is that although the IFS report gave the Government due credit for their work in raising incomes for the poorest, it also flagged up the fact that inequality, which rose sharply during the 1980s, remains historically high.

An opinion poll earlier this week showed that many members of the public do not believe that Britain has become a fairer place. Although we need to make further progress in tackling the incomes of the poorest, we should recognise that inequality in itself has moral, social and economic disbenefits to society. Unless we do so, poverty reduction will not occur as widely as we would wish; and we will not achieve all that we can to transform the country.

3.12 pm

Tony Baldry (Banbury) (Con): The hon. Member for Regent's Park and Kensington, North (Ms Buck) made some extremely good points about the impact of housing costs on poverty. However, their impact is felt not only in London, as I hope to make clear.

I congratulate the Select Committee on producing an excellent report. Most observers would expect politicians to agree on public policies to eradicate child poverty. No one wants child poverty—everyone wants to eradicate it—but, like poverty on a global scale, everyone would do it differently.

The buzz word in the report is strategy. Many of the Committee's conclusions focus on the national strategy on child poverty. For instance, it recommends that the strategy develops

"immediate policy initiatives to assist children in severe and persistent poverty"

and that it should

"earmark new resources to provide for adequate school clothing for all low income families".

The Committee also recommends that the national strategy should

"ensure nutritionally balanced school meals"

and

"expand the role of the social fund to help tackle severe and persistent child poverty".

The national strategy is clearly seen as the means to ending the grinding and unremitting poverty in which, shockingly, many children live in the United Kingdom.

As one would expect from a Select Committee report, the recommendations to which I have alluded and many others deal with the detail of child poverty and how the Government should tackle it. On the big picture, however, I was slightly surprised to read the recommendation that a separate fighting fund should be set up for London and other city areas. Of course, I acknowledge that London often has the most visible poverty, but there is often hidden poverty elsewhere—the sort of poverty that we may not see because we are blinded by the wealth seen elsewhere in those areas. Those pockets of hidden poverty, as the hon. Member for Stroud (Mr. Drew) mentioned, are often in rural areas. I represent a constituency in north Oxfordshire that I suppose could be described as essentially rural.

People often think that the sun is always shining for people in Oxfordshire. For some, maybe it is. However, for many, especially children, their daily experience is of the poverty that one associates more with inner-city streets—poverty that means that they have a tough upbringing as children and a tough life as young adults, made all the tougher by the fact that they live in an area where the cost of living is way beyond their means but where they are trapped. The only way in which they can escape is often to end up homeless in areas such as London.

Let us consider two wards in my constituency. Banbury was an overspill town in the 1960s. Large numbers of new houses were built at that time and people moved from inner-city London and Birmingham, many to work at the General Foods factory—now Kraft's factory—in Banbury. In Ruscote, according to the last census, 30 per cent. of families have no central heating; 45 per cent. of young adults do not hold any further education qualifications, often because they have not had the opportunity to gain them; and unemployment is more than double the average for the district.

Ruscote is not alone. Neithrop, another ward in Banbury, is much the same. Almost 40 per cent. of people have only the very basic qualifications because of limited opportunities, and more than double the area average are unemployed. Almost 10 people in every 100 live their life as a carer, including young people under 20 looking after a sick parent or relative. It is no surprise that those areas show deprivation that is more familiar in some inner-city boroughs, when as children living in Neithrop and Ruscote they are unable to get the qualifications that they need and as young adults they simply fall into the poverty trap, only to be faced with the huge task of climbing out.

Although I agree with the Committee that child poverty is often widespread in London, it can be as acute, if not as frequent, in some rural areas. I would have welcomed a conclusion that highlighted hidden child poverty in other areas, particularly rural areas,

rather than reinforcing the notion that it is primarily—or only—an inner-city phenomenon. It most certainly is not.

The Government usually allocate funds on the basis of formulae, which often do not take sufficiently into account the fact that there can be pockets—wards—within districts where there are serious social concerns. That is not necessarily reflected in the formulae for allocating local authority grant, money through the health authorities, or other funds. I hope that the Minister will recognise that fact when drafting the national strategy on child poverty.

The idea of a national strategy will, I suspect, be given added thrust if, as expected, the Prime Minister appoints a new children's Minister or commissioner—it has been mooted that there may be another seat at the Cabinet table—as part of the forthcoming reshuffle. The Select Committee points out in its report how the Government

"should increase its attempts to tackle child poverty via all Departments whose responsibilities touch on child poverty."

I agree. Indeed, the Government agree. However, the reality has been different. Even with the earlier appointment of a Minister for Children, albeit one outside the Cabinet, there has not been much joined-up government to reduce child poverty.

One need only consider the experience of the Sunshine centre in my constituency, which helps 1,200 children and parents—that is a lot of children and parents. The centre is doing everything that the Government set out in the Green Paper, "Every Child Matters". It was set up in early 1998 and its purpose has been to help parents, carers, families and children living in the areas of north Oxfordshire that I have referred to: Neithrop, Ruscote and Grimsbury.

The Sunshine centre has been extremely good in bringing together large numbers of statutory and non-statutory stakeholders, including the Community Fund, the Basic Skills Agency, the Children's Fund and the two local authorities—Oxfordshire county council and Cherwell district council—as well as private benefactors. However, the mind-boggling range of organisations that the centre has to juggle to help those less fortunate who live in north Oxfordshire means that, were it not for the excellence and dexterity of the management team at the centre, not nearly so much might be achieved.

The centre does an amazing amount and is an enormous benefit to local people. It necessarily has to involve a lot of different people and organisations. It provides personal support for children and families, does outreach work, supports local schools facing specific challenges, encourages volunteers, promotes health clinics and health and well-being locally, and provides a range of activities, from Tots-R-Us to after-school clubs. In fact, the initiatives that it undertakes are almost too numerous to set out. If one centre in one constituency has to juggle that much to gets its funding and fulfil all the roles necessary to reduce child poverty, as outlined in the "Every Child Matters" Green Paper, there is clearly a need for a genuine children's Minister, with the genuine authority that would be indicated by a Cabinet seat to promote the joined-up thinking that will be necessary if we are to halve child poverty by 2010 and eradicate it by 2020. Therein, I suspect, lies the problem.

I join the Committee in congratulating the Government on meeting some short-term child poverty reduction targets—notably those for this year—but meeting the 2010 and 2020 targets will be far more challenging than the Government realise because it will involve helping the most disadvantaged children. Employment will make a major contribution, which, in turn, will necessitate ensuring that there is even greater availability of affordable child care, on top of that already announced by Ministers. Indeed, making accessible and affordable child care available to all by 2010 should be the Government's goal.

Furthermore, if we are to halve child poverty by 2010, the poorest and most desperate families must be given an extra £10 every week for every child. That is the very least that they require. Departments are now working out how to spend the money that the Chancellor has given them, and Ministers will need to fulfil the commitment to provide £10 every week for every child if we are to halve child poverty in just over five years.

Clearly, the national framework on child poverty will have to look at the employment and child care on offer to parents, the education available to the disadvantaged and the provision of basic benefits to help to lift children and parents out of poverty. That will involve working with a wide range of age groups in a wide range of areas. Given what is happening in north Oxfordshire, the Children's Fund will be one of the bodies best placed to help. Indeed, when the Cabinet Office set it up in 2000, it made it clear that it would act as a bridge between Sure Start, much of whose work is aimed at very young children, and Connexions, which is aimed at people aged up to 19. I have seen a good number of local Children's Fund projects, including the Sunshine centre, the Carers centre and the Fritwell centre.

The Children's Fund works in areas such as Ruscote, Neithrop and Grimsbury, where poverty is deeply rooted, starting with parents and finishing with children. Only four months ago, however, it issued an SOS to all Oxfordshire Members of Parliament. That was pretty brave for a Government agency. It openly said that it was fighting Ministers over plans to withdraw almost half its funding for this year. In fact, Ministers relented and did not cut anything from its budget this year. Crucially, however—this cannot be stressed enough—they were unable offer any assurance that those cuts would not be made next year. In Oxfordshire, that means that the 50 per cent. cut could simply be made in 2005–06. It goes without saying that losing such a huge amount of funding would create huge problems locally.

As things stand, Oxfordshire has £3.3 million in funding until 2006 to help children aged between five and 13, and their families. The money is intended to help children who are often socially excluded and disadvantaged, including those who are disabled or who live in rural areas or in poverty, as well as isolated parents and parents with mental health difficulties. With no assurances to the contrary from Ministers, there is a suspicion locally that the original plan of making cuts in the total budget of 15 per cent. in the first year and 30 per cent. in the second year is still looming large over the Children's Fund and its projects and that it has simply been delayed.

A 15 per cent. cut in funding by 2006 will almost certainly affect a number of projects in Oxfordshire, including the youth offending team, which receives just

[Tony Baldry]

£20,000. Almost all its work would be reduced. A 30 per cent. cut in 2005–06 would, in the words of the chair of Oxfordshire's Children's Fund, result in

"abandoning much of our programming in order to meet the government's target."

Given that the Select Committee points out throughout its report that the Government are not on track to halve child poverty by 2010, why are the Government still threatening a cut of almost 50 per cent. in Oxfordshire's Children's Fund? Why, indeed, are the Government threatening any cut to the Children's Fund? Why is the Children's Fund seemingly not part of the national strategy to reduce child poverty, when it is meant to bring together all the disparate groups involved in child poverty, which are currently not sufficiently joined up?

Rob Marris (Wolverhampton, South-West) (Lab): The hon. Gentleman is making an impressive and helpful speech. I would like to find out how much cross-party consensus there is in the House about measures to tackle child poverty. Implicit in what he has been saying is that he supports the goal of halving child poverty by 2010, that he wants the Children's Fund at least to be maintained, and that he agrees with the Select Committee about the £10 a week for the poorest children. I also understood him to say that he would like an expansion of support for child care as it relates to employment particularly.

That is all very helpful. What the hon. Gentleman is saying is at odds with what Labour Members perceive his Front-Bench team to be saying about Government spending. Could he clarify that? Does he perceive his Front-Bench team's view differently, or does he hold a different view from that team?

Tony Baldry: I take responsibility in this House for what I say, but cannot take responsibility for what anyone else says. This week, I have gone through a different Division Lobby from the leader of my party when voting on Iraq and other issues. The hon. Gentleman will have to listen to my speech, and if he wants to ask about Conservative Front Bench policy, he will have to ask the Conservative Front-Bench spokesman.

Why do Ministers state in the "Every Child Matters" Green Paper that the emphasis should be on the work that voluntary groups undertake with local social services, when that involves exactly the group of children that will be most affected by the cuts? Uppermost among the needs of children who are vulnerable is stability, and charities need stability to help children. Removing funding removes the stability that charities can offer children. One need only attend to what the Children's Fund has been saying throughout the country, not just in Oxfordshire. It is obvious what problems local charities and NGOs will face in dealing with the Government's cuts.

The Carers centre, for example, has employed much-needed additional staff on the basis of funding provided through the Children's Fund. What is likely to happen to those staff, the projects that they run and the children who benefit from the projects? The Carers centre is just one of the many NGOs in north Oxfordshire that might be adversely affected.

It will not be possible for local authorities to make up the shortfall. Oxfordshire county council social services are already under intolerable pressure, and the county council has had to increase council tax by 6 per cent. again this year to cover its budget. Council tax in Cherwell has increased by almost 30 per cent. since 2001. Social services, therefore, are not in a position to help the children whom Ministers have recently identified as being in particular need.

I ask the Minister to visit some of the excellent projects such as the Sunshine centre and the Carers centre and witness the superb work that they do, before he even thinks about pulling the rug from under them early next year. Because the Sunshine centre just happens to be in Prescott close, I wrote to the Deputy Prime Minister asking him to visit it. That was not least because I should genuinely welcome more visits from Ministers to my constituency. I perfectly understand why Ministers might visit only constituencies where there are by-elections, or those of their Labour parliamentary colleagues, but if they do not visit the full range of constituencies in the country they may sometimes gain a stereotypical view of what a seat such as Banbury is like. That applies to many other constituencies, too. I would very much welcome a visit to the Sunshine centre in Banbury by the appropriate Minister.

Many of the systems to tackle child poverty are already in place, but there are only five and a bit years to go until the 2010 target date for halving child poverty. There is simply not the time or the will, among the people who have built up infrastructure locally to tackle child poverty, to do it all again and introduce wholesale changes. The structures and systems already exist. What is needed is a Minister with influence in the Cabinet to get the infrastructure working in the parts of the country where it is not working now. To lose the Children's Fund and have it replaced by an unknown body—or, worse still, to expect other parts of the system to bear the strain—simply will not work, and will most likely result in areas such as Oxfordshire, which are already perceived as prosperous, losing out even more to the inner cities.

I ask the new children's Minister, or commissioner, if and when one is appointed, to commit to the continuation of the Children's Fund, so that areas such as Oxfordshire do not feel marginalised from the child poverty debate, but can continue the good work that they have been doing over recent years. Such a commitment, as part of the national strategy on child poverty, would be welcomed by everyone and would mean that we could all help to ensure that there are no areas of hidden child poverty left in Britain.

3.30 pm

Miss Anne Begg (Aberdeen, South) (Lab): I should point out to the hon. Member for Banbury (Tony Baldry) that, because Labour has done particularly well in Scotland, and indeed across England, in winning non-traditional Labour seats, when Ministers visit Labour-held constituencies they often get a picture of a full range of different socio-economic groups. My constituency, according to most definitions, is affluent. It scores very well on all of the indicators, such as high employment, low unemployment and high wages. Housing costs are high by Scottish standards, but

certainly nothing like the high housing costs in London. It is a measure of how well the Labour Government have been doing, or how badly the Conservatives are doing, that Labour holds a full range of constituencies, including many rural ones, in Scotland as well.

However, that was not what I had intended to say. As a member of the Select Committee, I am delighted to be here this afternoon to discuss the report on child poverty in the UK. The Committee is hard-working and tribute has already been paid to its Chairman, the hon. Member for Roxburgh and Berwickshire (Sir Archy Kirkwood). The fact that he and two thirds of the members of the Committee are present, on the last Thursday before the summer recess, is also a testament to how hard the Committee works and how seriously it takes this subject. It was an important subject for the Committee, not least because child poverty is at the heart of any issue relating to social equality. It is a cross-cutting issue and will not be solved by one Department—the Department for Work and Pensions, in the case of what our Committee is charged to do.

Child poverty is also a cross-Parliament issue. In Scotland, and indeed in Wales, many of the measures that need to be put in place to help to end child poverty will be delivered by the devolved Parliaments, rather than necessarily just by Westminster. However—it is worth making this point for any members of the Scottish press who happen to be present—there are still important decisions to be taken at Westminster with regard to Government spending in Scotland. Indeed, 55 per cent. of all Government spending in Scotland is still determined by UK Ministries, and the DWP is one of them. If Scotland is to deliver on the promise to end child poverty in a generation, it is not just what the Department for Work and Pensions in Westminster does that is important, but what the different Ministries in the Scottish Parliament deliver.

I congratulate the Government on what they have done. Often in debates such as this, because we consider what still needs to be done, the balance can appear negative. However, from what has been said already this afternoon, Mr. Deputy Speaker, you should have gathered that most of us on the Committee are pleased with what the Government have done to date and the enormous strides that they have made. We found that they were on track to hit their target for the end of this year, which is to reduce child poverty by 25 per cent. We know that, in the case of 2010, things will be much more difficult.

As my hon. Friend the Member for Regent's Park and Kensington, North (Ms Buck) said, the thrust of the Government's promise to end child poverty in a generation is bold and ambitious. It is extremely easy to say, and many people say it and have said it. However, what is easy to say and what is easy to deliver are two different things. I was reminded during the contribution of the hon. Member for Banbury and the intervention by my hon. Friend the Member for Wolverhampton, South-West (Rob Marris) that fine words are extremely easy to say, but that it is much harder to put the hard cash or the commitment in policy behind those fine words to make a difference. I believe that the Government are committed to making a difference and ending the scourge of child poverty that we have suffered in this country.

These days, I keep referring to the hon. Member for Roxburgh and Berwickshire—our blessed Chairman—as my hon. Friend, which perhaps shows that we have become a bit too friendly on the Committee. However, I have just forgotten what he said—perhaps I should not have gone off on a tangent.

Rob Marris: Does my hon. Friend recall that the hon. Gentleman said in his opening remarks that when the Government took over in 1997 the United Kingdom had the worst child poverty figures in the European Union? He made the point that although we have edged up the table, from 15th to 11th, those figures are from 2001 and are out of date.

Miss Begg: I told you that we were close on the Committee, Mr. Deputy Speaker—my hon. Friend read my mind and knew exactly what I was going to say, even though I myself had forgotten it. His point is exactly correct: we had a dismal record in the past and although we are beginning to improve, we still have a long way to go.

The problem with using relative measures, which we will continue to do, is that as a country becomes more prosperous they become moving targets and harder to achieve. However, I still believe that we still should try to ensure that everyone is above 60 per cent. of median earnings. That should be the measure to strive towards, not only because of the cash that it would put into the pockets of families, but because it would help to address the equality issue to which my hon. Friend the Member for Regent's Park and Kensington, North alluded. If we are to break the cycle of deprivation and poverty, the goal must be equality and giving young people life chances, not just putting cash in people's pockets. Too many families have been thrust into that cycle, but have not been able to climb out of it, because the life chances of the next generation have not been materially improved, as compared with those of previous generations. I shall return to that point at the end of my contribution.

Our Chairman made a number of points about making work pay, which is, rightly, the basis of the Government's anti-poverty strategy. As a disabled person, I am often accused of perhaps over-egging the importance of work, but it is important, not just in terms of the money that it earns for a family, but in terms of family self-esteem and the well-being that families feel in contributing to society, rather than necessarily being just a recipient.

The Government have done a great deal to make work pay, which is also important, in ensuring that people have the incentive to come off benefit and go into work. The child and working tax credits have played a large part in that, although I have some concerns about them. I am aware that the Minister is not directly responsible for tax credits, which are obviously a Treasury matter, but the way in which the system has worked and the problems involved in its implementation last year have affected the income of many families and will continue to do so. I will not go into too much detail, but I hope that the Minister will take the issue seriously and look into how tax credit overpayments and clawbacks are working—they are probably leaving some families on an income below that

[Miss Begg]

which the Government have deemed necessary for a family to survive on. It is from that angle that I would like him to consider the matter.

I would like the Minister to give an assurance that he will look into what is happening as a result of last year's problems, which are compounded by the fact that the system is not working as smoothly as it could this year. Sometimes there has been a double clawback—there is the in-year clawback as well as the problem from last year.

I have organised an early-day motion asking that the Treasury consider writing off all overpayments made through the Department's error. I am afraid that I have not got particularly far in asking the Inland Revenue to do that, but I always live in hope. Writing off overpayments would have made life easier, because it would have meant that families could have started this year with a clean slate and would not have had the burden of paying back overpayments from last year.

Part of the problem is that the tax system is so generous that overpayments have sometimes been very high, particularly if there were various add-ons because of a disabled child, or extra child care costs, and so on. The very generosity of the system has created problems for, or made things slightly more difficult for, families living close to the breadline who received overpayments.

Mr. Steve Webb (Northavon) (LD): On the issue of tax credits, does the hon. Lady share my concern that, as most of the support for poor children will now be delivered through tax credits and not weekly social security benefits, the system may be much less responsive than it needs to be? As she has intimated, tax credits try broadly to get things more or less right over a year or so and make clawbacks the next year, but poor people need money today. Leaving aside the generosity of the system—and I accept that it is generous—is she satisfied that using tax credits as a key way of getting financial help to children is structurally the best method of doing so?

Miss Begg: If the tax credits were working absolutely as they should, and if the in-year calculation could be adjusted in under a month in order to ensure that, things could work; but that depends on people telling the Inland Revenue of the change of circumstances, the calculation being done and people being told of that quickly. That is assuming that everything goes smoothly, and that is not happening at the moment. That is why I ask the Minister to look into the underlying principles of the tax credit system and consider whether it can deliver for the poorest families.

I know that those on income support have not yet migrated on to the new system, but there are people who have fallen out of work and are coming under the new system. Perhaps the time has come for the DWP to consider the impact of the workings of tax credits on the whole system of family support, for which that Department is responsible. I know that the issue belongs with the Treasury, and it is unfair to put everything on to the Minister, but this is an important matter, because all the issues will impact on the final income of the families we are trying to help.

It is interesting that the Select Committee today published another report, on the use of IT in the DWP. We are very critical of the workings of the Child Support Agency and the failure of the IT system to deliver the new, slimline, easier, more transparent payment system for child support. Child support is an important part of the equation for ensuring that families with children get the money to which they are entitled and that they share in the prosperity of the parent without care. If the parent without care is on a reasonable income or is a high earner, the children should get the benefit. Much of the report that we are discussing today is important, but there is a range of other policy areas that impact on families' incomes.

I want to consider a couple of the difficult groups that will pose a real challenge for the Government if they are to meet their target to halve child poverty by 2010 and eliminate it by 2020. One group is families in which there is either a disabled adult or a disabled child. Things have changed dramatically in recent years. Because of advances in medical science, disability is not a thing of the past, as some people might have thought it would be—they might have thought we would be able to cure everything—but more disabled people are living longer and have life aspirations that were undreamed of 50 years and even 20 years ago.

In some families, therefore, a severely disabled child is cared for at home, not in an institution, as would have been the case 20 or 30 years ago. They will be expected to go to a mainstream school and participate in family life. However, that can put an enormous strain on the family, and it has implications for whether one or other parent can work. There is extra help with child care, such as the premiums on the child care tax credit, but sometimes it is very difficult to source child care. My hon. Friend the Member for Regent's Park and Kensington, North talked about the difficulties in that regard. Things have improved enormously, and I have no quibbles with the Government's basic policy direction on child care, but it is still difficult for all people at all times and with different family needs always to be able to access child care.

The problem of supply is particularly acute when a child has especially difficult needs. In addition, a child with a severe disability may live at home much longer than other children. Although there is often an aspiration that they will be able to move on to independent living, the family's commitment will go on for years beyond what is usually regarded as the childhood years.

Of course, there are also families in which a parent has a disability. I am keen that as many disabled people as possible should work and that disability should not rule work out. Indeed, in some cases, including this job, it can be an advantage; it is quite nice to stand out in a crowd occasionally. However, work is not an option for some people with disabilities, and it is important that the children in those families do not suffer the negative life chances that may result from having a parent who is not as active and cannot take them out as much as other parents.

Some people will never work. They may not have obvious disabilities, but for a range of reasons and with the best will in the world, we will never get them into the work force. However, child care is very important for them, too, simply because it may be the one chance that

the children have to experience life outside the home. It may be their one chance to be taken out and to have the interrelationships that children need. As my hon. Friend said, child care should not be just for those who are in work. In some family circumstances, because extra help is needed with parenting skills and all sorts of other things, child care is important if we are to ensure that the child or young person is given the same life chances as children in other households.

That leads me to my final point, which is that we must ensure that we do more than just give out cash. I am not saying that cash is not important—of course it is—and it is important to have the measure of income levels, but as our report says, that can be somewhat mechanistic at times. We can measure how much money comes into a household and material deprivation, but it is also important to find a way to ensure that the individual's life chances are improved, and that is not down just to the Department for Work and Pensions. With the best will and all the money in the world, other policy measures must be put in place. Money alone will not ensure that some children are lifted out of a life of poverty and deprivation.

It is not just about the obvious things: it is not just that there has to be a good education system, so every school in every area is good; it is not just about good, affordable housing and ensuring that we take young children out of damp tower blocks, where it is impossible for them to go out to play; it is not just about ensuring that children have healthy, nutritious food; it is also about making sure that a drugs policy is in place, under which the children of two parents who are both heroin addicts are given help to kick the habit, so that they can be competent, good parents. I have never met a drug addict yet who does not feel strongly that their children should be given the best, but it is often difficult for them to get out of the cycle that they have got themselves into and help their children. We need to consider those groups, too.

We are talking about policy beyond the Department for Work and Pensions, but it has the challenge to solve the more difficult cases and go from a good start to ensure that we meet the targets and, for the first time in history, end the scourge of child poverty.

3.51 pm

Andrew Selous (South-West Bedfordshire) (Con): As a member of the Select Committee that produced the report, it is a pleasure to take part in this debate and to hear about the perspective of other hon. Members who did not serve on it.

The report focused on child poverty, following the Government's objective to eradicate it within a generation. However, on some of our overseas trips during the course of our studies, we were met with a little surprise that the UK was focusing so much on child poverty. The comment was made that other countries, including France and Denmark, were focusing on poverty within families and that that was being considered across the scene. Although we have heard a number of times this afternoon that there are 3.6 million children in poverty, as the Government define it, it is worth remembering that, by the same definition, some 13 million people in the UK are living in poverty. Some of those people, particularly pensioners, have been the subject of a lot of focus, but if the children and pensioners were taken together, we would still be short of that 13 million figure. Let us not forget the other people who deserve a chance to fulfil their potential.

Definitions always bring their own problems and with a relative target there is always the slight danger that, as the economy does well and there is economic growth, it is more difficult to achieve. The Government are right to have both a relative and an absolute measure of poverty, because it is not healthy in society if income differentials get too far apart. However, by the same token, it would be perverse if any Government were to be hit over the head because the economy was doing particularly well and that happened to make the target harder to achieve.

On the definition, there was strong concern in the Committee about the change from an after housing costs basis to a before housing costs basis. That was met with considerable puzzlement by Committee members. Our constituents do not have a choice whether to pay their rent every month and, particularly in high-cost areas, rent is such a significant part of people's weekly budgeting. The hon. Member for Regent's Park and Kensington, North (Ms Buck) has already spoken about her area. The area that I represent is in the south-east of England. It has similar problems that are not so pronounced, but it would make a large difference to my constituents if these matters were just considered on a before housing costs basis, because that would not be a true reflection of their financial situation.

It is important to state at the outset that a sound economy and strong economic growth underpin a Government's chance to reduce poverty, whether child poverty or other types of poverty. That is the basis on which everything rests. Since about 1993–94, there has been a consistently good economy in this country. We turned around some rocky economic problems and many improvements to the child poverty statistics were founded on that.

As the hon. Member for Aberdeen, South (Miss Begg) said in her contribution, which I much enjoyed, it is important to ensure that people have the greatest potential not only to get a job, but to maximise their earnings when they are in work. I am struck, as is the Chairman of our Committee, by the American approach to such matters, which they often call ABC—getting a job, obtaining a better job and looking at a career. It is an excellent first step to move people from the unemployment queues into work, but for many people there is much in-work poverty. A permanent life on tax credits lifts them, hopefully, beyond the poverty level. However, many people are not lifted beyond the poverty level even with tax credits. None of us is happy about that and we need to pay attention to such matters.

When preparing for today's debate, I noted that, within the United Kingdom, 8 million people still lack basic skills; 28 per cent. of Britons are qualified to apprentice skill craft and technician levels compared with 51 per cent. of people in France and 65 per cent. in Germany. Furthermore, to pick up some of the comments made by the hon. Member for Aberdeen, South, 36 per cent. of adults of working age—more than 30 million people—lack basic school leaving qualifications compared with 28 per cent. of people in France and 17 per cent. in Germany. To put the debate in a broader context, unless we keep the economy sound and ensure that we continue to invest in our work force,

[Andrew Selous]

so that they have the potential to earn money to enable them to get out of poverty for a lifetime, everything we try to do in the Department for Work and Pensions will always be much harder to achieve.

Within my constituency, I am delighted to see the co-operation that exists between the learning providers, the student population and mature students. The hon. Member for Luton, North (Mr. Hopkins) and I frequently attend the learning partnership meetings between the parties concerned in Bedfordshire and Luton. It is excellent to see what is happening to help people to gain the skills that they currently lack.

I commend the work of the Learning Warehouse in Leighton Buzzard in my constituency. It is a collaborative venture that brings together for the first time in the United Kingdom different learning providers from many further education colleges to run varied courses. It is wonderful to see young people full of confidence as a result of that organisation. It is a great credit to Bedfordshire county council, which set up the project.

One of the reasons for poverty that did not receive as much focus in the report as it should have done is debt. Like many other hon. Members, I am extremely worried that UK personal debt has now passed £1,000 billion, the results of which I frequently experience in my advice surgery. I refer to people who have mortgage problems and those who have borrowed too much on credit or store cards. Perhaps they were forced to do so against their better judgment, or prompted more strongly than they should have been. Such matters lead to real problems that result in a great amount of child poverty. It is important to consider what we can do in practical terms to remedy such problems.

I was impressed by the work of the excellent charity Credit Action which visits many schools throughout the country; its excellent director, Keith Tondeur, is a frequent visitor throughout the country. It is particularly important to provide our young people with basic and sound money management skills, particularly with regard to debt—credit is too easy a term; let us give it its true name—as they leave school and before they enter the world of work.

I salute the work of credit unions, which do an excellent job. The hon. Member for Luton, North and I share an interest in that the Chalkhill Blue credit union in my constituency has just merged with the Money Matters credit union in his constituency. The merged credit union does excellent work in Dunstable and Houghton Regis. This is very basic work at grass-roots level, which we need to do to ensure that we build a savings culture and that people can borrow at rates that are less exorbitant than those charged by many people in this business. The "sub-prime market" is a horrid term—I particularly dislike it. It refers to the extra-loaded interest rates that people who have no security are very often charged. We need to monitor that and to encourage the extremely important work of credit unions. Many surveys show that debt is the major cause of relationship breakdown.

When we examined the data on children in poverty, we discovered that, of the 3.8 million children living in poverty in 2001–02, some 1.7 million were in lone-parent households and 2.1 million children were in couple households. That is significant. Roughly a quarter of all British children in the whole of the United Kingdom are in lone-parent households, yet that one quarter of British children are disproportionately represented in the overall number of children who are poor: 45 per cent. of all children who are poor come from that 25 per cent. segment.

We also know that the 80 per cent. of children in poverty with lone parents live in households in which no one is in work. Surprisingly, by contrast, of the 2.1 million children in couple households who are in poverty, some 70 per cent. of the parents are in work. That means that nearly 1.5 million children whose parents are in work have not been brought out of poverty by the tax credits that the parents receive. I mention that because so many commentators on both sides of the House agree that we need to address that issue.

In paragraphs 187 and 188 of the report, the Committee commented on the fact that in February this year the chief executive of Sure Start, Naomi Eisenstadt, commended the preventive work that several voluntary organisations have started to do to ensure that couples stay together. Too often, we in this country intervene when things have already gone too far, and it is excellent that Naomi Eisenstadt picked up on that point.

I was particularly pleased to hear of a meeting in my constituency that was convened by a group of people concerned about youth homelessness. When they looked into the issue, they realised that relationship breakdown was the major cause. The group is committed to setting up a community family trust to work with schools, registrars and health visitors. Given what has happened elsewhere in the UK, the group genuinely believes that such a trust will make a significant difference in helping couples to stay together. We know from all the data that, where there are opportunities for both parents to work, both the mother and the father can help to provide child care. It is worth remembering that recent surveys show that men now provide a third of all child care. We also know from a study by the Joseph Rowntree Foundation that, in a trial in which a large number of couples were given a money no object chance to mix work and lifestyle, the majority of mothers and fathers wanted to work and care for their children.

Therefore, there are all sorts of reasons for encouraging community family trusts. Over time, spreading the work that they and other such organisations do will play a crucial part in helping the Government to fulfil their child poverty objectives.

Rob Marris: In the light of what the hon. Gentleman has said, does he, like me, think that, although very welcome, the £5 million of Government support for the marriage and relationships support grant, which is referred to in paragraph 55 of the Government's reply to the Committee's report, is somewhat low?

Andrew Selous: I completely agree with the hon. Gentleman. I fail to understand why, as a nation and as political parties, we happily write out the cheques for the costs of social failure, which are estimated to be £12 billion, £15 billion or £30 billion, depending which

study one considers. However, they are universally agreed to be very high and to cause an enormous amount of emotional and personal upset, yet we spend only a tiny amount on prevention. We have got it completely the wrong way around. If I were in charge of my party's future financing, I would ensure that we put the money into prevention. I would find the money from somewhere and ensure that we focused on prevention. It is the sensible thing to do, and it need not cause any division between any of us. Frankly, however, until we and the Government take it seriously, we will not make the progress that we all want to see towards the child poverty targets.

As some of those who gave evidence to the Select Committee pointed out, it is a little puzzling that, welcome as the tax credit system is for many of the excellent things it has done, there are those who lose out because they are a couple family rather than a lone-parent family. Some 1.5 million children are in receipt of tax credits, but couple families—on the Government's own equivalised income measure of child poverty—are receiving less.

I will provide the Committee with a brief example. For 2003–04, where the 60 per cent. median is £181 a week, a two-parent family with two young children on a pre-tax income of £150 a week would be £17 below the poverty threshold that the Government have set—they would be on £164. A lone parent in the same position with two young children would be £37 above the poverty threshold—a gap of £54 between those two family units.

The Chancellor said recently that support should be based on family need, not structure. I broadly agree with that, but the evidence of the workings of some of the tax credits is that there are differential effects. I am particularly concerned that a man and a woman, who are essentially a couple and would like to share a home together for the sake of each other and their children, become much worse off if they move in together.

Without going into an over-detailed explanation, for those who want to follow it I refer hon. Members to page 114 in volume III of the report and the example of a typical couple on low earnings that shows how, if they moved in together, despite the reduction in expenses from not having to pay two lots of council tax and two lots of rent, the offsetting by the loss of their tax credits would be so much more that they would end up with £54 a week less.

By way of illustration, a couple came into my surgery recently. The man was carrying the child of the woman. The first thing that she said to me was, "I'm a single mother". I talked to them for a while. There was a problem about a gas bill that they could not sort out and a problem about some repairs to the woman's council house. The gentleman carrying her child was familiar with her problems—in some ways he knew more about them than she did—and it was obvious that they were a couple, yet they were living apart and the woman regarded herself as a single mother. If we are serious about trying to help couple stability and to help couples to stay together, we need to consider a tax credit system that causes such a big gap—£54 a week is a lot of money for many people—if we are to make progress on child poverty, which is what we all want to do.

As was said earlier, it is particularly important that the Child Support Agency does far more to get money through to those parents with care it is failing to reach. We know that, where couples are separated, 70 per cent. of parents with care are not getting all the money that the CSA has said that they should get. They either get none at all or not what they should get. There is more work to do on enforcement. Our Committee is considering the matter and I hope that we can do something that will make a big difference.

Time is moving on. The last area that I will mention is that of social enterprise. As we get the remaining children out of poverty, we know that we are going to be tackling those families who are furthest from the labour market and are the hardest to reach. I believe that social enterprises will have a big part to play in helping us to reach those families.

I think of the work of an excellent social enterprise employing some of my constituents called Recycle-IT. It is based in the constituency of the hon. Member for Luton, North but it employs a number of my constituents. It has had fantastic success at getting people into the labour market, keeping them there and providing them with skills, which conventional businesses would not have been able to do. It is excellent work. It is very seed-corn and quite small-scale at the moment, but I commend it to both the Committee and to the Minister for further study because I think that it is an area that can make a big difference.

Mr. Hopkins: I am pleased that the hon. Gentleman mentioned Recycle-IT. Is it not significant that the people who run Recycle-IT came from youth work and are aware of social problems? They are not simply business people.

Andrew Selous: The hon. Gentleman is right. Those people came from youth work, but they also had a high level of business awareness. Their business does not rely on grants. When I spoke to the founder of the firm earlier in the week, he was a bit disparaging about those social enterprises that just receive grants. A large one in Tottenham that did just receive grants has gone out of business. Recycle-IT is run on a business model as well but they manage to employ people who are far from the labour market. That is the crucial point.

4.14 pm

Vera Baird (Redcar) (Lab): I am indebted to my right hon. Friend the Chancellor's recent Joseph Rowntree Foundation centenary lecture "Our children are our future" for teaching me that it was as long ago as 1904 that Rowntree identified, for the first time, a life cycle of poverty: poverty during childhood, poverty for parents when they had children and poverty during old age. That life cycle of poverty was broken only for short periods—when an adult before one's children were born, or after they had grown up and left home.

The striking truth about what existed in the UK when we came to office in 1997 is that that life cycle of poverty had firmly and widely returned. The facts are that during the two decades before 1997, the number of children growing up in workless households rose to almost 20 per cent.—one of every five kids did not have a parent earning any income from work—and the number of children in low-income households more than doubled to 4 million.

[Vera Baird]

I, too, pay tribute to the Chairman of the Select Committee. As he said, we must never forget that the UK—one of the richest countries in the industrial world—suffered worse child poverty than nearly all other industrial nations. Indeed, anyone reading the reports on the condition of Britain in 1997 would be shocked by one straightforward but disgraceful fact: when Labour came to government, one in every three babies in Britain was born into a low-income household. They were born not into opportunity, but into poverty.

Mr. Paul Goodman (Wycombe) (Con): The hon. and learned Lady has given some figures about relative poverty, which, as far as I know, are correct, although they are not all the figures. Can she confirm that expenditure figures are sometimes considered more reliable than income figures where absolute poverty is concerned, and that the living standards, as measured by expenditure figures, of all groups rose under those Conservative Governments?

Vera Baird: I will come to absolute and relative poverty and comparators in a moment.

In the context that I have just set out, as well as that of the importance of every child having the right to realise their potential, which was simply being denied by poverty, the Government set their ambitious long-term goal to halve child poverty by 2010 and to eradicate it by 2020. They started from a very low level. On the basis of absolute low income, 2 million children have been lifted out of poverty. It seems self-evident that they must have been in it when the Conservatives were in power. As measured by relative low income, 500,000 children have been lifted out of relative poverty, so they must have been in it when the Conservatives were in power. I believe that there is general agreement, which has been reflected in this debate and in the report, that the Government are on track to meet their target of reducing child poverty by a quarter by next April.

I wish to refer to two specific concerns arising from the report and the Government's response and then to make two extra points. First, I want briefly to add my voice to those of several members of the Select Committee who spoke about the adoption of the new measurement. The Government admit that the target on an after housing costs measure is much more challenging. The Institute for Fiscal Studies has done research on the impact of the change and shown that between 700,000 and 900,000 children who are counted as poor under the after housing costs indicator will not be counted as poor under the new measure. The risk is that the link with the old measure of 60 per cent. of median income after housing costs will be lost by moving to the new measure.

I appreciate that the Government make it clear in their response that the after housing costs measure will still be published in the households below average income figures, but it will not be in the headlines. The comparator will be more elusive in future years, which is undesirable. I would wish to persuade the Government of that, not only because of the scepticism that will inevitably be engendered, but because it genuinely will be more difficult to hold the Government to account.

Secondly, the report recommended that the national strategy on child poverty should develop policy initiatives to assist children living in severe and persistent poverty, consider such problems explicitly and create an indicator against which progress could be measured. The Government's response simply says that a general strategy is already in place and that it will help children living in severe and persistent poverty. By the way, the new child poverty measure tackles the causes as well as the symptoms of child poverty and also will measure the depth and severity of poverty and its persistence. It is a triple-decker measure, which I have simplified for the purposes of my argument.

I am not completely satisfied that the Government are placing sufficient focus on the Committee's concerns about the extent to which the anti-poverty strategy is reaching the very poorest children; they seem to be unclear about how far it is reaching in respect of those in severe poverty. We were not alone in thinking that; the Child Poverty Action Group and Save the Children also believe that it is vital that the Government develop a range of specific policies for those children and create an indicator against which their progress can be measured.

Last year, Save the Children published research that estimates that about 1 million children in the UK are living in severe poverty. We made two suggestions about how to deal with that. We think that the Government should consider a large-family premium or an additional premium for more children, thereby weighting support towards large families. There is a strong case for such a premium, because larger families are at higher risk of experiencing child poverty and of being in severe and persistent poverty.

We also recommended expanding the social fund to help to tackle severe and persistent child poverty, and considering paying child development grants. In the past, the CPAG among others recommended that for times of particular financial stress—for example, when children have growth spurts and grow out of their clothes or when they move school and need new sets of clothes. The Government have not really said yes or no to those steps, particularly to the last one. Although they are relatively small steps and this is a very big issue, the Government should place greater focus both on them and the issue.

There has been substantial recent publicity about the difficulties of getting adequate nutrition for children in poor families. NCH—the National Children's Home—recently published an interesting report called "Going hungry: the struggle to eat healthily on a low income". It surveyed 55 families living on low incomes from across Great Britain; three in five were on income support, and two in five were employed but on a low income. It also looked at two focus groups—one in an urban area and one in a rural—and at a regional survey of the costs of eating more and less healthily.

Almost half the parents in the surveyed group had gone short of food during the previous 12 months to meet the needs of someone else in their family. Over a third of parents had gone without food in the past month so that others in the family could eat. One in five families said that they did not have enough money for food, and a further two in five said that they only just had enough money for food. Five of the families on

income support said they had been so desperate for money in the past 12 months that they had considered doing something unlawful.

The diets of the children in those families were nutritionally poor. Only a minority of children in the survey regularly ate vegetables. More than a quarter never ate green vegetables or a salad. Most children ate some fruit, but a quarter ate it only occasionally, and a further one in 10 never ate fruit. In contrast, nine out of 10 children ate sweets and chocolate, and one in five ate them every day.

The report comments on marketing to children and how, nutritionally, that usually influences children's diets for the worse. However, the report's overwhelming point is that low income is the reason for the children's poor diets—and for that of their parents, because they had poor diets, too. Despite our best efforts, some parents just do not have the funds to provide a nutritionally adequate diet for themselves and their children. The figures were checked out and, significantly, on average, families were not spending enough on food to enable them to eat healthily.

The focus groups that were interviewed confirmed that the reason for that is that food is one of the few flexible items in the budget of a family on a low income. If there are debts, the food budget suffers; many costs are fixed, and food is the only flexibility that they can find. The old image of parents going without so that their children can eat well is not just historical but remains a reality in the UK today.

We made a specific recommendation in relation to an old problem: it is essential to ensure that nutritionally balanced school meals are available, and available stigma free. We noted first that there were problems of meal quality even on current nutritional standards. Clear research, which the Government acknowledge in their response, shows that comparatively cheap options, such as swipe cards, can overcome the problem of low take-up of school meals, which continues. If a child is getting one good, nutritional meal a day, that is a step forward. This old problem has been given extra importance as a focus for Government action because of the NCH research.

I am indebted to Women's Aid, which briefed me today about the poverty experienced by children who have lived with domestic violence. Women's Aid makes it clear that it is not aware of any research on the financial hardships suffered by survivors of domestic violence or their children. It urges the Government to commission such work. When women and children flee domestic violence, they often suffer repeated hardship and poverty, and, of course, the uncertainty of homelessness. Often, survivors have to leave behind all their possessions, or most of them, and start again with next to nothing.

The social fund system is far from generous. If a loan is granted, repayments will be deducted from the mother's income, and it might take her years to obtain suitable accommodation and get the basic essentials that many of us take for granted. These women need special consideration. They may experience more than one move—unfortunately, many parents and children have to move home and school several times.

Persistent perpetrators of domestic violence often find ways of tracking down their victims. Last year's briefing from the Office of the Deputy Prime Minister on homelessness and domestic violence referred to the case of a woman with three children who had moved 23 times. That can obviously be a cause of persistently low income. Every move is likely to involve fresh losses and additional expenses, so it is important that the needs of this group are not overlooked and that we find better ways of ensuring the safety of abused women.

To give some indication of how prevalent this problem might be, domestic violence is involved in at least 16,000 contested contact or residence cases every year. It is not a small issue. There is a further element that, as a lawyer, I feel a little shy about mentioning: legal costs. Women's Aid briefed me that for abused women involved in family proceedings, legal costs often exceed £20,000. It is not unusual to have as many as 15 or 20 court hearings during constantly contested custody and access disputes. With continual litigation and mounting costs, a woman can end up with a statutory charge from the legal aid fund on the family home and unable, because of poverty, to get rid of it and move to a safer place if her partner catches up with her.

If an abused woman fears that she or her children will suffer harm if a child support assessment form is sent to her former partner, she can ask that the Child Support Agency does not act to collect maintenance from him. However, in those circumstances, she will not get the £10 a week child maintenance premium that she would otherwise have been allowed to keep from any child support payments made by the child's father. That means that she will be £10 worse off than other single parents who do not have a reason to fear their former partners. In other words, to be safe, an abused woman is likely to be living below the basic state minimum, inevitably leading to long-term hardship.

I envisage that the next stage of the anti-poverty policy for children will involve continuing current drives while reaching out to those in severe and persistent poverty and those with particular reasons—often life transitions—for falling into poverty. That is my thought for the future. None of that detracts, however, from the fact that we have a lot to celebrate in the considerable progress that our Government have made in tackling child poverty during the past seven years.

4.30 pm

Mr. Kelvin Hopkins (Luton, North) (Lab): I am pleased to have the opportunity to contribute to the debate, but making a speech is only one of my reasons for attending this afternoon. I also wanted to listen to other Members and learn from their wise words and good thoughts. I have listened with great interest to what they have said and commend the many fine speeches, as well as the report.

I have a specific interest in child poverty. Nine years ago, there were more children under five in my constituency than in any other—that is quite a statistic. My constituency also had the largest number of housing repossessions and people losing their homes. Even now, despite being in the south-east, there are severe pockets of poverty there. Another factor behind my speaking today is that there are a large number of single parents in my constituency, and I gave them the specific commitment that I would fight their corner when I came to Parliament. I have tried to do that as best I can.

Housing is a major part of poverty, and in my constituency there is a desperate shortage of decent houses to rent. Rents are high, but there is no decent

[Mr. Kelvin Hopkins]

housing available. Although many people's poverty in terms of income and other measurements may not be as severe as other people's, where they have to live is a part of their poverty. The last-resort housing of young single mothers with children in tower blocks with people who have serious social problems is a measure of how far we have gone downhill in housing provision.

Some 30 years ago, housing provision in my constituency was infinitely better than now; we could provide houses with gardens for families in those days. We can no longer do that because there is such a desperate shortage. I have severe criticisms not only of previous Governments, but of our own Government because of their failure to provide council housing. We have spoken about such matters on many occasions in this Chamber, and I feel strongly about them.

I was involved in the decision to build Marsh Farm, which is the major council estate in my constituency. The hon. Member for South-West Bedfordshire (Andrew Selous) will know it. The houses on the estate are still decent today, and there is a wonderful and warm community there, but people would not have had those houses had we not forced through the decision to build. Effectively, such decisions have been taken away from us, and I am concerned about that.

Housing costs play a large part in policy now. Another factor behind poverty is that in 1972 the Conservative Government pushed through the Housing Finance Act, in which they switched subsidy from housing to tenants. So, rather than the housing being subsidised, and having the historic subsidy from the stored equity of council housing, the tenants were subsidised in a means-tested manner. That led to a strange situation, especially in housing association homes with higher rents.

In 1997, I was canvassing in one such area in my constituency and people were asking what a Labour Government would do for them. I said that for one thing we would create jobs and bring people back into work. A Labour councillor friend took me aside and said, "Kelvin, do not talk about jobs; they do not want them. They would be terrified of losing their benefit." Those people were so deep in the benefit trap that they could not afford to get a job. That situation has got worse, simply because we chose to go for a means-tested system of subsidising people in housing rather than the historic system that we used previously. Even now, I would want, if we could, to revert to the previous way of subsidising housing for those who desperately need it.

At least a third of the population—the number gets bigger every year—will always need decent, socially provided, rented homes. Such people will not be able to get into owner-occupation, and it is becoming impossible for people to move from one sector to another. Parents such as me subsidise their children to get them into owner-occupation; we can afford it because we were in owner-occupation. There are two separate classes of home occupier: home owners and tenants. The idea that we can swap sectors and choose sectors has, sadly, been lost. That was a choice in the past.

We have talked about the figures, saying that we started from a low base for improvement. That is fair enough, and one can make much of the figures, but they need to be uprated.

Andrew Selous: Does my constituency neighbour feel, as I do, that the avenues of shared ownership could be further explored? We have had some good schemes, under which people could get on the housing ladder by owning only a proportion of their home. Would the hon. Gentleman welcome moves towards shared equity schemes to try to bridge the gap that he rightly identifies?

Mr. Hopkins: Yes, if they were realistic, but with surging house prices that is becoming more and more difficult. However, this could be considered the other way round. If an owner-occupied house was falling into disrepair, the local authority could take an equity share, repair the house, keep it in good condition and, when the occupier died, buy out the house and use it for social housing. That, too, is an excellent idea, but such suggestions would work only at the margins; they would not make a massive difference.

Chapter 3 of the report, headed "Background", contains a simple graph showing that 14 per cent. of children were in low-income households in 1979, and that that figure had risen to a peak of 34 per cent. by 1997. Without wishing to be partisan, that is an indictment of the Thatcher and Major era. After nearly eight years of Labour government, we have managed to bring the figure down a little, but we have not returned to anything like the 1979 level. I think that the figures are about right—the target suggests that we will return to 1979 levels by 2010—but that means that, 31 years on, we will have the same child poverty. That is not good enough.

I talk a lot about Scandinavia, because I think those countries do things well and I believe that we ought to imitate them. At the extremes, Sweden has 10 per cent. of children in poverty, Finland about 7 per cent. and Denmark about 5 per cent., but we still have about 25 per cent. We keep saying that we have the most successful economy in Europe, and certainly in the European Union. We do, except for Scandinavia. We are doing extremely well, yet we seem to be unable to deal with poverty. I think we can deal with it.

I have heard many warm words spoken about the Government and what they have done so far. My Government have made some progress, but not enough, and my criticisms will be sharp. If we wanted to bring those figures down quickly, we could. It is a matter of political will. I do not want to give my hon. Friends heart failure, but if I occupied No. 10 Downing street—I have no illusions about that; I am also aware that pigs do not fly—I would say that we should try what they do in Denmark.

We choose not to do what is done in Denmark, Sweden or Norway. Norway is the third most equal society in the world, the first two being so poor that the people have nothing to share and are equal by virtue of their poverty. Norway is the most equal society in the developed world; I am a member of the all-party group and I have been to that country, which has a wonderful society. We should imitate Norway, Denmark and Sweden. Why can we not do that?

The statistics are of interest. That is what prompted me to come along this afternoon and say my piece. I want to ask my hon. Friend the Minister to take what I say seriously. I would set the zero figure to one side as what it represents is so far ahead and difficult to achieve that I do not want even to think about it. If we are to reduce poverty, we should bring it down to the Scandinavian level, and we could do that quickly if we had the political will. I am fully aware of the implications for taxation and redistribution, but if the Government were to go ahead I would vote for them with a will. I think that many would support them. Indeed, I doubt whether there would be a single rebel on the Government Back Benches.

The problem is one for the Government. They have to be told that there are ways of solving the problem of child poverty, and it is they who have to change. They must listen. They should look at what is done in Scandinavia and start to imitate it. It will take us 31 years to get back to where we were in the time of Jim Callaghan and Denis Healey—now our noble Friends in another place—which now looks like a golden age of socialism. I did not think it was at the time, and I am old enough to remember it very well. We had serious economic problems then, but we still managed to have much less child poverty than we have now, when we are much richer and more successful.

There is a logical problem with saying that we can do difficult things when we have a really serious problem with our economy, but we cannot do them when we have a very successful economy. I do not think it is true that we cannot do those things. We can and we ought to.

4.40 pm

Mr. Steve Webb (Northavon) (LD): This has been a wide-ranging debate. One of the interesting things, thinking back to when I worked for the Institute for Fiscal Studies and spent many happy years churning out statistics, is how the debate on child poverty has broadened. I welcome that very much. I was looking at the Government's executive summary of their child poverty review and I was quite staggered by the breadth of the subjects, which include women prisoners, drugs, large families, social housing, decent homes, the social fund, child care and children's centres. The breadth of the issues raised is extraordinary and hon. Members have rightly mentioned many of them in the debate.

I congratulate the Select Committee, many members of which are present today. Many of them are very knowledgeable about the subject, which means that the Committee is of a high calibre. Not least among them is the Chairman of the Committee, my hon. Friend the Member for Roxburgh and Berwickshire (Sir Archy Kirkwood), who was on the radio this morning talking about a different Committee report and managed to work the words "obfuscate" and "concomitant" into his response, which must have been a first for the "Today" programme. I congratulate him on his erudition.

More seriously, I congratulate my hon. Friend and his fellow Committee members on ensuring that this vital topic is studied in depth. I cannot help feeling a twinge of sadness that it is being debated at the fag-end of the summer. I mean no disrespect to the Minister who is with us today, but the fact that the most junior Minister in the Department has been sent to respond to the debate, and that we are debating the issue not in Government time but in the House's time on the Adjournment is rather sad. I have said this before and will say it again: although I welcome the fact that the Government have a target to abolish child poverty—that is entirely laudable—the issue still never quite gets the attention that it deserves. The slot that we have been given this afternoon perhaps indicates that as much as anything else.

We should pay tribute to the End Child Poverty Campaign, which has helped to put pressure on all the political parties by saying, "Well, what are you going to do about the issue?" I think that it gave evidence to the Committee—I am certainly aware that written evidence was given. It has done an important job in keeping the issue high up the political agenda.

I welcome the fact that there is a future strategy: the child poverty review. Much of it is aspirational. We need many more timetables and details about when things will happen, but there are many important things in the strategy. I also welcome the fact that, finally, the Government have accepted that child poverty is about more than income below a certain threshold. I welcome the fact that, in measuring progress towards their goals, the Government will consider material deprivation. That is an entirely positive step.

I cannot help noticing in passing that the Government have drawn up a list of items of material deprivation at the back of their "Measuring child poverty" report. They are important things—the sort of things that we would expect. They include children not being able to go swimming and people not having enough money to keep their home in a decent state of repair and replace worn out furniture. Including such things is welcome and sensible.

However, bizarrely, the Government will collect the data, do the counting and then decide the definition. They will not say, "Hang on, we can say now that surely anybody who fails to tick off three items on the list is poor." Instead they are saying, "We'll look to see what the answer is, and then we'll work out what the question is." I cannot help feeling that that is the wrong way around. Surely we ought to agree now. We could sit round when we finish at 5.30—I am happy to stay if anyone else would like to—go through the list and say, "Surely if there are three things on the list that someone lacks, in any common decent sense they are poor." We do not have to wait until we have done the counting to decide that that is the case. However, the Government state:

"Analysis of these data"—

on deprivation—

"will determine the . . . measure . . . used, for example, the number of items a family must lack to count as . . . deprived."

I feel that that is the wrong way around, but it is good that it is being done at all. That has to be a start.

We have had some well informed contributions and one theme that has come through in practically every contribution is housing. The hon. Member for Regent's Park and Kensington, North (Ms Buck) made a powerful and effective contribution, giving a regional dimension and making some general points. If anybody in this Chamber should be sitting by a telephone later this afternoon, it should be the hon. Lady. I wish her well.

[Mr. Steve Webb]

I represent a relatively prosperous constituency, and the poor childre; whom I meet are the ones I see almost every week because their parents are about to be homeless. On page 41 of the Government's child poverty review, published this month, there is a chart showing the number of households in temporary homelessness. I was staggered by how stark it is. At the start of the 1980s, barely 10,000 households fitted the category. That rose steadily to about 60,000 at the start of the 1990s—I think that that reflected the repossessions crisis of the early 1990s. The number decreased in the mid-90s. It happened to turn at 1997—I do not know why it should be that particular year—and then rocketed. That is shocking.

We all know about the knock-on effects. We have heard of some of them in this debate. The hon. Member for Luton, North (Mr. Hopkins) mentioned some of them. Shelter says:

"There is no more shocking manifestation of child poverty than homelessness. Since 1997 the number of homeless households in temporary accommodation has more than doubled . . . and the average length of time they spend there before getting a permanent home has almost trebled."

The hon. and learned Member for Redcar (Vera Baird) rightly pointed out the problem for women who suffer domestic violence of being constantly moved around. She gave some powerful and extreme examples. The children, who are in one of the bigger groups of people in temporary accommodation, have their lives messed up. One finding from Shelter's survey of 400 homeless households with children is that, on average, the children were missing 55 school days—the equivalent of a term— per year. If they are missing a whole term out of every year, the Government have failed them and it is one of their biggest failures. That chart shows the shocking figures. Thousands of children and their parents are having their lives, health and education messed up, and they are becoming depressed. It is awful.

While we welcome the fact that the Government have got the numbers down by a quarter in the first phase of the anti-child poverty target, which has to be a good thing, there are still far too many children living in abject conditions, as the hon. Member for Luton, North said. Unless the housing issue is sorted out, child poverty will continue to be a serious problem.

Andrew Selous: I was particularly pleased that members of South Bedfordshire Women's Aid attended the pilot meeting for the community family trust being set up in my constituency. Given that he has talked about domestic violence and its terrible effect on children, would the hon. Gentleman welcome it if that sort of preventive work were done on a more widespread basis?

Mr. Webb: Indeed. As the hon. Gentleman says, prevention is critical. I shall come on to that. Let me return to housing, because it is the central issue on which the Minister needs to respond. If the Government are going to switch to a before housing costs basis for every income measure, the deprivation measure must have a housing element to it. They say that they need to use before housing costs for international comparison. However, if it is a bad measure, let us do things properly for our country. If we must use it, we must, but let us consider housing and material deprivation. The Government, in the usual vacuous manner of Government responses to Select Committee reports, say that they will stick an extra page in "Opportunity for All". Whoopee! It is a thick document, full of statistics, and now there will be another one in there. That is not going to help a single child. However, if the Government were accountable—they are accountable for their targets; the ones that they measure, not just the telephone directory of statistics that is "Opportunity for All"—they would possibly do more about it.

The Government will have no incentive to tackle the problem of children living in temporary accommodation if there is nothing that directly relates to that facet of poverty in their material deprivation measures. I would far rather that housing costs were taken into account as well, but if the Government insist on not doing that, they should include housing in the material deprivation measure.

There is a raft of other issues on which hon. Members will want to hear the Minister's reply, so I shall go through them as quickly as I can. The hon. Member for South-West Bedfordshire (Andrew Selous), a humane member of his party—I hope that I do not embarrass him by saying so—mentioned the community family trusts, which do an important job on a small scale. We should all like a lot of what they do to be supported on a much larger scale. The exchange that he had with the hon. Member for Wolverhampton, South-West (Rob Marris) indicated that the cost of what is done on parenting and on helping families who want to be together to stay together is miniscule compared with the potential benefit that could be achieved by going down that route.

On the welfare of children, the Government have a target of ensuring that 70 per cent. of lone parents are in work. That is a very bad target because it is not about the welfare of children. Individual lone parents should be encouraged and enabled to make the right decision for their child and for their circumstances—for example, the particular local situation they are in, what caused them to be a lone parent; they may have just divorced.

If, when all those choices are added together, they happen to add up to 70 per cent., whoopee. If they do not, the Government should not then try to lean on people to make a different choice if it is not necessarily in the child's interest. They should not set arbitrary targets of that sort and then apply pressure to reach them—what is the point of a target if the Government apply pressure? They should be enabling and encouraging individual lone parents to make the choice that is in the best interests of them and their children.

Rob Marris: Will the hon. Gentleman give way?

Mr. Webb: If the hon. Gentleman will forgive me, I had better not, because I do not want to take up too much time.

We talked about the Child Support Agency. The hon. Member for Aberdeen, South (Miss Begg) mentioned it and the Committee has published an excellent report on it today. The CSA is a mess. It is a shambles. I do not doubt that the Minister will tell us how wonderful it is,

but the Department's own report on the CSA shows that the new system is worse than the old one. It is not working and it is over budget—it is over everything. In the interests of children's welfare, the Government must come clean on this matter at some point and come up with a plan B. I do not know what that is at the moment. Plan A is just many more lone parents not getting their maintenance premium because they are not swapped over on to the new system, which means many children in deeper poverty because of the Government's incompetence in delivering the new system.

We have talked about the social fund. The hon. and learned Member for Redcar mentioned it. There are some shocking statistics about the number of people who are too poor to be helped by it. The most recent social fund report shows that more than 400,000 applicants were turned down for budgeting loans—more than half of them because they were too poor. They had too much debt to borrow any further. I do not suppose that their social fund debt was the only one that they had. Many of those were families with children, and 87,000 lone parents were turned down because they were too poor. How can there be a welfare state that one can be too poor to be helped by?

In a sense, some of the aggregate headline stats are fine. As we have heard, the people who are near the labour market and who are near the poverty line have been helped over, and that is great. However, there is so much serious, deep, complex poverty that just has not begun to be addressed.

We have talked about the tax credits. The hon. Member for Aberdeen, South mentioned them. I remain concerned about an annual system, even one working as smoothly as she hypothesised it might. She referred to a month, but people need the right amount of money each week when they have children and they are in poverty. Hoping that the Inland Revenue will deliver in a month is, in my judgment, talking about three weeks too long. The whole issue of annual assessment of tax credit needs reconsidering.

I want to raise the issue of benefit sanctions, which I do not think has yet been discussed. In a sense, the Government are becoming prouder of sanctions. The Chancellor in his Budget speeches says that the use of sanctions is part of the reason why claimant unemployment is falling. Well, it is falling but inactivity is not. For as long as the Government rely on them as a central plank of their policy and use them massively, there will be children in poverty—the Government will never get rid of child poverty if there are lots of children whose parents are facing sanctions from the system. I know that the point of sanctions is that one does not use them. However, the statistics show that they are being used and that there are children in those families who are living well below the poverty line. For as long as that is a central element of Government policy, they will never abolish child poverty.

There are people below the poverty line because they are facing sanctions and there are people below that line because they are repaying social fund loans. Three-quarters of a million income support recipients are paying back an average of £10 a week from their basic benefit in social fund loan repayments. They are living below the poverty line because they had a need. The social fund has its place, but while so many families live below the poverty line as a direct result of Government policy we will never eradicate child poverty.

I do not think that I have done justice to the breadth of issues that have been raised in this high-quality debate. The housing issue is central. I understand why Government Members, as well as praising the Government, have been balanced in their contributions and have been willing to criticise. I applaud that. Let us not be remotely complacent. In a sense, achieving a quarter of the target a quarter of the way through is behind schedule, because it is the easiest quarter. If the Government are really to achieve their goal in 20 years, we should be well ahead of schedule. At a time when the economy is doing well and lots of money has been put into tax credits, the proportion of the task that we have got through makes me think that the goal will not be reached on schedule.

It is good that the Government want to abolish child poverty. However, I fear that, unless momentum is renewed and the housing problem, debt and the benefit system are properly dealt with, we shall not achieve the goal that we want to achieve.

4.55 pm

Mr. Paul Goodman (Wycombe) (Con): The Chairman of the Select Committee, the hon. Member for Roxburgh and Berwickshire (Sir Archy Kirkwood), will confirm that before it began its inquiry into child poverty in the UK he received a small delegation—my hon. Friend the Member for South-West Bedfordshire (Andrew Selous) and me. We wanted to discuss with him, as members of the Select Committee, what inquiries we should carry out in the near future. I think he will confirm that near the top of the list—in fact, I think it was at the top—was child poverty.

It seemed vital to us that in Britain we should get as near as possible to equality of opportunity. I do not mean equality of outcome—that is for socialists. If I were a socialist I should sit on the Labour Benches, and if Labour Members were Conservatives they would of course sit where we do. I found the inquiry enthralling. I tabled numerous amendments, some of which, to my elaborately concealed astonishment, were accepted by the Committee. As I reflect on the inquiry now, I am wearing my usual two hats and, as usual, sitting opposite the Minister—to whom I thought the hon. Member for Northavon (Mr. Webb) was slightly unfair. Who knows, he may not be a junior Minister for much longer, but might be taken from us, so the hon. Gentleman should enjoy him while we have him.

The debate and the report fell into two parts. The first part was, to use the word used in the report and by the hon. Member for Aberdeen, South (Miss Begg), mechanical. It related to the Government's targets and to people's incomes. The second part, which the hon. Lady spoke about this afternoon, dealt, especially towards the end, with what I call the human dimension. It reached beyond targets and incomes to the human aspect of poverty and to wider challenges.

I must deal with the dry stuff first—targets and incomes. The Government's aim, as we know, is to eradicate child poverty. It has never been quite clear whether that means relative poverty, absolute poverty or severe and persistent poverty. It is a noble objective,

[Mr. Paul Goodman]

but I have one reservation about it. To eradicate something one must set a target, and I am always worried about the gap between people's perceptions and hitting a target. A Government claim to have hit a target and eradicated child poverty may not be greeted with enthusiasm by people who still feel that they are living in poverty. That is my reservation about the word "eradicate".

Mr. Hopkins: With reference to the point I made, if the Government had referred to achieving Scandinavian levels of poverty, that would be an achievable target. "Eradication" sounds perhaps a little too difficult.

Mr. Goodman: I heard what the hon. Gentleman said about Scandinavia. I think that it would be difficult for us to become a Scandinavian society, for various reasons, but I do not want to go into that now or I shall lose my way, and we cannot have that.

The Government have set targets for reducing the number of children in poverty. The way in which Ministers measure poverty varies. Targets can be hit on a before or after housing costs basis; the basis used by Ministers varies. The Government's target for 2004-05 was to reduce child poverty by a quarter. To hit that target, they sometimes used "before" housing costs figures and sometimes used "after" housing cost figures. The Government's target for 2010 is to reduce child poverty by half, but to hit that target, as we have heard frequently, they are to use the "before" figures only, although the "after" figures will continue to be published. That, of course, makes the target easier to hit. That is why the Committee said:

"The Committee believes that the decision to adopt only the before housing costs measure is mistaken."

The Child Poverty Action Group, which is of course not run by Conservative central office, has said:

"At a stroke, the measurement change in the relative low-income measure has 'removed' 900,000 children from poverty."

The move is really a sleight of hand. The Government are coming very close to saying, "If you can't hit the target, move it a little bit nearer."

However, at least we know the basis of the figures: they are either before housing costs or after housing costs. The measure for 2010 is less certain. We know that there will be three measures: the relative income indicator that we have now; an absolute poverty indicator; and a material deprivation and low income combined indicator. It is still not clear whether all those will have to be moving in the right direction for the Government to proclaim that they have hit the target. The Committee recommended that the Government should state exactly which measures they will use to define the eradication of child poverty, and how they will use them. There is a danger of the Government saying, "Even if we can't hit the target with one arrow, we may be able to hit it with the other two, or at least one." That would be a curious change.

On severe and persistent poverty, the Committee recommended that the Government create

"an explicit indicator against which progress can be measured."

The Government's response was not to offer such an explicit indicator. The Committee recommended that Northern Ireland be brought into the poverty figure assessment, and the Government said that they would "take account" of the Committee's view.

The Chairman of the Committee suggested in his opening remarks that the Government's response to the Committee was not altogether satisfactory. Reading the response, I rather felt that we made a series of suggestions to the Government, and the Government then mostly told us what they were already doing, but perhaps it was ever thus under all Governments.

On targets and incomes, the conclusion of Conservative Members—I am now wearing my other hat for a moment—must be that there has clearly been some progress on incomes. If we redistribute money, we will raise people's incomes. There is no great mystery to that. The Government are likely to hit their child poverty target for 2004-05, but hitting the 2010 target will be much harder as the Government move towards addressing the needs of those whose needs are more and more difficult to address.

The Institute for Fiscal Studies argues that the child tax credit will need to rise in line with earnings beyond 2005 if the Government are to meet their targets on child poverty, but there is no sign that such a policy has been factored into the Chancellor's public finance projections. All that raises wider considerations. People do not live in a vacuum, in which the Government simply put money into people's purses and wallets; they live in the real world, in which the state of the economy, growth and profits put more money into people's purses and wallets than government ever could or should. I take the point that the hon. Member for Regent's Park and Kensington, North (Ms Buck) made about the IFS findings. I think it is very hard to separate how much of the progress made since 1997 is the direct result of Government policy, and how much the indirect result of the broadly continuing health of the economy.

Furthermore, although increasing incomes is necessary in reducing poverty, it is not sufficient—and I now move away from the subjects of incomes and targets—because if families are truly to escape poverty, the Government need to help not only to raise the incomes of those in need but to improve the outcomes for them. The hon. Member for Northavon addressed that point. As the Committee put it:

"The question has also been raised of whether the emphasis on the income measure of poverty means that anti-poverty strategies tend to focus the policy response on increasing parents' incomes ... rather than, for example ... on improving outcomes for children by improving public services or supporting stable parenting ... it is necessary to look more broadly at other causes which ... interact with worklessness, such as marital and relationship breakdown, unstable parenting, inadequate levels of educational attainment and healthcare provision, and involvement in crime."

The Committee concluded:

"The national anti-poverty strategy must reach beyond raising incomes and address the human dimension of poverty, thus boosting"—

to use the phrase of the hon. Member for Aberdeen, South—

"children's life chances."

It is obviously a truism that there is a link between family break-up, unemployment and poverty. This country has the third highest divorce rate in the

European Union, the fourth highest rate of births outside marriage and the highest teenage pregnancy rate in Europe. Those issues concern my hon. Friend the Member for South-West Bedfordshire a great deal.

The Committee acknowledged the link between life chances and family break-up:

"The child poverty rate is ... affected by the large-scale changes in family formation that have occurred in recent decades with a large increase in lone parent families".

In fact, there was a bit of a tussle about that section of the report early on. The Committee also drew attention to the Government's 1998 Green Paper entitled "Supporting Families", in which a chapter headed "Strengthening families" said that the Government

"share the belief of the majority of people that marriage provides the most reliable framework for raising children."

In the light of the Prime Minister's attack on the 1960s earlier this week, I think that we can presume that that is still the Government's view, but perhaps the Minister will enlighten us.

Given that view, however, we think it a retrograde step that the Department has apparently decided to change the family and child study statistics, so that they will no longer report on married, cohabiting and step couples but will report simply on couple families and lone parents. I think the Committee felt that the Government were in a bit of a muddle on marriage. Perhaps part of the reason is that married couples, which I stress are no different from other two-earner couples in this respect, lose out under the tax credit system, as one organisation, CARE, argued in evidence to the Committee.

The Committee agreed that, although poverty among lone parents is concentrated among those out of work, poverty among couples is concentrated among those in work. It said:

"It is clearly desirable that the Government's view on the role that marriage plays in the quality of parenting, if any, should be clear".

That implied that their view is not clear. The Committee also said that

"relationship and parenting support programmes and initiatives undertaken by the Government ... should be assessed and evaluated."

We concluded, in a famous piece of horse trading, by urging the Government

"to commission research into the factors contributing to stable parenting and life chances"

and by recommending that

"the national strategy should consider new initiatives to strengthen family ties."

Again, it is disappointing that the Government's reply simply said that further targeted studies, which I think was a reference to the Committee's suggestion, would be "considered".

I want to deal briefly with child care. The Committee welcomed Sure Start and the roll-out of children's centres. My view on the targets for lone parent employment is exactly the same as the one I think was expressed a few moments ago by the hon. Member for Northavon: we cannot have a model of choice and targets; it must be one or the other, because there is a direct clash between the two. Interestingly, the Committee's previous report on child care was consistent with a choice model.

A key point of this report was the suggestion that the Government's strategy of reducing poverty by encouraging poorer people to work may have reached its limits. The Chairman of the Committee stressed that point earlier. We know that some groups find it especially hard to get and keep work and that poverty is concentrated particularly among ethnic minorities, people with disabilities and lone parents. We also know that some groups and individuals, such as parents with young children, older pensioners or pensioner couples, may not want to work. It is complex to address those groups and people who, for whatever reason, it will not be possible for the Government to get back into the marketplace.

I should like to suggest three principles, the first of which is simplicity. The Committee found in all its inquiries that there is a bewildering proliferation of funding streams for projects. That is a real problem for Governments, who like to have lots of initiatives to announce because that is good news for them. This Government are particularly blameworthy in that regard. We need fewer pots with more long-term funding. There is the famous example in Hackney, which was discovered to have been funded by up to 30 initiatives.

Secondly, the Government have a problem, with their continuing concentration on means-testing, in reaching the groups of people who are hard to get into work. There are huge non-take-up rates in the various pension policies that the Government have produced. Poverty cannot seriously be addressed in the groups we are talking about while the Government rely so heavily on means-tested benefits with low poverty rates.

My third principle is rather more ambitious and the Government are, to a degree, already interested in it. The final section of the Committee's report said:

"If child poverty really is to be abolished, the Government's anti-poverty programme must reach beyond raising incomes, and address the human dimension of poverty ... increasing good parenting, aiding family stability, raising levels of educational attainment and healthcare and ... boosting children's life chances."

The voluntary sector and faith communities have an enormous amount to contribute, and so do the Government. The Government have announced that religious groups will be consulted as a matter of course. I should be grateful if the Minister could write to me and let me know how that is going, because we need to consider seriously in future years the contribution of faith communities.

There has been some progress on incomes, but we must be legitimately critical of the extraordinary vagueness and sleight of hand about targets. More seriously, and non-party politically, people will in future look back and see that we are still in our infancy when it comes not to raising people's incomes, which is not too difficult, but increasing life chances. That task faces us all in the years ahead.

5.13 pm

The Parliamentary Under-Secretary of State for Work and Pensions (Mr. Chris Pond): I congratulate the hon. Member for Roxburgh and Berwickshire (Sir Archy Kirkwood) on securing this debate, even in the twilight hours of this Session, at a time that I understand was

[Mr. Chris Pond]

chosen by Mr. Speaker's office, not by the Department for Work and Pensions. That is no reflection of the importance that the whole House attributes to this issue.

I welcome the long-standing interest in these matters shown by the Work and Pensions Committee, on which I once had the honour to serve under the hon. Gentleman's chairmanship. I particularly welcome the Committee's most recent report on the subject, which is a constructive contribution to the debate. That has been reflected in some very fine speeches: I listened carefully to the points made by all hon. Members who contributed and I will do what I can to address as many of them as possible in the time available.

The hon. Member for Wycombe (Mr. Goodman) referred to the Child Poverty Action Group, to which all of us pay tribute for its long-standing role in these debates. It was set up in the late 1960s, as some hon. Members will remember. I am among them, and, having spent 20 years working on issues of poverty even before being elected to the House, to be described as a junior Minister is something of a compliment, although I know that it was not intended as such by the hon. Member for Northavon (Mr. Webb). At the time, the group did not feel it necessary to set up a bank account, on the basis that child poverty would soon be sorted out and eradicated. We have found that the problem is a little more resilient, which is why we are still debating it today.

When we came to office in 1997, nearly a third of all children in the UK were living in low-income circumstances, as hon. Members have reminded us. That was one of the worst records in the developed world. My hon. and learned Friend the Member for Redcar (Vera Baird) reminded us of the Chancellor's foreword to the child poverty review, in which he pointed out that each of these was a child

"born not into opportunity but into poverty ... a young child's chances crippled even before their life's journey has barely begun."

The proportion of children living in households with relative low incomes more than doubled between 1979 and 1997. Early-years provision was patchy, variable and in some cases non-existent. Our need to act on that inheritance was, and is, beyond doubt, and that is what we are seeking to do. The Government are committed to halving child poverty by 2010 and eradicating it by 2020, although hon. Members have reminded us how ambitious those targets are. That means not just improving the well-being of children, but transforming their prospects.

Our aim is to ensure that, in future, all children are able to lead rich and fulfilling lives in childhood and to realise their potential as adults. That is underpinned by the public service agreement target to reduce the number of children in low-income households by at least a quarter by 2004–05. That, too, is an ambitious target. Achieving it means reversing a long-term trend. We have risen to the challenge and are on course to meet that target, as the Select Committee acknowledges, but we would be foolish to underestimate the task ahead. We have set ourselves a further challenge in the new public service agreement, announced on 12 July, to halve the number of children in relative poverty between 1998–99 and 2010–11, on the way to eradicating child poverty by 2020.

The Treasury's child poverty review has reinforced the importance of the contribution of a wide range of public services in tackling poverty. That has been reflected in this afternoon's debate. The provision of financial support for families and getting parents into work must be complemented by mainstream public service interventions that meet the needs of poor families and children.

We are also committed to following the proposals laid out in the Green Paper "Every Child Matters: Next Steps" to ensure that every child has the opportunity to reach their potential and fulfil their ambitions. Action is required across a number of fronts if child poverty is to be reduced in a sustainable manner. Moreover, measures that help to tackle child poverty can help to achieve wider Government objectives: furthering the goal of employment opportunity for all, reducing social exclusion, improving the health of the nation and preventing crime.

The Government have demonstrated their commitment to tackling child poverty. We have set and extended challenging targets. We have directed unprecedented resources towards poor children. We are meeting the challenge of ensuring that mainstream public services deliver for poor children and we have responded to the growing coalition of support for action in developing the next steps.

I welcome the Committee's report and, because we are seeking to build a coalition against child poverty, the fact that Members from all parties have expressed their commitment to tackling the problem. I also welcome the Committee's recognition of the progress that we have already made.

The hon. Member for Roxburgh and Berwickshire referred to our strategy, described in the fifth annual "Opportunity for All" report in 2003, which also sets out the considerable progress that has been achieved against a range of indicators. The key elements of the strategy are to make work possible, provide financial support, break cycles of deprivation and improve public services. We will publish the sixth "Opportunity for All" report in the autumn.

I hear what the hon. Gentleman said about the scheme being a bit long in the tooth, but the information is published in a report so that the public can annually hold us accountable for our plans and achievements. We will continue to publish details of a range of indicators that relate to child, family and community outcomes.

The cornerstone of our strategy is to deal with the underlying causes of poverty, not just with the symptoms. That point was raised by my hon. Friend the Member for Aberdeen, South (Miss Begg) and, interestingly, by the hon. Member for South-West Bedfordshire (Andrew Selous). The key to the strategy is to ensure that employment rates are raised. Our labour market policies have resulted in the highest employment figures on record, with 1.9 million more people in work than in 1997 and the lowest unemployment rate since 1975. The lone parent employment rate rose to 53.4 per cent. in 2003 from 45.6 per cent. in 1997, and long-term youth unemployment has been virtually eradicated.

The hon. Members for Wycombe and for Northavon said that such targets as raising lone parent employment to 70 per cent. inhibit choice. However, those targets are not ours, but those of lone parents themselves.

Compared with the aspirations of lone parents, the target of 70 per cent. is, although stretching in itself, rather modest. Some 90 per cent. of lone parents say that if they had high-quality child care, they would seek to take employment. Our policy is to provide them with that choice through the provision of child care and other necessary support.

Andrew Selous: It is my understanding from one of the Committee's recent visits to Brussels that the European Commission also has a target of 70 per cent. for lone parents in the labour force, which it is keen for all member states to achieve.

Mr. Pond: The targets established under the Lisbon protocol mean that all member states have sought to raise employment overall to 70 per cent. We are the only country so far to have achieved it, although the lone parent targets are obviously more stretching overall.

Creating employment, the establishment of a national minimum wage and the tax credits are ways in which we can seek to ensure that we can tackle the underlying causes of poverty. The tax credit is at the heart of the strategy, which is to ensure that we can make work pay. For too many years, people moving into employment found that they nevertheless remained in poverty. By setting up a seamless system of support for families with children and setting those tax credits at levels that hon. Members have acknowledged are generous, we are making a major contribution to dealing with child poverty.

However, my hon. Friend the Member for Aberdeen, South made important points about difficulties that have arisen from introducing a system that affects 6 million families—the biggest reform of family support since the establishment of the welfare state. She drew attention to the risk of tax credit overpayments and subsequent clawback pushing families below the poverty line. However, where the Inland Revenue makes a mistake of a sort that a family might reasonably think to be correct, the Inland Revenue code of practice on overpayments explains the criteria for deciding when either not to pursue an overpayment or to make arrangements to ensure that the repayment does not cause hardship.

One of the major issues in the debate has been measurement. I fully understand the potential for cynicism on that, which is why we undertook the review, at the outset, of how to measure child poverty. We wanted to ensure that there was a clear and credible set of indicators by which to measure our progress towards our long-term goals of halving and then eradicating child poverty. That is why we had a comprehensive consultation before emerging with the new measure, which adopts a tiered approach covering absolute low income, relative low income, and material deprivation and low income combined. Each tier has significance in its own right, and I can confirm for the hon. Member for Wycombe that our objective is to make progress on all the indicators, because child poverty will fall only when all three are moving in the right direction.

Some hon. Members were concerned about us using the before housing costs figure, not the after housing costs figure. We understand that, but we are doing so because we want to measure our progress against the situation in other countries. When we took over, this country had a shameful child poverty record internationally, and the before housing costs figure can give us an internationally consistent measurement. However, we give a commitment that we will continue publishing the after housing costs figures in the annual report "Opportunity for All" and that the deprivation measure will include housing costs.

The hon. Member for Roxburgh and Berwickshire referred to several pilots. He accepted that the return-to-work credit, the extended schools pilots and various of our other child care measures are valuable, but urged us to get on with rolling things out. We would love to do that, but we need to ensure that such interventions are effective in targeting the problem we face.

The hon. Gentleman also asked the "What then?" question: if we find that the employment route—work for those who can, security for those who cannot—is not appropriate, what do we do then? I must remind him, however, that child benefit is already more than 25 per cent. higher in real terms than in 1997. There have been even bigger increases in the income support rates for families with children, and, since 1997, we have been spending £10 billion more in real terms on financial support for families with children. That is an indication of our commitment to ensuring that we achieve that balance of work for those who can and security for those who cannot.

My hon. Friend the Member for Regent's Park and Kensington, North (Ms Buck) raised important issues about the situation in London, as well as asking about housing, and all hon. Members will want to pay tribute to her expertise in those issues. Unfortunately, I will not have the opportunity to respond in detail to those points in the few remaining moments. However, we are aware of the possible impact of rent restructuring, which is why we have built in safeguards to ensure that rent increases are not excessive for any individual household and why we are treading carefully in considering housing benefit reform to ensure that we do not make people still worse off.

We heard several points about the national child care strategy. I think that hon. Members acknowledge that we are making a major investment in child care as we move towards having children's centres in every community. That is essential to ensuring that children have the best start in life. We also want to give parents real choices, which is why we have made changes to employment rights.

I acknowledge the points made by my hon. Friend the Member for Regent's Park and Kensington, North about the greater impact on London, and the Government are doing what we can to ensure that we support people in London as far as possible in meeting child care and other such costs. However, my hon. Friend will have heard my hon. Friend the Member for Stroud (Mr. Drew) and the hon. Member for Banbury (Tony Baldry) say that child poverty in rural areas often hides behind a cloak of apparent prosperity.

My hon. and learned Friend the Member for Redcar mentioned nutritional standards. The problems that parents—particularly lone parents—faced in the past, when they may have had to let their children go hungry or go without themselves, underline why we are having this debate. We are all committed to dealing with child poverty. I very much welcome the Committee's report and the opportunity to debate it this afternoon.

It being half-past Five o'clock, the motion for the Adjournment of the sitting lapsed, without Question put.

Westminster Hall

Tuesday 7 September 2004

[SIR NICHOLAS WINTERTON *in the Chair*]

Road Safety

Motion made, and Question proposed, That the sitting be now adjourned.—*[Mr. Jamieson.]*

Mr. Deputy Speaker: May I welcome you all back after part of the summer recess and express the hope that you are duly recharged and rested and that we can look forward to some excellent, constructive and responsible debates in Westminster Hall?

9.30 am

Mr. Richard Bacon (South Norfolk) (Con): I am pleased to have this opportunity to raise the issue of road traffic deaths and road safety, which is of concern to many in the House, as is attested to by the attendance this morning. The United Kingdom has a good road safety record compared with many other countries. The Minister would probably agree that we are one of the world leaders. The latest figures from the Department for Transport show that in 2001 the UK suffered 3,598 road deaths whereas France, which has more than twice the land area, suffered 8,160. In Germany the comparable figure was 6,977 and in Italy 6,410. In Japan the number of deaths exceeded 10,000, which is horrendous. The United States has a larger population, but none the less the figure was a staggering 42,000. However, we have no reason for complacency.

Road traffic safety has undoubtedly risen up the agenda in recent months after being eclipsed by issues such as schools, hospitals and crime. I see that the hon. Member for South Dorset (Jim Knight) is in his place. Just before the House rose for the summer recess he introduced an excellent ten-minute Bill, the Motor Vehicle Manslaughter Bill. I am sure that he will refer to that in his own contribution, should he be fortunate enough to catch your eye, Mr. Deputy Speaker.

A number of serious cases have come to my attention since I became an MP. There is a wide range of issues to which one could refer in relation to road traffic safety and road traffic deaths. We could have a whole debate on rural speed. There is no doubt that while the Government have made progress in tackling speed, they have made more progress in urban areas than in rural. In a rural constituency such as mine, which has 122 parishes and where half the population live in a village of well below 1,000 people, casualties and accidents on rural roads remain a hugely significant issue.

I could spend much of the debate talking about motor cycles. Indeed, two of the cases to which I shall refer later concern motor cycle accidents. A constituent, who, I am pleased to say, is a safe motor cyclist, has drawn my attention to the problem of people who as teenagers or in their early 20s have experience of riding a low-powered motor cycle. Later in life, perhaps when they are more prosperous and have a family, they return to motor cycling after some 20 years and buy extremely powerful machines. They think that they are as adept at riding such a machine as they were at riding, for example, a Yamaha 125 when they were 17 or 19. They are not. Many accidents are caused in that way.

Not only the Parliamentary Advisory Council for Transport Safety but the Motor Cycle Industry Association has called for a review of direct access to high performance motor cycles. I come from the more libertarian wing of politics. I do not like unnecessary controls on people, but that is something that should be considered. Indeed, one case to which I shall refer involved a motor cycling instructor, whose capacity as a safe motor cyclist was not in question, yet tragically he was killed in a head-on collision with another vehicle.

I could talk about seat belts at some length. The campaign in the 1970s and onwards for people to wear front seat belts is being backed up by an ongoing campaign for belting up in the back, which most people support.

Drink-driving remains another area of concern. A not uncontroversial proposal has been discussed to reduce the alcohol content in the blood limit from 0.8 to 0.5 mg. That is of particular concern in rural areas, where often the only safe way to get to a pub is by car. The proposal is controversial, not least because most fatal alcohol-related accidents involve those who are way over the limit, not those who are around and about it. The Department for Transport has suggested that 50 lives could be saved if the limit were reduced to 0.5 mg. I suspect that that is within the margin of error.

I intend to concentrate on two issues. The first relates to the law in relation to road safety and fatal road traffic accidents. The second is speed cameras. I do not think that I could speak in this debate without at least referring to speed cameras, which are hugely controversial, not least in Norfolk right at the moment. The most prominent recent case involves my constituent, Mrs. Jenny Mason. In January 2003, Mrs. Mason's 42-year-old son Andrew was killed in a head-on collision with a car that had been attempting, unsafely, to overtake a lorry on the A1066 in my constituency. Mr. Mason did not have a chance. He flashed his headlights twice. He braked hard and veered into the verge. Unfortunately he crashed into the car. He was catapulted into the air, struck the roof of the car and landed in the middle of the road. He was a motor cycle instructor and had an advanced driving certificate. He had been due to give his daughter away at her wedding four days later. His wife, Mairi, describes the impact of his death simply:

"His mum lost her eldest son; I lost my husband and our three daughters their father. It has blown our lives apart."

Charles Wright, the 90-year-old who was driving the car involved in the accident, was charged with careless driving. He did not attend court for his prosecution because he claimed he was too frail, although he was obviously not too frail to get behind the wheel of a motor car. Originally he was given a £150 fine, ordered to pay £200 costs and disqualified from driving for 12 months. One can find many similar cases in different parts of the country. Indeed, were I to go through all the cases I have come across in preparing for this debate, there would be no time for any other contributions. No matter where one looks, one finds similar stories of people causing a death and being given a sentence that, in the eyes of most reasonable people and particularly in the eyes of the victims' families, is simply not just.

[Mr. Richard Bacon]

There have been a number of calls over the years in different Adjournment and other debates and most recently in the Motor Vehicle Manslaughter Bill proposed by the hon. Member for South Dorset for a change in the law. When the Minister addressed the Select Committee earlier in the summer on the proposals for a road safety Bill, he declined to propose a change in the law. One of my purposes in initiating this debate today is to give him the chance to reconsider whether a change in the law is now justified and apposite. My own feeling, looking at the various cases around the country, is that a change is now justified.

I will mention just one other case in passing because it comes from Norfolk, although not from my constituency. Mrs. Bridget Wall chained herself to the railings outside the House of Commons in late July before we rose because of the death of her son Adam, who died from head injuries received in a collision with a van that pulled out of a junction in front of him as he rode his motor cycle along the A47 at Walsoken in Norfolk. The driver later appeared in court, where he admitted driving without due care and attention; he was fined £180 and given six penalty points. In the *Eastern Daily Press* on 17 July, Mrs. Wall made a point that has been made by many other victims:

"I want people to be aware that the Government has violated human rights by not acknowledging the people killed. I cannot begin to mourn Adam until something is done about this gap in our legislation and until I have won this fight."

My constituent Mrs. Mason would echo those words. I am pleased to say that, as a result of her persistence, I was able to arrange a meeting between her and the chief constable of North Wales, Richard Brunstrom, who leads on road safety issues for the Association of Chief Police Officers. It was a very constructive meeting, and I thank Chief Constable Brunstrom publicly for meeting my constituent. That still leaves the question of what the Minister will do when the Bill comes before the House—I hope this autumn—because it is not clear that the Government have got the balance right.

At present, the law on this issue fails. There are several offences on the statute book relating to dangerous or careless driving. The first is causing death by dangerous driving, which requires the prosecution to show that the driving of the accused caused the death of another person, that it fell far below what would be expected of a competent and careful driver and that it would be obvious to such a driver that driving in that way was dangerous.

The second driving offence is dangerous driving, without causing death, which requires the prosecution to show that an individual's driving fell below what would be expected of a competent and careful driver and that it would be obvious to such a driver that driving in that way was dangerous.

Then there are the careless driving offences. Under such an offence, an individual can be prosecuted for driving without due care and attention, and a prosecution will generally be appropriate when their driving shows serious miscalculation or disregard for road safety. Under the same section of the relevant legislation, an individual can be charged with driving without reasonable consideration, which is appropriate when their driving behaviour amounts to selfishness, impatience or aggressiveness, or causes inconvenience to others.

Then there is an offence of causing death by careless driving while under the influence of drink or drugs, and I stress the reference to drink or drugs because one of the central issues is that there is no simple offence of causing death by careless driving. The nature of the offence of dangerous driving means that the burden of proving that driving was dangerous results in prosecutors being reduced to offering a charge of careless driving, which has much weaker penalties. With such a charge, the magistrate must consider the seriousness of the carelessness or the lack of consideration that constituted the offence. The basic offence of careless driving—leaving aside the issue of being under the influence of drink or drugs—completely ignores the fact that a death has been caused, which is one of the most serious problems with it. As the law stands, no account is taken in many cases that the police and the Crown Prosecution Service bring before the courts of the fact that a death has been caused. That is the central issue, which I want the Minister to address.

What will the Government do to acknowledge the widespread feeling among our constituents, of all parties and in all parts of the country, that the law needs to be able to take account of the fact of a death, irrespective of other circumstances?

Peter Bottomley (Worthing, West) (Con): Most of us will have had such constituency cases. In my case, a constituent called Callum Oakford died when a driver drove carelessly. My hon. Friend may want to invite the Minister to say whether the Government, if they have no solution, are prepared to allow a free vote on an appropriate Bill to make it possible for the effect of dangerous driving to be made known to the court. Most grieving families do not necessarily want a punishment, but they want acknowledgment of what has happened. That matters just as much whether the driver has been drinking, taking drugs or driving carelessly.

Mr. Bacon: My hon. Friend is right. The lack of acknowledgment is the central problem. I do not pretend that legislation can provide an easy answer, but he makes an interesting suggestion. If the Government are not prepared to introduce proposals, perhaps they will allow a free vote on the issue. I would like the Government to consider introducing a charge of negligent driving—an intermediate offence between careless driving and dangerous driving—to allow courts to take account of the fact that a death has been caused. Recognition is the most important issue for families.

Mr. Andrew Robathan (Blaby) (Con): Is it not the case that driving under the influence of drink or drugs is dangerous in itself? Surely there must be a presumption that anyone driving under the influence of drink or drugs should be charged with dangerous driving, whether he has caused an accident or not.

Mr. Bacon: I agree with my hon. Friend. As he has no doubt seen, the sad truth is that there are many cases in which it is not in dispute that people were under the influence of alcohol—in some cases it is not in dispute that they were banned from driving—but they are still

let off with what most members of the public would view as a cursory slap on the wrist. If someone is driving under the influence of drugs or alcohol, or driving without insurance or when they are banned, there ought to be a presumption that those factors are taken into account in determining the penalty. In all events, a death, no matter how it was caused or the extent of the culpability of the driver, should be taken into account.

One must be able to imagine circumstances in which a death is caused in an accident but the driver is not culpable. I happen to know of a case in which someone driving through a green light, with a passenger seated to the left of them, was hit by someone coming from the side, killing the passenger. The person who hit the car was on a red light. In that case, the driver was not culpable and yet he was driving a vehicle in which someone was killed. It is not a given that the fact of a death should render the driver liable to prosecution. In the case that I have just cited, the other driver was probably liable. The facts should be available to the court, so that it is able to make a full, informed decision, because families of victims need acknowledgment of what has happened.

It should be possible, though not always necessary, to take full account of the consequences of drivers' actions in sentencing. It ought to be possible to define an offence of negligent driving, which would explicitly recognise that serious injury or death had been caused, by defining a duty of care that, if breached, would render the driver liable to more severe penalties such as imprisonment, disqualification or community service. I am not a lawyer, and the hon. Member for South Dorset might say that if we introduce an offence of negligent driving we might encounter the same problem that we have with dangerous and careless driving—namely, defining the degree of dangerousness or carelessness.

I do not stick rigidly to the idea that the offence should be called negligent driving. It is possible that a better route would be to define an offence that takes into account the fact of death rather than the quality of driving, as in the proposals made by the hon. Member for South Dorset for an offence of motor manslaughter, and a further offence of aggravated motor manslaughter. I am agnostic about that, and I am interested to hear what the Government have to say. There must be a method of changing the law to get the acknowledgment, which is lacking, into the courts.

Mr. Barry Sheerman (Huddersfield) (Lab/Co-op): I agree with much of what the hon. Gentleman says, but I hope that he will return to his starting point. The crucial matter is to reduce the number of deaths and serious accidents involving motor cyclists. Much of what he says about changing the law is absolutely right, but I hope he will stress the fact that we must not allow people who have been off a motor cycle for many years to go back on one without being fully trained. That is probably the cause of most motor cycle deaths today.

Mr. Bacon: I look forward with interest to the hon. Gentleman's speech. The very first thing that I was sent when I arrived at the House of Commons three years ago was a little pen pot from the Parliamentary Advisory Council for Transport Safety, showing down the side statistics for the number of deaths and serious injuries per 1 billion passenger miles on different forms of transport. I vividly remember that the figure for travelling by air was 0.1 deaths and serious injuries per 1 billion passenger miles, the figure for travelling by train 0.7, the figure for travelling by car 40-something, the figure for travelling by bicycle in the 800s, and the figure for travelling by motor cycle about 1,400. There is no question but that motor cycles are the most lethal machines on the road.

Given how phenomenally fast motor cycles are, and how great their acceleration, there is a case for saying that if someone wishes to have a very powerful Ducati, BMW or Harley Davidson, they should undergo special instruction. I am sure that Mrs. Mason, whose son was a motor cycle instructor, would support that. I look forward to the contribution of the hon. Member for Huddersfield (Mr. Sheerman), who was quite right to say that we must focus on accident reduction in all possible ways.

Other hon. Members wish to speak, so I shall refer to just one further subject: speed cameras. They have become controversial recently. Perhaps the truth is that everyone would like a speed camera outside their house or near where they live, but does not want the inconvenience of speed cameras elsewhere. If they are being reasonable, most people accept that speed cameras have a role to play.

The Parliamentary Under-Secretary of State for Transport (Mr. David Jamieson) *indicated assent.*

Mr. Bacon: I see that the Minister agrees. I suspect that most people would also agree, however, that speed cameras are not sited purely according to safety criteria. I wait to hear him laugh and nod just as vehemently as he did at my previous point, but he does not. That is because the Government maintain what most people do not believe—that there is no question of speed cameras being sited on any ground other than safety. They maintain that speed cameras are purely about safety and that the motive of revenue simply does not enter people's heads. The Minister might be right about that, or he might be wrong, but I support the call of my hon. Friend the Member for Ashford (Mr. Green) to have a review of the position of speed cameras, and I would like to have a sensible debate on the basis of facts.

I gave an interview on my local radio station this morning, which cut to a report from someone standing next to a speed camera on Grapes hill in Norwich that is perhaps the most notorious in East Anglia. There is no evidence at all of a cluster of collisions there. The site is a major urban dual carriageway that goes downhill, and I have been informed by Mr. Barry Parnell of the average speed at which motor cars are clocked there. He was the chief executive of the Norfolk safety camera partnership until he resigned earlier this summer following the issue of a report, still not made fully public, commissioned by the chief constable of Norfolk, Andy Hayman, on the criteria by which safety cameras were being installed. Mr. Parnell has since said, however, that his resignation was for entirely unrelated reasons.

The camera has now been turned off, although it is still in situ and may be turned on again. Most residents of Norwich and people who visit it from outside, including the many who live in South Norfolk but work

[Mr. Bacon]

in Norwich, are bewildered as to why the camera is there. As I have said, the road is not the site of a collision cluster or an accident blackspot. I tabled a parliamentary question to try to find out how much revenue had been raised by the speed camera, because allegations were floating around, although I do not know whether they are true, that that camera had raised revenues of many hundreds of thousands of pounds, if not more.

It seems to me that the way to get round the problem is to make quite clear, and to publish on a website, the safety criteria used for each speed camera and the revenue that each raises.

Mr. Jamieson: The information is there.

Mr. Bacon: It is there now, is it? I am grateful to the Minister for telling me that, because when I tabled a parliamentary question not long ago, I was told that the information was not collected in that form. If that is correct, it is a welcome advance.

The Minister and the Government have not yet succeeded in bringing people all the way with them. If asked, most people say that there is some merit in speed cameras. I think that most people who question the placing of speed cameras on some sections of the highway would still acknowledge that cameras have a role—particularly, for example, outside schools.

In my constituency, I am pleased that, following pressure from me, the local district councillor and the school, the county council has agreed to introduce a speed limit of 30 mph in a small lane parallel with the A140—but some miles to the east—just outside Shelton with Hardwick community school, in what was a 60 mph zone. That limit was plainly unsuitable outside a small rural school where at 8.30 in the morning—I have stood outside to watch—a large volume of traffic avoiding the A140 on the way into Norwich comes round a corner at high speed, to meet school buses and parents dropping off their children. Some juggernauts come the other way, also to avoid the main road. I am pleased that the council has seen fit to introduce a new speed limit there.

In a conversation a few weeks ago, the Minister pointed out to me that counties have the capacity to introduce any speed limit from 20 mph to 70 mph on roads under their control, subject to the national speed limit—those were his words. When I talk to local county officials, I sometimes get the feeling that they tend to blame central Government, and when I talk to central Government I sometimes get the feeling that they tend to blame local government. The Minister said—and I take it that he is correct—that the power exists for counties to exercise much more latitude than they are sometimes willing to. Too often, they seem to be waiting for further guidance from central Government when they have the autonomy and capacity to act in many cases. I am grateful to him for that point.

All I say about speed cameras is that a policy that allows, encourages, permits or requires a speed camera on Grapes hill in Norwich, where there is no accident or collision cluster, but that does not require one outside Shelton school—as a matter of common sense, most people who visit that site would say that it was a good idea to force cars to slow down before they reach Shelton school—is plainly in need of adjustment. The plain fact is that the Government have not finished their work in making the case to the public on the issue of speed cameras. If they are to bring the public with them, they need to be more open and straightforward than they have sometimes given the impression of being. For a Government who have been dedicated to the proposition that perception is reality, there is a little way to go. I hope that the Minister will agree.

In conclusion, let me reiterate my central point. I want the Minister to address the issue of road traffic accidents where a death is caused and to consider the possibility of making a change in the law, by introducing either an offence of negligent driving that allows the fact of a death to be taken into account, or an offence of motor manslaughter, so that the families of victims in many different constituencies throughout the country, who have felt so aggrieved and let down by the justice system, feel that they get their day in court.

Several hon. Members *rose—*

Mr. Deputy Speaker: May I help the House before I call the next speaker? There are 14 Back Benchers present, of whom eight have applied to speak. The winding-up should begin at 10.30, give or take a minute or two, so we have slightly more than half an hour to get at least eight speakers in. That is up to the House.

9.59 am

Mrs. Alice Mahon (Halifax) (Lab): I congratulate the hon. Member for South Norfolk (Mr. Bacon) on obtaining this important debate. As joint chair of the all-party group on road safety, I know only too well the cost to families and communities of deaths and injuries on our roads.

The Government have done much to tackle road safety issues, not least by radically expanding the number of speed cameras. I very much welcome that because it has been hugely successful in reducing the number of accidents, as has the legislation on using mobile phones. Of course we all welcome the Government's commitment to bringing in a road safety Bill.

However, in this Room we all recognise that there continue to be more than 40,000 largely avoidable deaths and accidents on our roads every year. That is why so many people have turned up for this debate. In addition, in this country we must recognise that dangerous driving is endemic. When last recorded, the UK had the fourth worst record in western Europe for child pedestrian deaths. However, I am pleased to congratulate the Government again because, to their credit, they have committed themselves to reducing child deaths by 50 per cent. by 2010.

A great deal more must be done. If we are to achieve our aims, we must listen to people working in road safety. I recently chaired a meeting held by Brake, the road safety charity. It has launched a campaign entitled, "Watch Out, There's a Kid About!" calling for the Government to get tough with dangerous and speeding drivers. I shall return to that later.

I must say that I was disappointed with the recent announcement of a reduction in penalties for speeding motorists and I do not think that it was welcomed by the vast majority of road safety campaigners. In the neighbouring constituency to mine there is a very good campaigner—a woman who set up the charity, Support and Care After Road Death and Injury, after her 27-year-old son was killed by a drink-driver. She was absolutely disgusted that the Government had come up with such an idea. She believes that

"the Government are sending out a very mixed message to the public."

In Halifax, the Calderdale road safety officer said that, although there might be a case for graded penalties,

"I do take issue with some of the gradings. I mean for example, the new rules would mean that speeders who travel between 31 and 39 mph in a 30 mph limit would be given two points and a £40 fine. Compare this with the fact that a pedestrian hit by a car travelling at 30 mph has a 50–50 chance of survival, but if they are hit at 40 mph, 19 out of 20 pedestrians will be killed."

Brake's chief executive, Mary Williams, who is well known to the Minister, went even further:

"We are shocked and appalled at this proposal, which flies in the face of the facts of speed."

She went on to give some examples that are already well known to us all. There is a lot of opposition to the Minister's proposals to bring in the grading system. It is also sad that the proposals were announced only five days after Joshua Berrill, aged two, was dragged to his death by a hit-and-run driver in Birmingham and was left lying in the road outside his grandparents' house.

The "Watch Out, There's a Kid About!" campaign is all about trying to do something about the issue. I shall briefly go through some main points of the campaign that are well worth supporting. First, we would like increased penalties for speeders, because we believe that they are ridiculously low. Some fines are less than one would get for littering, and many of us believe that they should be raised and that more points, not fewer, should be put on the licences of speeders. It must be said that the limit is not just the limit; it is the law. It is certainly not a target speed that drivers are allowed to exceed.

The second point is that we would like motor murder charges to be brought against hit-and-run drivers who kill. There should be a maximum sentence of life for the worst offenders. Thirdly, it is crucial that there should be 20 mph zones around all schools, and 10 mph home zones in heavily residential areas. Presently, they occur only in little pockets around the country and are not standard, which leaves many communities furious about fast roads—the hon. Member for South Norfolk (Mr. Bacon) graphically outlined an example in his constituency near a school. We are right to demand reduced driving speeds in vulnerable areas.

Fourthly, the campaign calls for a scrapping of restrictions on the placement of speed cameras, which say that four deaths or serious injuries must have occurred before a camera can be put up. That is a shocking rule if one considers how the parents of little Joshua must feel; at least three more people must be sacrificed on that danger spot before a camera can be installed.

Fifthly, the campaign calls for something that many road safety people are seeking: automatic number plate recognition cameras.

Mr. Jamieson *indicated assent.*

Mrs. Mahon: I see that my hon. Friend is nodding so I hope that we are on to a winner. Such a measure would catch unlicensed, uninsured joyriders, whom we all have in our constituencies. They travel at the most excessive speeds and cause many tragedies in our communities. We want these practical and do-able measures implemented. They are sensible and would help to further the Government's laudable campaign to reduce child deaths on our roads.

I want briefly to address sleep disorders and their effect on driving, which is a road safety issue that I have recently been campaigning on. I welcome the Government's think tank that focuses on the dangers of driving while tired. It is doing some very good work and I hope that sleep disorders will be included in the future. To a certain extent, that issue has been neglected. According to the *British Medical Journal*, 20 per cent. of all motorway accidents are caused by excessive sleeplessness and more than 300 people a year are killed as a result of drivers falling asleep at the wheel. Some of those accidents are caused by people who have an undiagnosed sleep disorder. Clinical remedies are available for such people and, therefore, there must be joined-up thinking between the Department for Transport and the Department of Health to educate the general population. More money should be made available for sleep centres, and for treatment, which is cost-effective. However, it is a matter for the Department of Health.

It is estimated that sleep disorders, such as obstructive sleep apnoea and narcolepsy, affect about 770,000 people in the UK. That is a similar number to diabetes or people who suffer from severe asthma, yet it is overlooked. Such disorders may be easily treatable. The Royal College of Physicians points out that there is a particularly high incidence of sleep apnoea among professional drivers, as it is more common in middle-aged men who are overweight. A survey of 35 professional drivers at one depot found that nine were at an extreme or high risk of that condition and four were at risk of other sleep disorders. Therefore, the matter is well worth examining and I hope that the Minister will take that on board.

I want to allow other hon. Members to speak, as it is important that they highlight what is happening in their communities. I thank the Government for what they are doing and say to them that we want more.

Mr. Deputy Speaker: I make a further plea for brevity.

10.8 am

Mr. Andrew Robathan (Blaby) (Con): I have listened to your plea, Mr. Deputy Speaker, and if I speak for longer than five minutes, I am sure that you will let me know.

I congratulate my hon. Friend the Member for South Norfolk (Mr. Bacon) on securing this important debate and on the extremely sensible points that he made. I want to dwell on the safety of vulnerable road users—

[Mr. Andrew Robathan]

pedestrians, riders and, in particular, cyclists. I have been championing cycling for many years in the House. I am sure that hon. Members remember the Cycling Safety Bill of 1993 that I introduced—perhaps not. I was persuaded to be the chairman of the all-party group on cycling and I am still its vice-chairman. I will not dwell on the benefits of cycling.

This summer the Government have been ranting on about obesity and I have therefore noticed it. The British population are getting disgustingly fat—never mind obese. One can see it when one wanders around. The Minister looks surprised, but that is what his Government have been talking about and they are right. The benefits to health of bicycling and of taking exercise are well known. Anyone who went to work today knows how congested our cities are and there are also leisure aspects of cycling.

I applaud the Government's 2000 White Paper, which said that they wished to see cycling—the number of cycle trips—trebled by 2010. That is a good idea and I would love to see it happen. Unfortunately, in the first two years after the Government's White Paper the number of cycling trips decreased. Indeed, the Office for National Statistics found that

"25 per cent. of people who can ride a bicycle, do so less often than they did two years ago."

A third of people walk less than they did two years ago.

There has been a reduction in cycling accidents, but that has been accompanied by a reduction in cycling. I have not been on a bicycle since over an hour ago. I do not wish to sound pious; cycling is the easiest way for me to get to the House of Commons from my house. I took my children—they are only seven and five—cycling on Sunday, and they adored it; we went on a 3-mile ride. That is great from a leisure point of view.

Motorists find cyclists an irritation, particularly on the tiny lane near where I live. Motorists whizz past and terrify my small children and me. Some of them do not even slow down to 40 mph on that small lane, although they should not be going faster than that. Things are similarly bad in cities.

Why do people not cycle? The question is simple, and can be answered in one word: danger. Cycling is very dangerous and people fear the danger. The Office for National Statistics found that almost three quarters of people agreed, and 47 per cent. strongly agreed, with the statement:

"The idea of cycling on busy roads frightens me."

It frightens me, too. People are frightened, and the attitude of drivers—including those of us in this Chamber who can drive—is to blame. We cannot wait, we are in a hurry; we are perhaps late for an appointment or want to go out to dinner. Whatever the reason, we rush past and do not give people the time that we should, and we do not slow down as we should.

Of course, the problem is not just the fear but the reality of danger. A cousin of mine was killed in a bicycle accident on Clapham common about 14 years ago. I was talking to a journalist from the Gallery only yesterday who was limping and on crutches, having fallen off a bicycle—although that was through no fault of a driver. She said that she expected to be hit about three times a year by cars in London. That is pretty serious. I do not get hit so often, but perhaps that is because I am rather larger than her and eyeball the motorists.

My hon. Friend the Member for South Norfolk said how dangerous cycling is, and made the point that there are 800 deaths and serious injuries per billion passenger miles among cyclists. But how do we make cycling safer? We used to be told in the highway code:

"All drivers should give a pedal cyclist a wide berth of at least six feet."

That advice was dropped some 20 years ago—the Minister will correct me if I am wrong—but, in any case, I assure hon. Members that that never happens. One is lucky to get six inches, let alone six feet.

To return to the point made by my hon. Friend the Member for South Norfolk , if one hits, knocks off and kills a cyclist, the charge is most likely to be careless driving. However, hitting a cyclist is in itself a dangerous act, and there should be a presumption of dangerous driving. I understand that if one is found guilty of dangerous driving one automatically loses one's licence for two years. If the accident is the cyclist's fault, the motorist would not be found guilty, or the charges would be dismissed. I would like to make all motorists, including those in this Chamber, realise the seriousness of the issue of vulnerable road users, who are outside the little metal box in which we motorists are rushing to our appointments. We motorists should understand that we can be lethal.

The consequences of dangerous acts must be brought home to people. I suggest that there should be guidance—I do not think that the matter needs legislation—for the police or the Crown Prosecution Service to say that motorists who hit cyclists should be charged with dangerous driving.

If any of us were caught driving while over the limit—I am sure that none of us would ever do that—we would lose our licence. We may not even have seen another road user. Any motorist who has struck a cyclist, pedestrian or horse has already endangered life, if the accident was his or her fault. We have today already heard of several tragic deaths. Road safety for vulnerable road users could be improved if the CPS and police took such occasions more seriously, instead of wondering whether they would get a case through, and if Government guidance said that anyone who hit a vulnerable road user should be charged with dangerous driving.

10.14 am

Jim Knight (South Dorset) (Lab): I congratulate the hon. Member for South Norfolk (Mr. Bacon) on securing this important debate.

My interest in road traffic deaths and road safety results from the tragic deaths of three constituents since I was elected in June 2001. Anthony Wakelin was killed in October 2002, Tom Dowdney died a year later, and Claire Clements died last April. All were killed due to, at best, the carelessness of drivers. None of the victims' families received any justice in the courts following those tragedies, hence my ten-minute Bill introduced on 13 July, to which the hon. Member for South Norfolk referred. It aimed to introduce new offences of motor vehicle manslaughter and aggravated motor vehicle manslaughter. I have since received a very positive

response to my proposals from people all round the country. I hope that the Government, and particularly the Home Office, are listening. The Minister has given evidence to the Select Committee, and we have heard about the Department for Transport's proposals for graduated speeding penalties and the Police Federation's proposals for an offence of using a car as a dangerous weapon. However, we have not heard anything from the Home Office in response to the Halliday consultation. If nothing else, I am here today to encourage the Department to respond and to take action.

The Government's record is generally good. As I think my hon. Friend the Member for Halifax (Mrs. Mahon) told us, the number of deaths or serious injuries is down by 20 per cent., and for children it is down by a third. We all welcome that, and I applaud the general approach of prevention and trying to change driver behaviour. I welcome the 20 mph speed limits that we are increasingly seeing around the country, including in the village where I live. We now have cushions, humps and indeed the full chicanery running through the village. It is not attractive, but it works and sadly it is necessary.

As long as drivers take the car for granted as our own private space, regard it simply as a means of getting from A to B and forget that it is a lethal weapon, we will need ugly traffic calming in villages, speed cameras—however unpopular they may be—and tougher penalties for drivers who kill. That is the missing element in the Government's approach: they are not coming forward with tougher penalties. There was a minor change in the Criminal Justice Act 2003 to the penalty for causing death by dangerous driving, but we need to go much further, which is why I am impatient about the Home Office dragging its feet.

Mr. Gwyn Prosser (Dover) (Lab): Yesterday was the second anniversary of the tragic death of Jessica Leigh who, at the tender age of 14, was knocked down and killed by a young motorist who was speeding but walked out of court with just a £300 fine and six penalty points and who is still driving. Does not that sort of case cry out for the measures that my hon. Friend is advocating?

Jim Knight: Certainly, and I am sure that that case echoes many that we have heard about at our surgeries and through our postbags. The problem that the Crown Prosecution Service and the police have in proving dangerousness means that the charge becomes one of carelessness, hence the very lenient fines and the injustice felt by the families when the person can continue driving. It is that gap that the hon. Member for South Norfolk referred to.

I will not regurgitate everything that I said when I introduced my ten-minute Bill because it is on the record, but I want to respond to what the hon. Gentleman said about that gap. I am flexible about the solution to the problem of bridging the gap. He has made proposals that we need to consider. Currently, I agree with the charity RoadPeace that defining words such as "dangerousness", "carelessness" and "negligence" is difficult and provides a field day for solicitors and barristers. Such definitions focus first on the nature of the driving and not on the death. I propose a charge of motor vehicle manslaughter because it would make the death the starting point for the investigation and the legal system's consideration.

However, whatever the solution, as long as drivers such as James Boffey get away with a £200 fine for killing the likes of Anthony Wakelin in my constituency, and as long as victims and their families fail to receive justice and the Home Office continues to drag its feet, I and many others will continue to raise the issue in this House.

10.19 am

Mr. Henry Bellingham (North-West Norfolk) (Con): I congratulate my hon. Friend the Member for South Norfolk (Mr. Bacon) on his excellent speech. I will be brief.

Norfolk is a fairly sparsely populated county, but it covers a large geographical area and contains a large number of small country roads. Cars and motor cycles are getting more sophisticated and much more powerful, and public transport is notoriously sparse and inadequate. As my hon. Friend has pointed out, there have been a significant number of high-profile road traffic fatalities in Norfolk and some have involved motor cyclists. He referred to a case in his constituency and also touched on the Adam Wall case, which took place in Walsoken on the A47 in my constituency, although Bridget Wall—his mother—is a constituent of my right hon. Friend the Member for South-West Norfolk (Mrs. Shephard). I have been involved in the case, in which a van pulled out of a minor road on to the A47 as it was getting dark. There is no question but that its driver was driving dangerously, and when he pulled out, the motorcyclist had no chance whatever. Adam Wall was tragically killed, which has devastated his family.

There is undoubtedly a gap in the legislation in this country. Relatives are asking not for revenge but for recognition in the law of the victim's rights and an acknowledgement of the fact that someone has died. When someone is convicted for careless driving, with just a fine and points on their licence, it often leaves the victim's family angry and bitter. It does not enable them to achieve closure.

I can talk from personal experience. My stepfather was killed in 1978 when driving south on the A1. A lorry had crossed over the southbound carriageway and was squatting in the central reservation, but had left part of its trailer just in the fast lane. There were no lights on that section of road, my stepfather's headlights would have been dipped, and he tragically went under part of the trailer and was killed instantly. The driver was convicted of careless driving and fined about £40. That obviously left us with a sense that there had been no recognition of the fact that someone had died, never mind that the outcome had a profound impact on the insurance situation.

That was a long time ago, and the A1 has become safer. There are fewer gaps along it, and lorries now have lights on their trailers. As I am sure the Minister will tell us, road safety is improving all the

[Mr. Henry Bellingham]

time. However, my hon. Friend the Member for South Norfolk has made a compelling case for a change in the law. In my judgment as well as his, we need a new offence of causing death by negligent driving. At the very least, there is a need for an intermediate offence between careless and dangerous driving. I support him 100 per cent. in his campaign, in the same way that I support the excellent campaign by Bridget Wall, the mother of my constituent.

Finally, I endorse what my hon. Friend said about speed cameras: yes to them outside schools, in residential areas and at accident blackspots, but no to them on open stretches of road where there is no history of accidents.

10.23 am

Mr. Liam Byrne (Birmingham, Hodge Hill) (Lab): I add my congratulations to the hon. Member for South Norfolk (Mr. Bacon) on raising this vital issue, and I am grateful to my hon. Friend the Member for Halifax (Mrs. Mahon) for introducing the case of Josh Berrill, a young boy who was knocked down and killed in my constituency on Burney lane—a road that the Minister knows.

Josh was just two years old and was due to start back at his toddler group on Monday. The hearts of everyone in the city went out to his mum and dad, and I must praise their fortitude and courage in championing a campaign for change. I praise, too, the *Birmingham Evening Mail*, which has added its voice to the campaign. The parents are determined to ensure that something good will come out of the tragic incident, because the fact is that young Josh was not the first but the third boy to die on Burney lane. The fact is that a child a week is knocked down and hurt in and around Washwood Heath, and the fact is that, nationally, children from less privileged backgrounds are five times more likely to be hurt by cars.

The Government have worked hard in the area and given a substantial amount of money to Birmingham city council. However, it is now clear that a cheque is not enough to deliver change, and I hope that the Minister will support the work of local residents in pressing Birmingham city council to fast-track road safety improvements in and around my constituency. Road safety is not just vital for rural areas, as the hon. Member for South Norfolk has highlighted, but a live issue in our major cities and towns.

Mr. Deputy Speaker: A commendably brief speech. I call Mr. Mark Lazarowicz.

10.24 am

Mr. Mark Lazarowicz (Edinburgh, North and Leith) (Lab/Co-op): I also pay tribute to the hon. Member for South Norfolk (Mr. Bacon) for securing this important debate and to my hon. Friend the Member for Birmingham, Hodge Hill (Mr. Byrne) for highlighting in a moving way the consequences that a death on the roads has for families in our constituencies. That reminds us that although we may have a good record compared with other countries in Europe, last year 3,400 families experienced the personal tragedy that arises from a death on the roads. Although we may never reach a zero death rate on our roads, we should aim for that, and take forward positive measures to improve safety for all road users, whether pedestrians, drivers or cyclists.

In the limited time available to me, I want to make three points. First, I endorse what my hon. Friend the Member for South Dorset (Jim Knight) said about the need to move ahead with the Halliday review on driving offences. It was commissioned in 2003 and was meant to appear in the new year of 2004. It is now some way past the new year and hon. Members will be aware that the review arose from a wider interdepartmental review of traffic penalties, which started in 2000 and concluded in 2002. It is now four years since the review process began, so it must be concluded quickly.

Secondly, there is the issue of drink-driving. One of the most worrying recent trends has been the way in which, after more than two decades of significant advances in combating drink-driving, casualties from drink-driving have begun to rise again. In 2002, there was an increase in fatalities and serious injuries of some 10 to 20 per cent. compared with four years previously. That is extremely worrying. A number of measures have been proposed to tackle that rise, and it is time to consider greater use of random testing and intelligence-led breath testing. In the UK, we conduct a breath test for only every 67 drivers, whereas the average European probability of being breath tested is one in 16. It would be worth considering a change to that policy.

Thirdly, I agree with the concern expressed my hon. Friend the Member for Halifax (Mrs. Mahon) about the consultation on speeding penalties, and particularly the suggestion that there should be a reduction in the penalty for lower levels of speeding. That sends out all the wrong messages, and underlines the view held in some quarters that a little speeding does not really matter. That is a dangerous attitude and I hope that the Government will resist invitations from certain quarters to follow that line. I understand the case for increasing the penalties for exceeding speed limits by a high amount, but reducing the current level would be a bad step. One of the problems is that speed limits are not effectively enforced, or rather that offences are not always pursued for speeds below 40 mph. That must be tackled, so it would not be right to reduce the penalties at the lower level.

On the positive side, it is possible to make a difference to road safety. I am pleased that in my own area in Edinburgh there has been effective work between the city council, the police and various other agencies, which has had a real impact on deaths and injuries on the roads. One particularly important statistic is that last year, for the first time since records have been kept, not a single school-age child was killed on the roads in Edinburgh. It may be difficult to maintain that record, but I hope that we can, combined with reductions in other deaths and injuries on the roads.

The effective use of a combination of measures such as education, traffic engineering, 20 mph zones and traffic calming can make a difference, along with the use of speed cameras. The police in Edinburgh have said that the package of measures has made a major contribution to the general reduction in deaths and injuries on the roads in the city. As other hon. Members have said, the number of deaths on the roads has fallen

during recent years, although there have been worrying trends in more recent years. Nevertheless, every death and injury on our roads is a personal tragedy for the families of those involved, and any measures to make a significant reduction in the toll of death and injury are to be welcomed. The Government are going in the right direction. I urge them to continue along the lines that they have taken in recent years, and to resist those who spread urban myths about speed cameras being a means of raising revenue and the rest of it.

I do not want to spoil the all-party bonhomie, but I have to say that it is a bit rich that some Opposition Members contribute to the spreading of urban myths and so help to denigrate the important effect that speed cameras can have in reducing deaths and injuries on the roads. I urge the Government to continue with their programme, and to resist robustly any attempt to reduce the effectiveness of measures designed to deter speeding drivers.

Mr. Deputy Speaker: On the assumption that he will speak for no longer than three minutes, I call the hon. Member for Selby (Mr. Grogan).

10.31 am

Mr. John Grogan (Selby) (Lab): I shall make three points in three minutes, Mr. Deputy Speaker. The first is to do with driver tiredness. My constituency will long be associated with the Selby train crash, which was ultimately caused by driver tiredness. I congratulate the Minister on the many activities in the Department that have highlighted that issue since that time, particularly the "Think!" road safety campaign and its publicity on driver tiredness. A summer radio campaign integrated with publicity about speeding and drink driving has just finished. There is a whole array of different advertising now, which is planned throughout the year, and that campaign is a model of its kind.

However, I want to press the Minister on an issue related to driver tiredness that was highlighted in the *Yorkshire Post* during the summer—the idea of French-style rest areas, which was floated by Ministers in 2002. They would be something less than service stations, but have basic toilet and rest facilities and play areas for children, perhaps. I understand that by 2006 there will be an experiment with rest areas on motorways, although there may be planning problems. There are arguments both ways on this issue; the facilities have to be reasonably substantial to have real effect. I would appreciate it if the Minister said something about that.

I turn to the issue of motor cycles. I live in a constituency not dissimilar to that of the hon. Member for South Norfolk (Mr. Bacon), who introduced this debate with such intelligence. It is a big, rural constituency in the biggest rural county in England, North Yorkshire, on whose roads 28 motor cyclists were killed last year. The county has no speed cameras at the moment. People will want to scrutinise the road safety proposals for the county that the police and the county council will bring forward at the end of the year. If the police do not decide to go down the path of speed cameras, rigorous questions will be asked about the notion that there are no sites that justify the placement of cameras in North Yorkshire at the moment.

However, the police have been involved in many good initiatives. The "Handle it or lose it" campaign, centred in Sherburn in Elmet, provides a plan on the web of accident blackspots that motor cyclists should avoid, which has been very good. I support the hon. Gentleman's proposal to have another look at the law in relation to middle-aged men, whom *The Sunday Times* has referred to as men aged between 30 and 60, which includes most of us here today. Under-21s have to spend two years riding lower-powered bikes before graduating to higher-powered bikes—should that not be the same for everyone?

I shall make my final point in just a few sentences, Mr. Deputy Speaker. Although a cheque is not sufficient to ensure road safety, it is necessary. I have 88 villages in my constituency, and, as the hon. Member for South Norfolk said in introducing the debate, speed and road safety are the No. 1 issue in rural areas. In Selby we have the Selby bypass, and the Minister has been involved in the Bilborough Top works on the A64. None of that would have been possible without public expenditure. I hope that in summing up for the Opposition, the hon. Member for Christchurch (Mr. Chope) will say what assurances he has from the shadow Front-Bench Treasury team that road safety and highways will be a priority should there ever be a Conservative Government again, because it is important to maintain expenditure on road safety for many years to come.

10.35 am

John Thurso (Caithness, Sutherland and Easter Ross) (LD): I begin by congratulating the hon. Member for South Norfolk (Mr. Bacon) on introducing the debate in an extremely thoughtful and serious way. The topic has brought out a degree of unanimity in the Chamber, which is one of the best reasons for coming back from the recess for this short period.

Several hon. Members, including the hon. Member for South Dorset (Jim Knight), have spoken about the need to change the law, and I would certainly favour such a change. Two options have been proposed. However, as I think the hon. Gentleman said, the main point is not which option is right, but that one of the options should be implemented. I slightly favour the view that the starting point should be that a death has occurred and that the charge should be based on that, but the views expressed by the hon. Member for South Norfolk could equally be the answer. I would support any change in the law based on either option, and such a change is urgently needed.

It is worth putting what we are talking about into context. The 2003 figures, which I obtained from the Department for Transport, show 3,508 deaths and 33,707 serious injuries. Of course, those figures do not include many lesser injuries that go unreported. As others have said, the total is roughly equivalent to a Hatfield and a Potters Bar incident in the United Kingdom on a daily basis. If those events were taking place on the railways, in aeroplanes or on any mode of transport other than our roads, there would be a public outcry. One of the most shocking parts of the statistics is the number of child deaths: 4,100 in the last year, 58 per cent. of which—some 2,381—involved pedestrians. Quite apart from the huge personal distress that all those cases will have caused—instances of which have been described by hon. Members on both sides of the Chamber—it is estimated, according to the Government's own figures, that road accidents cost the economy some £3 billion and the NHS some £1 billion.

[John Thurso]

Several hon. Members talked about trends in road safety, and it is true that for most of the post-war years things have been steadily improving year on year. A number of factors are responsible for that. One is the education of drivers, which has been improving through the driving test mechanism and through education on television and in other ways. Secondly, there has been an increase in legislation. Thirdly and very important, there have been huge improvements over many years in the safety of cars—improvements that have not yet manifested themselves to the same degree in other vehicles. Road engineering has also been an extremely important factor in improving safety.

Above all, there has been a change in public attitudes. Thirty years ago, the attitude to drink-driving was, "Oh, what a shame you got caught"; today, no one would think that a drink-driver was anything other than an antisocial criminal. It is, however, worrying that in recent years the trends have started to slow down and, as the hon. Member for Edinburgh, North and Leith (Mr. Lazarowicz) pointed out, have in some cases even reversed. Drink-driving is an example. During the recess, I had a meeting in my constituency with the area commander for Ross-shire. Incidentally, talking of large constituencies, I can safely say that mine is the largest represented in this Chamber today. The commander told me of a very worrying trend, which is an increase in the number of drink-drivers. It is being seen in two groups. One is middle-aged people—people of about my age, in other words—and the other is very new, very young drivers. Drivers in their 20s appear to have taken in the message about drink driving very well, but the commander has noticed that that is not the case for those other two groups.

In addition, we are talking about not people just over the limit—the chap who had two drinks that were slightly bigger than usual—but those who are two, two and a half or three times over the limit and serious transgressing. We need to look again at how we can combat that. The commander's view is that the problem is coming back because there is less advertising and, perhaps, less concentration on drink-driving because to a certain extent we had won the fight in the past. Reducing the limit for alcohol in the bloodstream from 0.8 to 0.5 mg will continue the campaign of awareness; although it will not affect those people who drive when they are two or three times over the limit.

My second point is about speed. I have never particularly liked the slogan "speed kills", although it is perfectly accurate. People of my age think that they are experienced drivers who transgress just a little bit and that the slogan does not apply to them. When they are told that speed kills, their immediate impression is of a boy racer in a souped-up little car who is driving many miles an hour over the limit.

I travel every week—sometimes many times—on the A9. I have often come up behind respectable-looking people in respectable-looking cars that potter along at 50 mph—I sometimes wish that they would go a bit faster on the open road—but then disappear from my view when the road goes into a town or village and I slow down to 30 or 40 mph, whichever is the limit. It is clear that the driver has not slowed down at all. There is a huge gulf in the understanding and awareness of such so-called experienced drivers as to what speed does and how it kills.

I am concerned about the Government's proposals, particularly as they relate to the 30 mph limit. Frankly, the difference between 30 and 39 mph is literally that between life and death. I accept the principle that a more serious offence should result in more serious punishment, but I am very concerned that relaxing the penalties will send the wrong message about what we want to achieve, remembering that 58 per cent. of children who are killed are pedestrians, most of them probably in an area with a 30 mph limit.

I would like to have covered many more points in this comprehensive debate. My last point is about uninsured drivers. It is reckoned that they are 10 times more likely to have been convicted of drink driving, six times more likely to have been convicted of driving an unsafe vehicle, and three times more likely to have been convicted of driving without due care and attention. I urge the Government to give full and immediate attention to the Greenaway report, which was published recently. Having listened to all the considered contributions of hon. Members today, I suggest to the Government that the time really is right for a road safety Bill that deals with all these matters. May we please look forward to one in the Queen's Speech?

Mr. Deputy Speaker: I commend the Liberal Democrat spokesman for his brevity.

10.43 am

Mr. Christopher Chope (Christchurch) (Con): I congratulate my hon. Friend the Member for South Norfolk (Mr. Bacon) on introducing this very important debate. When we had a Conservative Government, we had a full five-hour debate on road safety on the Floor of the House almost every year. The hon. Member for Selby (Mr. Grogan) asked what priority a Conservative Government would put on road safety. By our very actions we demonstrated when we were in government that we took road safety extremely seriously.

It is a pity that so many hon. Members who wanted to participate in today's debate have been unable to do so. My hon. Friend the Member for Worthing, West (Peter Bottomley), a distinguished former road safety Minister, was here and would have liked to participate. The remarks of many others have been cut short because of the time constraints. The first thing that the Minister can deliver is a guarantee that we will have a full day's debate in Government time on this important subject.

Of course, the Government's problem is that their record is not very good, unlike that of the Conservative Government, under whom the number of deaths on the roads fell by thousands. The number of people killed on the roads fell by more than 1,000 when I was the road safety Minister for two or three years in the early 1990s. More than 1,000 fewer people were killed on the roads each year as a result of Conservative policies. The most recent statistics show that more people were killed on the roads in the United Kingdom in 2003 than when the Government took office in 1997. It is hardly surprising that the Government do not want to debate the matter, because they know that they are on the back foot. They

have alienated thousands of motorists by insensitive enforcement through speed cameras, while ignoring the serious issues that affect so many road users, whether pedestrians, cyclists or car drivers.

The number of people killed on our roads last year was more than 3,500. In the period 1984–93, deaths on our roads were reduced by 32 per cent. In the 10 years since 1993, deaths have gone down by only 3.8 per cent. That shows that more than 1,000 deaths on the roads each year are attributable to the Government's failure to maintain the reduction in fatalities on the road that was commonplace between 1984 and 1993. There are many reasons why we had a successful policy during that period, but there is no time to go into them today.

What is going wrong? Why are we in this situation? There has been a vast increase in the incidence of driving while under the influence of drugs, which is associated with the Government's failure on drugs policy in general. There has also been an increase in the number of people driving under the influence of alcohol. The number of people killed and injured in crashes involving a driver over the alcohol limit has risen to 20,000—the highest since 1990. Meanwhile, the number of traffic police has fallen by 11 per cent. since 1996. Fewer breath tests are being carried out, there are fewer prosecutions for driving without due care and attention and fewer bad drivers are being brought to book.

There is an epidemic of driving without insurance and without a licence. People talk about penalties and the need for more disqualifications, but so many people who are disqualified immediately get back behind the wheel. There are many people driving without road fund licences, and the rising incidence of people failing to stop after an accident is a worrying trend. They leave people dead or dying in the road and drive off, and there is far too much of it. In my constituency, as I am sure is the case in other hon. Members' constituencies, there are too many horrendous examples of that. Road safety is in dire straits, and the Government are far too complacent about it.

People have rightly concentrated on fatal accidents in which the victim was blameless, but let us also consider those fatal accidents in which the road user was at fault but death was a disproportionate consequence of their error of judgment. The Department for Transport's road safety research report on dangerous driving and the law identified 5,780 fatal accidents for which information was available. Of those, 2,581—44 per cent.—showed that the driver at fault was killed. In 1,171 cases, or 20 per cent., the pedestrian at fault was killed. It is no consolation to us to say that they were at fault. They did not expect their error of judgment to result in their death. Just outside my constituency, a pedestrian walking across the road using her mobile phone stepped out in front of a newly qualified young driver, and there was nothing he could do to avoid the impact. That pedestrian did not deserve the consequence she suffered.

Would we not be better off with more education? I ask the Minister to take up the message about education and, particularly, the campaign by the Institute of Advanced Motorists, of which I am proud to be a member. I joined when I was the Minister with responsibility for road safety. Indeed, it should be compulsory for all road safety Ministers and transport Ministers to pass the Institute of Advanced Motorists test. Furthermore, it would set a really good example to the country if all Members of Parliament took the IAM test.

I shall conclude by quoting the advice given by Bryan Lunn, the IAM chief examiner, in the current edition of *Advanced Driving*, the magazine for advanced motorists:

"I would like to see driver and rider education given a much higher profile in the Government's Road Safety Strategy. Engineering and enforcement can only achieve so much and are, in the main, negative strategies. The third and fourth road safety Es—education and encouragement—are much more positive. The truth is that some current engineering solutions and enforcement campaigns to support the Government's Road Safety Strategy are frustrating or alienating large sections of the motoring public. We need the full support of drivers and riders if we are going to achieve a reduction in the number of people killed and seriously injured on Britain's roads each year. By giving education and encouragement a higher profile in the Road Safety Strategy, we are much more likely to get that support."

I heartily endorse that important message and I hope that the Government will take some action.

10.51 am

The Parliamentary Under-Secretary of State for Transport (Mr. David Jamieson): I am glad that we have had the opportunity of kicking off this short part of the parliamentary timetable with such an important debate. I wish to start by congratulating the hon. Member for South Norfolk (Mr. Bacon) on his sensible, thoughtful and mainly consensual approach to the issue. It was in contrast somewhat to the approach taken by the hon. Member for Christchurch (Mr. Chope), although he highlighted the importance of the issue to all Members of Parliament—as have many contributions to the debate. We all know of examples of incidents in which children have been killed and know of families who have lost fathers, mothers and loved ones. All of us have experienced such consequences at some time or another.

I wish to put the debate into context from the Government's point of view. We need to correct some of what was said by the hon. Member for Christchurch. It will be impossible for me to answer in detail all the points that have been made, but I shall endeavour to correspond where appropriate. Car ownership in the country is growing. The number of vehicles on the road is increasing by about 1 per cent. per year. There are more vehicles on the road throughout the world. In fact, last year there were nearly 1 million deaths as a result of road accidents in the world. As the hon. Member for South Norfolk said, given the number of vehicles on the road, this country has a good road safety record. Other countries, not only in Europe but throughout the world, are looking to see how we have been so successful. I emphasise to the hon. Member for Christchurch that we have been successful over many years—for probably 30 or 40 years. As a result of several measures, Labour and Conservative Governments have been successful in gradually reducing the casualties on our roads.

Four years ago, we published our road safety strategy entitled "Tomorrow's roads—safer for everyone" in which we set out targets of a 40 per cent. reduction in the number of people killed or seriously injured and a 50 per cent. reduction in child casualties because, although our record is good overall, the record for deaths of and injuries to children is not as good as it should be. It does not compare with that of one or two of our European partners. We were also aware that children who live in

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disadvantaged areas are especially vulnerable. As my hon. Friends the Members for Halifax (Mrs. Mahon) and for Birmingham, Hodge Hill (Mr. Byrne) said, such children are particularly at risk.

To put the matter into context for the hon. Member for Christchurch and to get it on the record, I want to explain that the 2003 casualty figures show a continued progress downwards in the number of road casualties. The total number of deaths or serious injuries is 22 per cent. below the baseline that we took from the year 2000.

Mr. Chope: What about the deaths?

Mr. Jamieson: I will come to that in a moment. There has been a 22 per cent. reduction. There has been a 40 per cent. decrease in deaths of and serious injuries to children. In three years, we are more than three quarters of the way to the 50 per cent. reduction, which is not a catalogue of failure. I am sorry that the hon. Gentleman tried to make some sort of party political point out of the matter.

We are being successful. That success is not due to the Government alone, but to local authorities controlled by all three parties—and, in Scotland, perhaps also by other parties—working together with us and taking those issues seriously.

The hon. Gentleman made a point about the number of deaths. The number of deaths on the roads has remained at a plateau of approximately 3,500. Over the years, the numbers of deaths and serious injuries fell in parallel, but four or five years ago the number of deaths reached a plateau, whereas the number of serious injuries continued to decrease. That trend has also been observed in other European countries. We are not entirely sure why it has happened. Half those casualties are people inside vehicles, so despite all the work that we have done on issues such as seat belts and on making cars safer, the number of people killed in cars has remained static.

Another contributory factor to the deaths is two-wheelers—an issue raised by several hon. Members. We have considerable concerns about people on two wheels; we want to encourage motor cycling, but we want it to be safe. We set up the Advisory Group on Motorcycling, which has been meeting for some time and which, for the past year or so, has been under my chairmanship. The group has recently made a number of suggestions and recommendations, which we are examining closely to see how safety for motor cyclists can be improved without discouraging people from taking up motor cycling.

The hon. Member for Caithness, Sutherland and Easter Ross (John Thurso) may have made a slip of the tongue when he said that there were 4,100 children killed each year on the roads. I think that he meant to say "killed and seriously injured". Only 171 children were killed on our roads, but that is a lot of children—the equivalent of a medium-sized primary school. Nevertheless, those numbers are being driven down each year, which is to be welcomed.

The hon. Member for South Norfolk raised the issues of motor cycling and of drink-driving. The latter is still a matter of concern to a number of hon. Members. The number of people who are drink-driving is probably increasing again. The vast majority of people in the UK, young and old, take that matter very seriously. However, there is a group of people—younger men and, to some extent, younger women, in the 20 to 30 age group—who cause those casualties. That is a matter of concern, and some of our advertising and effort has focused particularly on that group. The hon. Gentleman mentioned the appalling deaths of his constituents, and other hon. Members have experienced similar situations. They focus our minds on the issue.

The announcement of the outcome of the preferred options on the review of traffic penalties was made in July 2002. One of the consequences of that review was that the penalty for causing death by dangerous driving was raised from 10 to 14 years' imprisonment, which came through the Criminal Justice Act 2003. Other changes will also be made, when parliamentary time allows. I cannot predict what will be in the Queen's Speech, but I hope that there will be a road safety Bill. It is possible that I may still be the Minister who sees that Bill through, but that will be determined by events this week. Such changes will include proposals for a separate review of road traffic offences, and will deal with the problems of dangerous and careless driving. We will shortly be consulting on those issues.

Mr. Deputy Speaker, it looks as if time is running out. A number of issues remain to be discussed about cameras and their placement. I assure the hon. Member for South Norfolk that we received reassurance from the partnership that the cameras in that area were all placed in locations where there had been casualties. If hon. Members have any doubt about such issues, they should get the figures from their partnerships, or look at the Department's website, which contains most of the material and deals with some of the more detailed issues.

This has been a short debate; I hope that we can have a longer debate on the issue another time, because there are so many enormously important matters to be addressed.

Mr. Deputy Speaker: I thank the Minister for his measured reply and I congratulate the House on the quality of the debate. We now move to our second debate, initiated by the hon. Member for Gloucester (Mr. Dhanda).

Parental Leave

11 am

Mr. Parmjit Dhanda (Gloucester) (Lab): I welcome you back from the summer recess, Mr. Deputy Speaker, and hope that you and other hon. Members have had a good break.

I am delighted to have secured this debate on an issue of direct importance to 12 million parents and their dependent children. All parents have a responsibility to provide financially for their families through work; however, parenthood is about not just time, but emotional support and practical help when times get tough. The debate is of great significance to many hon. Members, as well as to those outside Parliament; my predecessor stood down after one term in the House because, as is well recorded, she had a young family.

I shall be brief, as in addition to spokesmen for the opposition parties, other hon. Members wish to contribute. I shall outline the background, assess the effectiveness of the legal framework and offer suggestions that I hope the Minister will find helpful about the steps that can be taken to enable parents to fulfil their responsibilities to themselves, their families and the wider society.

First, I pay tribute to the hard work of colleagues such as my hon. Friend the Member for Warrington, North (Helen Jones), who is keen to try to come and play a part in this debate. She has tabled a number of questions on this topic, and I shall say something about them and about the answers that she has received. Secondly, I pay tribute to the trade unions—I know that the Minister will wish to do the same—especially my union, the Union of Shop, Distributive and Allied Workers, which has campaigned tirelessly on the issue, and Connect, the union for professionals in communications, of which I am also a member and a former employee.

The Equal Opportunities Commission, too, has played a leading role in forming a coalition of almost 40 organisations, all calling for greater support for parents and carers. They have campaigned actively for working parents to have the opportunity to achieve a sustainable work-life balance, and their campaigns are more relevant now than ever before.

The context of the debate is one in which millions of mothers and fathers constantly juggle their responsibilities in an attempt to achieve a semblance of a work-life balance. Thanks to this Government's policies since 1997, approximately 10 million parents are in work, including 58 per cent. of women with pre-school children and 78 per cent. of women with children aged between six and 13. There may be more people in work, but that has thrown up a number of new issues. A third of fathers work more than 50 hours a week and 14 per cent. of fathers work 60 hours or more a week.

As hon. Members on both sides of the House recognise, what is at issue is not just the need of parents to spend quality time with their children. We must also acknowledge that there are unforeseen and unpredictable circumstances in which parents need time off, such as when a child or child minder is sick, or when a child has to be taken for an emergency medical appointment. In addition, there are routine occasions such as meetings with teachers, sports days, assemblies and so on, and times when children just need extra time and support from their parents. As is well documented, those who do not receive such support can go on to develop serious behavioural problems. Much of the work that the Government have tried to do over the past seven years has aimed to create that bond in the early years so that parents and children can enjoy that nurturing experience that it is to be hoped will make society a better place for tomorrow.

The Parliamentary Under-Secretary of State for Trade and Industry (Mr. Gerry Sutcliffe): My hon. Friend will acknowledge the Government's attempt to deal with the long hours culture by signing up to the working time directive. We have an argument about the opt-out clause, but the directive restricts people to working 48 hours a week.

Mr. Dhanda: I certainly do. My hon. Friend makes a good point. I was working in the trade union movement when we signed up to the directive. It was one of those champagne moments of the Labour Government. I will talk later about that directive and other European directives that are particularly relevant to parental leave.

What is the Government's role in this whole area of parental leave? At one end of the spectrum is the view that parents' responsibility to their children is an entirely individual matter, that there is no need for Government support and that any obligation on business will be inherently detrimental to enterprise and the operation of a free market. I strongly oppose that view, and I would like to think that hon. Members on both sides of the House do too. At the other end of the spectrum is the argument that able parents should be entirely free to stay at home while drawing a full income from their employer or the taxpayer and that this obviates the need for them financially to support their families themselves. I will not subscribe to that position either. However, sometimes parents need help and support for their children.

The Government should not take on parents' duties for them, and I do not think anyone argues that they should, but they should enable parents to fulfil their duties. That is important. Parental leave provides one such avenue, but the issue is much wider than that. Since 1997, the Government have taken a holistic approach. My hon. Friend the Minister mentioned one of the measures that have been introduced—the working time directive. In 1999, the Government introduced provisions of the European directive on parental leave, which entitled parents who had worked for the same employer for at least a year to 13 weeks' unpaid parental leave if their child was born on or after 15 December 1999 and had not yet reached the age of five. Subsequently, as my hon. Friend will be aware, the TUC challenged the ruling and the scope of the directive was widened so that it applies to all parents with children under five who get a proportion of that paid leave. I hope he agrees that that was a welcome measure.

Each parent of a disabled child under the age of 18 for whom disability living allowance is paid is entitled to 18 weeks' unpaid parental leave. Parents also have the right to take time off for dependants, although it is unpaid. As with all these forms of parental leave, that is a stumbling block for low-paid workers—a point on

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which I shall elaborate later. The measures have none the less been a great stride forward since 1997. It is also important to recognise that these policies fit into a much wider approach to families, of which child care is one part.

Since 1997, more than 920,000 new child care places have been created, benefiting well over 1.6 million children. Free part-time nursery provision has guaranteed education for all four-year-olds and now all three-year-olds too. The 524 new local Sure Start programmes for families living in disadvantaged areas have made a huge difference, not least through the five programmes in my constituency. I know that those programmes have made a huge difference throughout the country.

Let us not consider parental leave in isolation; there are many ways in which different Departments are striving to make work-life balance a reality. Many of the provisions that came into being in 1999 under the European directive on parental leave—particularly the ones I have described—apply to children under the age of five. It is the view of many in this House, and of trade unions such as USDAW, that those provisions should be extended. The Government should consider extending them to those above the age of five, and even to those up to the age of 16.

The Government make the good point that we need to invest more in the early years to invest in our society's future. I agree with that, but in dealing with society today, we find that a great deal of legislation is focused on antisocial behaviour. Any parent will say that one of the most difficult times to be a parent is when one's child is a teenager. I see the Minister nodding. I am happy to give way to him; he can tell us of his experiences.

Mr. Sutcliffe: The reason why I had my head in my hands is that I have a 15-year-old son, so I know exactly what my hon. Friend means about the difficulties of teenage years. He is a wonderful son. I have two other sons, aged 31 and 29, and it does not get any easier.

Mr. Dhanda: I will take the Minister's word for it. I got married only last year, and I do not have any kids yet, so it is not a direct problem for me.

I want to talk about the take-up of paid and unpaid parental leave. Figures produced by the Department of Trade and Industry in 2001 showed that just 3 per cent. of parents had exercised their right to take parental leave. In a written answer on 15 June, my hon. Friend the Minister stated that take-up was 8 per cent. of eligible female employees and 10 per cent. of eligible male employees among those whose employers provided parental leave. However, that figure was based on employees who were aware that their employer provided parental leave.

According to a Department for Work and Pensions survey, barely a third of eligible men and women were aware that they were entitled to parental leave. Only a quarter of mothers and fathers were fully aware that they had the right to take 13 weeks' unpaid parental leave after working for the same employer for one year. Interestingly, awareness and take-up of the right were much higher in higher paid, more highly educated groups and in workplaces with more pro-work-life policies and trade union recognition. I am sure that the Minister will have something to say about that, because it is particularly relevant that there is a greater awareness where there is trade union recognition.

Such a level of take-up will be considered unacceptable by many people in this House, including me, and especially those of us with a passionate interest in the welfare of people facing low pay and poor conditions. I would be grateful if the Minister advised us of the steps that his Department will take to increase take-up.

The problem is replicated in the take-up of paid leave as well. Some employers provide payment for parental leave and take-up is much higher among employees who are entitled to partly or fully paid leave, particularly among men, who are paid disproportionately more than women. We have talked about how low take-up can be in respect of unpaid, but there is a significant increase in the case of paid leave. If we consider some of the statistics in relation to take-up, we find that 22 per cent. of women took the opportunity to have parental leave when it was partly paid, and 40 per cent. when it was fully paid. When we examine the figures relating to men, we see that take-up of partly paid leave goes up to 34 per cent., and for fully paid leave among men it is a whopping 57 per cent. That is hugely significant. It shows the much greater demand for parental leave if the financial sacrifice can be alleviated, especially among men, whose salaries are usually greater—although I know that the Government are looking to introduce measures to equalise the gender pay gap.

However, relatively few parents take that entitlement to paid leave. Awareness of entitlement is much higher among women than among men. Statistics purely on awareness show that three times as many women as men are aware of part-paid leave but that the gender gap reduces to half in respect of fully paid leave, of which far more people are aware. Those findings suggest that payment for parental leave could be a means of significantly increasing its take-up. I will welcome the views of my hon. Friend the Minister on that.

My office has done a lot of work with the House of Commons Library to find out what is going on with parental leave around the world. There is already provision for paid parental leave in many countries. In Austria, a flat-rate allowance funded by the state is available for working couples during parental leave. In Canada, parental leave is paid by unemployment insurance, where a family is eligible for unemployment benefits. In Denmark, parental leave is paid by the state at a flat rate equivalent to unemployment benefit. Such a system can work, and has worked, elsewhere. USDAW is urging the Government to build on their successes by extending paid parental leave, and I would appreciate the comments of my hon. Friend the Minister on that issue. Is his Department actively considering that approach, and what work has been carried out to establish the effectiveness and feasibility of paid parental leave? What conclusions, if any, has he drawn from any such analysis at this stage?

An understandable concern is that putting further obligations on businesses could harm their ability to make profits and create jobs. Those of us from a trade union background are all familiar with that argument. It should not be dismissed lightly, but neither should it

be taken as a given. There is a strong business case for paid family leave. It can help to reduce sickness absence. Claims of unwarranted sickies have been in the headlines recently, as they often are, but they are not just about stereotypical malingering workers wanting a day off. When a child is sick, parents put them first and take time off work to be with them. If the only basis for them to do so is to take sick leave, they will choose that option, as a recent survey by the Joseph Rowntree Foundation has shown. I understand that the Government's research confirms that where there is some form of paid family leave, there is less unauthorised absence and less unplanned lateness.

In addition, the Industrial Relations Service has found that two thirds of employers said that recruitment, retention and employee commitment and motivation had all improved following the introduction of family-friendly working practices. Paid parental leave could therefore aid the health and stability of businesses.

Looking at the bigger picture into which parental leave fits, I want to consider other ways in which the Government could improve the work-life balance for parents. I know that some such measures fall outside the DTI's remit, so I do not expect my hon. Friend the Minister to speak in detail about them, but it is important to raise them because this is a cross-Government matter. I want to highlight the fact that this is a wide issue that requires the support of many Departments and other agencies. For example, longer school opening hours to provide wrap-around education and child care could help working parents enormously. The Department for Education and Skills has already released funding for 250 fully operational wrap-around schools, which will be set up by 2006. Two thirds of schools offer some kind of out-of-hours support for parents; extending that provision will enable us to maximise the potential of children while helping parents to go out to work.

I have already mentioned the EOC, which has been campaigning on the highly relevant issue of pregnancy discrimination. That term refers directly to any disadvantage a woman can face at work that is caused wholly or partly by pregnancy. Each year, up to 1,000 women in England and Wales take legal action claiming that they were sacked because they were pregnant. Others have faced pay cuts, demotion or hostile treatment—and not just at the hands of the United Kingdom Independence party. I want there to be more support for families and also to provide more support for employers by making them aware of the law and giving them the help they need to prevent pregnancy discrimination. I would welcome any information that my hon. Friend could give about what the Government plan to do in this area.

My message is a positive one. Parental leave is not a zero sum game between the rights of parents and the needs of business. Bosses benefit from productive, motivated and happy employees. Children benefit from having parents with the time to nurture them. Making it easier for parents to take leave can aid the stability of business and the emotional development of children, and support the strong families on which our communities and our society rest.

11.22 am

Beverley Hughes (Stretford and Urmston) (Lab): I greatly welcome the opportunity to contribute, and I congratulate my hon. Friend the Member for Gloucester (Mr. Dhanda) on his foresight in seeking a debate on this very important topic and on his success in securing it. I also join him in acknowledging the work of USDAW in representing the interests of people—mainly women—in the retail sector, for whom this is a very important issue.

Balancing the care of children with paid employment is a daily problem for many working parents, as most of us who have been there recognise. Parents do not want just to juggle those things in the precarious way that many of us have had to do. They want to ensure the best possible care for their children. Many families want to enable both parents to keep a toehold in the world of work and need to do so in ways that maximise their family income.

Trying to achieve those three objectives presents many parents with challenges on a scale that they find overwhelming. As family structures are diversifying and employment patterns, particularly for women, continue to evolve, it is unsurprising that the tension at the interface of these two worlds has become ever more acute for many parents.

We should disabuse ourselves at the outset of any impression there might be—not here, but outside this place—that this is a difficult issue only for professional parents juggling children with two well-paid jobs. It is of course an even more difficult issue for lone parents and parents with limited earning power; for them, the options are even more limited. This matter is as much about social justice and extending opportunities to lower-income parents as anything else.

Some may still argue that this is essentially a private matter, and in terms of the particular arrangements that individual parents make, I agree that it is. However, I want to construct most of my arguments around the belief that what happens in practice when parents try to arrange child care and juggle it with work matters particularly profoundly in three areas that I hope nobody would disagree are very important parts of public policy.

The first area is outcomes for children. Children's experiences during their earliest years have profound and enduring impacts on their life chances and opportunity for social mobility later on. Their performances in tests at 22 and 42 months, before they even get to school, are very strong predictors of educational attainment by the age of 25 or 26, when life chances and social mobility are largely set. So in those early years, the quality of the care that young children receive—how stimulating and emotionally responsive it is—is critical. That is one of the important issues that justify the Government's role.

The second issue, of course, is gender inequality at work. The pay gap has been mentioned and it is perhaps the clearest example of employment inequality, although there are others, including career progression for women. In large part, the gap is due to mothers' role in the labour market and the highly gendered division of labour that flows from it in the domestic sphere. We all agree that this area of public policy needs addressing.

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and the extent to which we help parents—not just mothers, but fathers, too—to share child care and paid work is critical.

Last but not least, it is bad for UK productivity and, in particular, for individual businesses if those businesses must lose valued employees simply because options for combining child care and work are limited. Those three social and economic issues—outcomes for children, gender inequality at work and the success of British business—are crucial, and no responsible political party can ignore them. The Government must provide a range of options from which parents can construct their own arrangements, while promoting progressive, modern solutions to those social and economic issues.

I congratulate the Government on their progress so far. They are the first Government for many years to have put such issues centre stage in a programme of policy. All three and four-year-olds are now guaranteed a publicly funded nursery place, and take-up is high. The extension of Sure Start and the development of children's centres will take that provision further.

Women's participation in the labour market is among the highest in Europe, with 65 per cent. of mothers in paid employment, usually part-time. Maternity leave has been extended, and provision for two weeks' paid paternity leave has been introduced. A small but increasing number of fathers choose to work part-time. Parents now have the right to ask to work flexibly. New tax credits and, of course, the minimum wage help lower-paid parents with their family finances.

I agree with my hon. Friend the Member for Gloucester that there is a lack of clarity about some details, particularly regarding parental leave arrangements, but a recent ICM/Guardian poll showed that about 70 per cent. of parents had a good overall grasp of the wide range of Government reforms. Interestingly, however, 66 per cent. wanted the Government to go further, which reflects the continuing difficulty that many parents have in squaring the circle, although things have got better. The problem is particularly acute for parents with very young babies, who want, ideally, to opt for home-based care until their children reach nursery age. Recent research has questioned the suitability of group care for very young children and babies, whose needs are arguably best met by parents or by one or two consistent, emotionally responsive carers at home. That goes back to the argument about the quality of arrangements for children.

The present arrangements have gone a considerable way to helping parents, but it is still difficult for many parents to juggle their responsibilities. That has led to a situation in which there are limited options for age-appropriate child care, particularly when children are very young. Mothers also tend to work part-time, exacerbating the gender pay gap, which is already among the most significant in Europe. Furthermore, men are restricted differentially to full-time, long-hours jobs, when many are calling for fathers' distinctive role to be recognised. That makes it more difficult for businesses to retain women employees.

On the basis of the Government's progress so far, people are ready for and want another step change, in addition to what has already been achieved, to extend choice to working parents. If we are to achieve it, we must embrace several objectives. I realise that they are not all in this Minister's province, but as my hon. Friend said, we need a cross-Government approach if we are to hit all the right buttons. First, we need high-quality and age-appropriate arrangements for child care. Secondly, we need improved satisfaction, pay and career progression for women at work. Thirdly, we need opportunities for child care to be shared between both parents and a distinctive focus on fathers. We need establish the wider business case for flexible employment practices.

If we can address those issues, we will need to do a number of things. On child care, we must try to see whether we can diversify and improve the quality of the arrangements that are made, particularly for young children. I think—hon. Members may well share this view—that it is hard to contemplate leaving a young baby with somebody else. It is a wrench that many people go through. That view may reflect my position, because 25 years ago, when I had my first child, my husband and I both worked part-time for about eight years until our third child went to nursery, and it was much more difficult for him than for me. I would like to think that that is now an easier option for some parents to consider, but we must make it easier for fathers to follow such arrangements with their partners.

The quality and diversity of arrangements for child care must be addressed, including home-based care for young babies, nursery care and education for three to five-year-olds, and much more wrap-around provision for children at school. We must also address the quality assurance of child care, because parents need to know that the place where they are leaving their children is safe and high quality. One of the greatest fears is what is happening when the children are out of sight, and how they are being spoken to and the quality of interaction between them and their carers. Most child care is high quality, but each parent needs to know that the child care that they have is high quality.

Secondly, support for parents at work must be extended, and we have introduced extensions in paternity and maternity leave. The issue of the level of pay during leave is important. There is some evidence, as cited by my hon. Friend the Member for Gloucester, that if pay increases, so too does the take-up, particularly for people from poorer families. I would like to see the introduction of some extended paid parental leave entitlement, on an equal basis for men and women. The lessons in Norway are instructive, because take-up by fathers increased dramatically when they were given a specific entitlement on a take it or lose it basis.

I welcome the Government's arrangements for people to have the right to request flexible hours. If I remember rightly, the monitoring in the first tranche showed that 80 per cent. of such requests were agreed. That is a great step forward. However, that still presumably means that one in five were turned down, and I wonder what those parents had to do. I would welcome it if the Government continue to monitor that provision to see whether it needs to be strengthened.

The third area that we must address is making employment practices father friendly as well as mother friendly. That means reinforcing the attitude that a father's involvement is important in its own right, for children and men, and not just as a support for mothers. There is a range of options, including flexible hours, annualised hours and term-time working for men and women. If such arrangements were more the norm, they could transform options for parents and benefit many employers by reducing sickness absence, unauthorised absence and lateness, and by improving recruitment, retention and productivity. Nobody works harder than a part-time worker in my experience, having been one for many years.

As a precursor, as the variants of such a package are considerable, it would be welcome if the Government, employers and trade unions could work together to evaluate the options and talk to parents. That should include the potential impact—real or perceived—on other employees of extending rights to working parents.

Mr. Dhanda: I am in total agreement with my right hon. Friend on the packages that are out there working and delivering. Does she agree that part of the difficulty is ensuring a level of equity between different social groups' ability to buy into the packages? Unfortunately, the way things are and the way in which knowledge tends to be dispersed to those who can afford it means that the greatest beneficiaries tend to be those with better pay and conditions. One of the things that we need to do is find other mechanisms to reach out to ensure that those on lower pay benefit from some of the measures that she outlined.

Beverley Hughes: I agree absolutely. I remind my hon. Friend that I started my speech by saying that, for me, the issue is one of social justice. If we are serious about extending opportunities to all, we must make sure that such provisions reach the people who, arguably, need them most and not simply those who are better informed and able to access them. That must be an important part of the equation.

It is important to demonstrate and establish the business case and the wider social and economic case for the measures. I suspect that the benefits may go well beyond the more limited benefit of enabling parents to work and care at the same time. I think that the potential benefits for children—potentially for boys and girls differentially—of living in families in which both parents are being seen to share the care and work could be profound.

In conclusion, I welcome the progress that we have already made in taking the arrangements into a new dimension. I hope that we can now work on the next steps, along the lines that my hon. Friend has been addressing. If we can, I think that we will not only do the best by children, but address gender inequality in the workplace and help British business to make the most of the talents of all our people in the interests of the British economy.

11.37 am

Brian Cotter (Weston-super-Mare) (LD): I thank the hon. Member for Gloucester (Mr. Dhanda) for initiating the debate, which is very important. There are many difficulties that still need resolving, and one cannot say merely that they are black and white and let that be the end of it. I thank him for the clarity with which he drew attention to the issues and pressures that people have in their lives nowadays that are different from how things used to be.

Child care places have been referred to, as has the importance of early years—an issue that, in particular, the right hon. Member for Stretford and Urmston (Beverley Hughes) addressed. There are many such issues and questions. The question of how to juggle our personal lives with our daily working commitments is becoming increasingly pressured in today's modern society, when financial pressures on both parents are to the fore. Moreover, young women are no longer trapped by the old-fashioned stereotype that once confined them to the home in the role of full-time housewife and mother. Society has rightly moved on, so that both men and women can pursue the career of their choice and increasingly tend to share the practical responsibilities of parenthood.

In discussing the changing needs of working parents, we must remember the wider debate about the value of flexible, friendly working patterns for others. With an increasingly elderly population, many people are stepping in to fulfil the state's traditional role and are providing much-needed care for elderly and sick relatives. The Prime Minister has indicated that he wishes to consider that area and how to balance those needs with existing employment commitments. The debate is welcome, as it deals with an important issue that is becoming an increasing concern to many people in society. In responding to those new challenges and needs, it is imperative that we achieve co-operation and consensus among employers, workers and the state. Without such agreement, we will fail to create a competitive and flexible labour market that reflects Britain's 21st century needs.

Until recently, before I entered Parliament, I ran a small company. I was at the sharp end and I have experienced the need for flexibility, understanding and co-operation. It is important to change the old business culture of "them and us" and "You're on the shop floor and we're up here." I have had to address those problems, and I could give examples of other difficult issues that I have had to solve. This is an important matter, which is not black and white. We must work co-operatively.

I shall put the hon. Member for Epping Forest (Mrs. Laing) in the spotlight, perhaps unfairly, since I have no quotation that refers to her, but I must point out that the Conservatives' usual dismissal of family-friendly policies is particularly unhelpful in view of what this debate is about, as it fails to address the changing nature of the British workplace. At last year's Conservative party conference in Blackpool, the then shadow Secretary of State for Trade and Industry, the hon. Member for South Suffolk (Mr. Yeo), said that a Conservative Government would consider repealing newly won rights to extra maternity and paternity leave, prompting the chair of the Equal Opportunities Commission, Julie Mellor, to question whether he was "completely out of touch with public opinion."

Considering the results of last month's ICM poll, it seems that the Conservatives are out of touch with public opinion. The poll showed overwhelming

[Brian Cotter]

sympathy for young families trying to balance work-life responsibilities, with 66 per cent. of respondents arguing that the Government should allow either parent to take up to six months' paid leave.

I wonder whether the hon. Member for North-West Norfolk (Mr. Bellingham), who is unfortunately not present, but speaks on behalf of the Conservatives on small business, would want to reconsider the categorical statement he made in the latest issue of the journal, *Business Adviser*, when he pledged that there would be absolutely

"no more work-life balance initiatives or employment legislation"

under a Tory Government.

There have been many announcements over the summer break from the official Opposition, and it is plain from this debate that some clear statements have been made in the past. Whether they will be changed I am not sure. Although there is an argument for questioning how well current legislation is working, I hardly think that refusing ever to take any further action, as if the world will stand still, will help working parents or employers to cope with sociological and cultural changes affecting how we work.

I modestly and quietly suggest that the Conservatives should remember that we no longer live in an era in which men go off to work in cloth caps, leaving women at home to put a meal on the table and look after the children. None the less, it is right to highlight the problems that small businesses have in implementing employment law, particularly given the increasing burden of red tape in recent years. Under Labour the burden has soared.

Mr. Sutcliffe: I am grateful to the hon. Gentleman for giving way, as I cannot let him continue without asking this obvious question: which of the employment regulations introduced since 1997 would the Liberal party remove?

Brian Cotter: I have made it quite clear that as a party we are not into repealing sensible employment regulation; we are into ensuring that there has been proper consultation beforehand and an assessment of how Bills will impact on businesses and others. Since I entered Parliament, I and other colleagues have identified that issue. I credit the Government with having improved their impact assessments, but a lot of legislation has been introduced without being properly assessed and adjusted accordingly.

Legislation disproportionately presses down on small businesses. An Office World report published in July 2003 found that 36 per cent. of small business owners with up to five employees reported a negative effect on their health as a result of complying with employment regulations.

Returning to the poor Conservatives, we should not forget that, for all their claims about getting rid of regulation, in their time they piled on as many if not more regulations as this Government have done. We will perhaps hear more about that. It was a Conservative Government who first transferred the cost of statutory sick pay from the state to the employer, and John Major's Government were actively considering switching the full cost of funding maternity pay from the state to employers in summer 1995. Those are just some examples that we should be concerned about.

It is clear that many small businesses are having problems complying with parental leave regulation. Godfrey Bloom, the UKIP MEP, is quoted as saying:

"No self-respecting small businessman . . . would ever employ a lady of child-bearing age"

because it is too risky. That may be a grossly outdated and offensive view, but it struck a chord with many small business people none the less.

As politicians, we owe it to both parents and employers to address any problems that small businesses are having in dealing with parental leave requirements. Parents should not be punished if unnecessary bureaucracy is standing in the way of small business owners fulfilling their role as reasonable employers. Young women should not be discriminated against because small employers are deterred from hiring them due to overburdensome maternity leave regulations. I say to the Minister that there are problems that need to be addressed; he nods and agrees, as we all do.

The latest report published by the Equal Opportunities Commission makes particularly alarming reading. "Tip of the Iceberg" found that more than 1,000 women take legal action each year claiming that they have been sacked for being pregnant. Like many statistics, that figure stands on its own but has behind it lots of different issues with their pros and cons. I know that that is the case, and I will not take up too much of the House's time on the matter. I had to deal with such an issue when I was an employer, and it was difficult, so I am not saying that such things are easy.

I am pleased that the EOC is consulting various groups as part of a wider investigation of the issue, including the question whether the state should provide support to small firms, spread the costs of pregnancy and remove some of their fears. I hope that the Government will study the conclusions of the investigation carefully.

Small firms should not face crippling costs or burdens on their business due to the lack of resources that they have in comparison with larger firms in implementing parental leave regulations. One small business owner complained in *The Sunday Times* at the beginning of August that he was struggling to reclaim from the Inland Revenue the maternity pay that he had given to his employee. For small businesses, which often have a limited cash flow, such a situation is unacceptable, and it is important that such cases are examined. I do not know the detail—I am simply highlighting something that has been said—but it is deplorable if firms cannot claim back promptly and easily the maternity pay that they have paid out.

Administrative burdens in implementing the regulation need to be as light as possible, and small firms need easy access to guidance on the law. If small firms continue to have problems with red tape on parental leave, the Government must address the matter so that parents do not end up losing out as a result. Statutory requirements must be of a pace that can be absorbed at every level, which might even require the Government to provide financial assistance to small businesses. I put that forward just as a "might".

It is also vital that the 2006 review of employment law does not merely focus on extending the various parental leave measures introduced in 2003, but considers how well they are working in practice and how to iron out any difficulties that small firms are having. If the Government fail to address problems associated with red tape, the inequality between the rights of employees in small firms and those in large firms will be most obvious.

To return to family-friendly policies, only last month the right hon. and learned Member for Folkestone and Hythe (Mr. Howard), the leader of the Conservative party, referred to the important role that fathers play in the development of their children. He drew a connection between their involvement and reducing crime. It is therefore a mystery why the Conservatives have tended to be so critical of various parental leave measures, given that benefits such as paid paternity leave encourage men to play a greater role in the child's life. We must all address that issue.

As the hon. Member for Gloucester said, there are concerns about take-up and awareness. I hope that this debate will help to publicise benefits that are there to be taken up. Many people argue that statutory leave after a birth requires examining, and my party agrees.

Finally, the one thing that really makes a dramatic improvement in the lives of working parents is provision of decent and affordable child care. I will not say more about that, except that it is a big concern. Liberal Democrats believe that money from the Chancellor's child trust fund, for example, should be diverted towards child care. That is a political issue about which I shall make just that small point, but there are many concerns about child care, as I learned when I went around my constituency during the summer.

In conclusion, we must recognise that the patterns of work and family life are changing. That is why this debate is so very important.

11.52 am

Mrs. Eleanor Laing (Epping Forest) (Con): I congratulate the hon. Member for Gloucester (Mr. Dhanda) on securing this debate and on introducing it at such an excellent time—the beginning of the political year, when everyone is agog to know what we are talking about. I am absolutely delighted that this very important subject is being aired here on day one.

I agree with much of what the hon. Gentleman said, although he might be surprised to hear me say it. He has clearly given a great deal of thought to the question, which is one of balance. The issue affects almost every family in this country. The right hon. Member for Stretford and Urmston (Beverley Hughes) is absolutely correct in saying that the whole issue of parents in the workplace, mothers, maternity and parental leave and the work-life balance affects everyone at every level of employment. We are seeing high-profile cases in which ladies in the City are taking expensive legal action—enormous amounts of money are at stake—in cases of unfair dismissal, discrimination and so on. At the same time, we all know of women who want to go out to work, but who simply cannot do so after they have children because child care costs take up almost all their earned income after tax. I completely agree with the right hon. Lady that the matter affects people at every level of employment.

I am grateful to the hon. Member for Weston-super-Mare (Brian Cotter) for throwing down the gauntlet on my party's policy on these issues. It gives me the opportunity to clear up a few misunderstandings. I shall have a word later with my hon. Friends the Members for South Suffolk (Mr. Yeo) and for North-West Norfolk (Mr. Bellingham), but I make it absolutely clear that my party is examining many aspects of work-life balance and the difficulties that people in a modern society have in balancing their duties to their families, including not only their children, but their parents. Carers of elderly, disabled and infirm people have just as much difficulty as parents, and sometimes more, in balancing their work life and their home life. If someone has a small child, they at least know that they have small child to care for, but people's parents can become unwell very suddenly. At some point or other, we have all had to balance these great difficulties.

It is simply wrong to say that the Conservative party is not aware of these issues and is not addressing them. We most certainly are addressing them in our development of future policy. I must make it absolutely clear that we are not against parental leave, and I shall speak about that in more detail later. Without any doubt, we recognise that producing, nurturing and educating future generations is an extremely important role. The role of parent is not just incidental to the rest of life; it is vital. It sounds so obvious that it hardly needs to be said, but I feel that I have to say it because the hon. Member for Weston-super-Mare has quoted some articles from journals that have put the wrong emphasis on certain things that may or may not have been said by some of my hon. Friends. I am not blaming him. He has quoted the media, and we all know that they are not necessarily 100 per cent. accurate.

Mr. Dhanda: I appreciate the calm and measured way in which the hon. Lady is making her points. She makes a point about quoting the media, rather than referring to things that have been said directly by spokespersons. When she goes away from this debate and meets people on her Front Bench who are directly involved in formulating the policies in this area, she might remind them that it was the last-but-one leader of her party who said at the Dispatch Box that he would do away with Sure Start. In the same calm and measured way in which she has handled herself in this debate, I urge her to go back to her colleagues to tell them not to propose policies that would repeal some good measures that have been introduced since 1997.

Mrs. Laing: I appreciate the hon. Gentleman's point, but time moves on and whatever was said by the last-but-one leader of the Conservative party does not necessarily stand today. Some aspects of the Sure Start scheme now work reasonably well. I was very sceptical about it at the beginning because all I could see were glossy orange and yellow brochures, lots of money being spent and not an awful lot of results for the people who really needed them. However, as the scheme has settled down, I can see that there are some aspects that are not necessarily wrong. I hope that that satisfies him for the time being.

The hon. Member for Weston-super-Mare, who would have been considering his remarks before he arrived today and wanting to suggest that the

[Mrs. Laing]

Conservative party is out of touch with public opinion on these matters, must have been rather disappointed to see me sitting here. I can assure him and the House that I am most certainly not out of touch with public opinion on balancing work life with motherhood and family life.

I entirely welcome the excellent report by the Equal Opportunities Commission. It is an investigation of discrimination against new and expectant mothers in the workplace. When I was an expectant mother some three and a half years ago, it occurred to me that I might consider telling the electorate of Epping Forest as the general election approached that I would not be mounting a campaign because I was statutorily entitled to maternity leave. Despite my doctor saying that it was time to go home and put my feet up, however, I did exactly the opposite by fighting and, as is obviously evidenced by the fact that I am standing here, winning a general election campaign exactly one week before I gave birth to my son. That was pretty bad timing, but such matters are in the hands of the gods and the Prime Minister and were not my fault. I am happy to report that my son was and continues to be very healthy. At the age of three and a bit he continues to need an awful lot of care from his mother. He sometimes disapproves when mummy leaves him to go to what he calls "tick tock", otherwise known as the House of Commons. So I am far from out of touch on these matters, as indeed is the Conservative party.

I welcome the Equal Opportunities Commission report that was published yesterday, which was extremely good timing. It makes four key recommendations, most of which I will be happy to support. It is perfectly reasonable to suggest that a

"written statement of rights and responsibilities"

should be provided

"to every pregnant woman and her employer."

That is a perfectly reasonable suggestion that should be followed through.

Secondly, the report suggests that there should be a

"practical toolkit for employers, underpinned by a statutory Code of Practice to clarify the complicated jigsaw of existing law and help with planning."

I am always reluctant to call for something that requires legislation, and a statutory code of practice would do that. Since it seems that over the next few weeks—I quote the newspapers—we will spend most of our time in Parliament talking about foxhunting, I would not call at this point for anything that requires primary legislation because it will be ages in coming. It would be much better if we could get on with it and have a voluntary code of practice.

We could also consider

"an extension of the three-month time limit for filing a pregnancy-related employment tribunal claim to give more women access to justice, as many women find it difficult to go through this process around the time of childbirth."

That would be absolutely correct. I would have to look into it in greater detail before asking the Minister to carry it out, but it is certainly worth considering.

Finally, the Equal Opportunities Commission report of course mentions better child care. I think that we are reaching a party political consensus on child care. The Opposition are examining policy on child care, and especially on supply side measures, and the Government and Liberal Democrats are doing likewise. When I ask working women what we can do to make their life and their family's life easier, 90 per cent. of the time the answer is child care. We pay attention to what people tell us around the country. I look forward to examining the Equal Opportunities Commission's investigation in more detail, as I am sure the Minister does, because it contains a lot of important material.

When considering parental leave and issues of family and work, it is important to achieve a balance. There must be a reasonable balance between the employee and the employer. In speaking up for the employer, as I often do, especially in respect of small businesses that are less able to cope with more Government regulation, one is not necessarily criticising the employee. I stress that it is a question of balance. If the pendulum swings too far in one direction, it is not fair to the parent, the family or the child. If it swings too far in the other, it is not fair to the reasonable employer. I do not want over-regulation.

Mr. Sutcliffe: I do not doubt the hon. Lady's sincerity, and her contribution leads us to a crucial point. In intervening on the hon. Member for Weston-super-Mare, I asked which regulations his party would withdraw. Warm words are fine, but on that issue of balance, which of the existing employment rights affecting maternity or paternity would the Conservative party remove?

Mrs. Laing: The Minister is right to put me on the spot about that issue. I refer him to announcements that have been made during the past few weeks by the shadow spokesman on industry, my hon. Friend the Member for Eddisbury (Mr. O'Brien), who has examined these matters in great detail, because we recognise that parts of British industry are finding it difficult to operate to the best of their ability because of regulation and red tape, which, I am sure the Minister will freely admit, has emerged from his Government by the tonne.

My party will do nothing to undermine the position of parents, and mothers in particular, in the workplace. We recognise that the work-life balance is vital. Of course, we must have regulation to protect women in the workplace. However, if in seeking to protect them, the pendulum swings too far in favour of overbearing regulations and those regulations are too strident, the otherwise reasonable employer will simply not employ women of child-bearing age. That is the last thing that I want and it would be quite wrong. That is why getting the balance right is so important, and that is what we are striving for.

I am worried about some of the high-profile cases that are being brought by City women, because the position of women of the next generation who are striving to break through the glass ceiling, as the right hon. Member for Stretford and Urmston has done and as I strive to do, will be more difficult if employers are afraid of employing women of child-bearing age or, indeed, of employing women at all. I do not want that to happen.

However, it is without a doubt in the interests of good employers to protect their own investment in human capital—the employees. Training and

experience at all levels of employment enhances human capital. Where a woman comes into an employer's work force in her mid-20s, works, gets promoted, learns the ways of the company, increases her experience and her ability, and then, in her early-30s, has children, surely the best business case for that employer is to welcome her back into the workplace, because she will still have the 10 years of valuable experience that she had before her children were born.

I can assure hon. Members that a woman's brain does not deteriorate because of childbirth, as I am sure the right hon. Member for Stretford and Urmston agrees. If any hon. Gentlemen wish to disagree, we can discuss the matter when we do not have to be quite so polite to one another. There is no such effect, however, and let us be reasonable about it. We therefore have to encourage employers to protect their own investment in human capital, and indeed to enhance it by being reasonable about parental leave for both mothers and fathers.

Women producing children should not be criticised. They should not be told that, if they have a child, that should be their only priority and they should not do anything else. Of course one's child is always one's first priority—there is no doubt about it—but women who are producing children and are also in the workplace should be congratulated, because they are doing two vital jobs at once. Once we recognise that, all other policy in this matter will flow from it.

It simply does not make sense to give equal opportunity in education to girls and boys, and then to young men and women, and to invest our society's assets and taxpayers' money in highly educating women, and then to say that, when they have children, their education is not worth as much as that of a man. Of course it is, which is why the delicate balance of protecting the employer and employee must be respected. As a society, we invest in the 52 per cent. of the population who are women, and it would not make sense not to recognise their full potential value in the workplace.

My party and I are in favour of parental leave. We believe in keeping that delicate balance, encouraging the productivity of British industry and helping companies do the best they can, while also helping them to treat their employees as well as they possibly can, because that is in everyone's interests—the interests not only of the economy, but of families and future generations.

12.12 pm

The Parliamentary Under-Secretary of State for Trade and Industry (Mr. Gerry Sutcliffe): I welcome you to the Chair, Mr. Deputy Speaker, in our first trade and industry debate after the summer recess. I am delighted that my hon. Friend the Member for Gloucester (Mr. Dhanda) has secured the debate, and I am grateful that he has raised this issue. I have had many good times with my hon. Friend on the football field and elsewhere, and I know that he is passionate in everything he does.

This has been an important debate, which has covered many issues that I would like to address. I thank all Members for their contributions. I do not doubt the sincerity of the hon. Members for Weston-super-Mare (Brian Cotter) and for Epping Forest (Mrs. Laing), and I will return to the substance of their points. However, I cannot let this part of the debate go by without answering the political points that have been raised.

The hon. Member for Weston-super-Mare said that there is too much regulation from this Government; he went on to say, rightly, that the last Tory Government had produced more regulations. However, the warm words and the experiences that he portrayed have to be measured against what his party says. His party wishes to do away with the Department of Trade and Industry. It made announcements this morning about its plans to fund future pension schemes through the demise of the DTI. That begs the question how and where the work on employment rights would continue. The hon. Gentleman will want to give me an answer, and I am sure that he will do so in a later debate.

I pose the question on regulation to both Members because we keep hearing this attack on over-regulation, burdens on business and red tape. However, each of the political parties then says how wonderful it is because of the work carried out by the Equal Opportunities Commission, the Government and various other bodies. The question will continually be raised which of the regulations passed by the Government either party does not want to pursue. I was interested in the comments of the hon. Member for Epping Forest on the work-life balance; we look forward to the proposals that I am sure will be made in the not-too-distant future. I particularly welcome the broad support for the EOC; the Government will look at the outcome of the report and respond in due course. The leader of the hon. Lady's party and the shadow Chancellor have already told us that there will be reductions in public spending, so the hon. Lady will have to be careful about how she balances those choices.

I come to an issue that is clearly important to all involved in this debate: how we help working parents to balance work and family life. That is important to us all, because we have all been involved in that in some way. We were grateful to hear the experiences of hon. Members, and particularly those of my right hon. Friend the Member for Stretford and Urmston (Beverley Hughes) and the hon. Member for Epping Forest, who spoke on the issues of women at work and childbearing.

I accept the point that was made on child care—quality of child care is important. As a parent and grandparent, I know that that is the major factor when people are deciding whether to take the risk of leaving children with others.

I join my hon. Friend the Member for Gloucester in expressing support for, and congratulations to, all the bodies working on the subject, notably the trade unions that he mentioned, USDAW and Connect, the Equal Opportunities Commission and an organisation for which I have presented awards, Parents at Work, which makes the business case for greater flexibility as regards leave and greater involvement in the issue in the workplace.

Today's debate has essentially been about parental leave but, as my hon. Friend said, the issue should not be seen in isolation. It is one of a wide range of policies that we have introduced to help parents to participate and remain in the work force. Those policies give parents more choices in balancing their work and family life, enabling women to stay in their jobs and fathers to take a bigger role in parenting. I agree with hon. Members that the role of the father is important.

[Mr. Gerry Sutcliffe]

Before 1999, provision for working parents was limited to 14 weeks' maternity leave; there was no provision at all for fathers or adopters. I am glad that we have come a long way since then. In 1999, we began to introduce a series of new rights and entitlements that support working parents as they balance their work and child care responsibilities. As my hon. Friend said, we introduced a "day one" right to time off for dependants, which allows all employees to take time off to deal with an emergency and make any necessary longer term arrangements. Of course, we also established new rights, which give parental leave to fathers as well as mothers and to adopters as well as birth parents.

Parental leave gives parents the right to time off to look after their child, make arrangements for the child's welfare or simply spend more time with their children. They can take time off knowing they have the right to return to their job at the end of their leave. They can concentrate on family life without having to worry about whether there will be a job for them when they return.

Parents are entitled to 13 weeks' leave for each child, which can be taken up to the child's fifth birthday. Initially the right benefited only parents of children born or placed for adoption on or after the date when the right was introduced, but, as my hon. Friend said, in January 2002 we extended parental leave to parents of all the children under five on that day. For parents of disabled children we increased the leave to 18 weeks; that leave can be taken up until the child's 18th birthday.

Parental leave was designed to be flexible. Employers and employees are encouraged to agree on how the scheme will work for them. For example, some companies offer a period of paid parental leave or widen the scheme to include more parents. Unions can also negotiate collective agreements on parental leave with employers. We want that balance to work, and we want schemes that meet the requirements of particular workplaces, but where there is no such agreement, we have to use a fall-back scheme. That provides key elements of how parental leave will work, including how much leave can be taken in a year and what notice should be given. It is intended to support parents without disadvantaging their employers.

Parents must give their employer 21 days' notice of their leave. That provides both employer and employee with a degree of certainty and helps them to plan for the absence. Leave can be taken only in blocks of a week, although parents of disabled children are able to take leave a day at a time. Employers can postpone parental leave for up to six months if the employee's absence would unduly disrupt the business.

The fall-back scheme was designed to balance the needs of parents with those of employers. As hon. Members have said, that is always a difficult balancing act, but I think that, across the range of family friendly measures, we have made the right decisions. We are helping parents to remain in the work force.

I want to consider the mother gap, which is a key issue. The mother gap is a term to describe the difference in incomes between childless women and those with children over their lifetimes. The reasons for the mother gap include fewer years in employment, shorter hours due to part-time work, lost experience and the part-time penalty. A mother gap in earnings of £140,000 is experienced by a typical mid-skilled mother of two throughout a lifetime.

The mother gap is narrowing because more women than ever are returning to work within a year of childbirth. We know that returning to the same job is key to reducing the mother gap. To succeed in that effort, we have made parental leave one of the options open to mothers who wish to return to work. However, as I have said, parental leave is only one part of the picture. The Government introduced paid annual leave as a statutory right for all workers, and all workers are now entitled to four weeks' paid holiday. That entitlement begins from their first day of employment and gives parents a further option for taking time off to spend with their children.

In April 2003, following extensive consultation with parents, employers, unions, charities and other interested parties, we introduced the biggest ever package of legal changes to help parents to balance work and family life. The changes are compatible with business and business supports it. They include paid paternity leave; the biggest increase in statutory maternity pay since it was introduced in 1948; an increase in maternity leave to one year; the right to request flexible working for fathers as well as mothers of young and disabled children; and, for the first time, comparable rights for parents who adopt.

Paid parental leave was one of the possible options considered in the working parents Green Paper and the consultation exercise in 2000. Although paid parental leave was supported by some employer representatives and family groups, as my hon. Friend said, employers of all sizes maintained a high level of opposition to its introduction on the grounds of cost and the impact of absence from the workplace. Parents themselves gave a higher priority to other options. We believe that we are likely to be more successful if we continue the route that we have chosen to develop awareness.

Mr. Dhanda: I appreciate what my hon. Friend is saying. When he returns to his Department, will he take on board the points that have been made during the debate about what is happening in Austria, Canada and Denmark, where they have made a fist of it and where such action has not been detrimental to businesses in those countries or to the economy?

Mr. Sutcliffe: I will do that. My hon. Friend will know that, as we discuss the manifesto that will be put to people in the United Kingdom, my colleagues in the DTI and my right hon. Friend the Secretary of State will consider the whole range of options that are available to us in respect of family friendly employment and women at work. I clearly undertake to examine the points made in the debate and the evidence that my hon. Friend and others will produce on what happens elsewhere.

My hon. Friend referred to the number of people who do not take up such opportunities and use their rights, and asked what the Government are doing to increase take-up. Throughout 2003, the Department ran a series of newspaper advertisements to raise awareness of the new laws that cover parental leave. We spent £2.7 million on the campaign. At the beginning of this year,

we directly mailed nearly 250,000 employers of small and medium-sized businesses with information on the new laws. Again, that covered parental leave. Information is also available on the DTI website. I agree with my hon. Friend and ACAS that we must ensure that we get the message through to people about their rights.

As my right hon. Friend the Member for Stretford and Urmston said, initial evidence shows that many parents are already benefiting from the new laws. In the past year, almost a million parents have asked for a change in their working hours, which is a quarter of all parents with children under the age of six. We have made huge strides in supporting parents in the workplace. They now have more opportunity to choose how and when they spend time with their children. It may never seem enough time, but it is a vast improvement on what was available in 1997.

As has been said, however, such action is only part of what we have done for families. Six million families are benefiting from the new tax credits, and 524 Sure Start programmes offer services to about 400,000 under-fours in disadvantaged areas, including a third of all those living in poverty. There are more than 1,200 neighbourhood nurseries providing more than 43,000 day-care places.

We are committed to providing, by 2008, an additional 100,000 child care places, through the Sure Start and children's centres, offering integrated early education, child care, and health and family support services for the 20 per cent. of wards that are most disadvantaged and for many pockets of deprivation outside those areas.

Our approach has always encompassed more than legislation to establish minimum fair standards in the workplace. Since 2000, the Government have led a concerted effort to change the culture and to create a consensus that work-life balance and flexible working opportunities benefit everyone: employers and employees.

Many employers tell me and my colleagues that it makes good business sense to provide flexible working opportunities for their staff, as well as assisting the demographic situation. It helps them to retain skilled staff, raise staff morale and decrease absenteeism. They are convinced that it is best business practice.

My hon. Friend the Member for Gloucester said that parents still struggle to balance work and family responsibilities. We must therefore continue to examine where we can go next. In April, my right hon. Friend the Secretary of State launched a debate to look at what more we could do to support families. We have been listening to the views of parents and carers on how they juggle work and family responsibilities, and to employers' views on how they respond to increasing flexibility in the workplace. With input from a citizens jury, analysis of research and other evidence, we will look closely at the options that work for families and for business.

We made a commitment that we would not make any changes to the 2003 employment laws for three years, and we will stick to that commitment. However, we want to begin to examine what we could do, and that will include an examination of parental leave. We have to make tough choices, because we cannot do everything.

This has been an important debate on an issue that relates to the world of work both now and in the future and how people react to it. Mention was made of the ICM poll—it is clear that people want to see a change in working practices. That change will benefit the UK's productivity, and it will benefit businesses and families. The general debate will continue, but I hope that the contribution from today's debate will mean that parents in the UK will be able to juggle the difficult task of bringing up their children while ensuring that the UK stays ahead in productivity.

12.28 pm

Sitting suspended until two o'clock.

Mark Day

12.30 pm

Mr. Gerald Howarth (Aldershot) (Con): I am very grateful for the opportunity to raise a case in my constituency in which I have taken a long-standing interest and which has caused me a fair amount of grief in the last few years.

I say at the outset that I do not believe there to be any sub judice issue at stake in the case, since all the appeal processes have been exhausted and what remains is a question for the Parole Board and related activities. I do not believe either that there is any case of the House trespassing on the courts, whether or not the courts pay attention to the possibility of trespassing on our concerns, but that is a matter for another debate, which I suspect would take even longer than this one.

The background to the case is that on 1 August 1992, my constituent Mark Day, then a 19-year-old of previously good character, was out with a group of friends in Kingston upon Thames. Although he had been drinking, he was not drunk; indeed, later that evening he passed a breathalyser test. After the bars had closed, he and his friends, whom he had known for only a short time—they were not of long standing—joined a queue at a burger bar. There was an altercation between Mark and a Mr. Patrick French, who was goading Mark and remarking on his youthful appearance. Mark punched Mr. French, but as an act of self defence, as he feared that he was going to be hit by Mr. French. It is unclear exactly what happened next, but it appears that others in the group attacked Mr. French, who was tragically killed in the ensuing melée.

Mark has never denied being involved, but has always maintained that his involvement was minimal and almost accidental, and that at the time of the fatal blow he was in a fight with another man, Damien Chapman. On 26 March 1993, Mark and two others were convicted of murder on the basis of common enterprise, although to this day he protests that it was not he who inflicted the fatal blow. Indeed, I am told that his co-accused, Scott Steer, admitted to a prison officer that he was responsible, and the appeal court took the view that the trial jury

"recognised the strong possibility that it was Steer who inflicted the fatal blow".

Mark was sentenced to life imprisonment, with an initial tariff of 12 years, subsequently reduced to 11 years, although his appeal against conviction has been unsuccessful; it was rejected most recently in April last year. Those are the bare facts of the case in which a brawl lasting a few minutes cost the life of one man and deprived three others of their liberty, when they should have been able to enjoy the early years of adulthood.

However, Mark Day's difficulties have been compounded by astonishingly incompetent legal representation, which reflects extremely badly on the profession. On the night of the tragic incident, the duty solicitor who represented Mark was Gerald Bate. He considered that he was not sufficiently experienced to handle a murder case and sold the case to another firm of solicitors on a fee-share and commission basis. However, for the next six months, Bate fronted the case, and Mark's parents had no idea that he was merely a cipher acting as undeclared agent for a firm of solicitors. During the relevant period, the relationship between Bate and the firm, Whitehead Devereux, ended in acrimony. It is argued that Mark's interests were severely damaged during the identification parades and the subsequent magistrates court and committal proceedings when Bate was charged with the responsibility for Mark's case, not because he was the right man for the job but because that was the financial deal between the lawyers.

In addition to that disastrous and unprofessional arrangement, the solicitors failed to instruct a QC in good time, despite the Day family's increasingly desperate pleas. In the end, Mr. Roy Amlot, an eminent Queen's Counsel and later chairman of the Bar, was instructed just four days before the trial began in March 1993, and he had only one conference with Mark. Furthermore, he was called away to another case during the trial, leaving a junior to hold the fort. Unbelievably, Mr. Amlot recommended that Mark should not give evidence in his own defence—we all know what view we take of people who are not prepared to speak up in their own defence.

I am setting all this out for the Minister's benefit, so that he can understand why I have been pressing this case for a number of years. What happened on that August night 12 years ago was a tragedy for Patrick French's family, but it was also, albeit to a much lesser degree, something of a tragedy for the Day family, and Mark's problems have been compounded by the way in which the Home Office has subsequently handled his case.

According to the rules as I understand them, on the basis of a tariff of 11 years, Mark should have been eligible for parole in August last year. Most lifers have to spend time in an open prison before their release, so the normal practice is that the process of case review begins some three to three and a half years before the tariff expiry date. In theory, that review considers only the issue of release, but in reality it concentrates on a possible transfer to an open prison. If the prisoner is successful, he will have his second Parole Board review at his tariff expiry point and, if successful there, will be released at that date.

In Mark's case, that implies a first review in August 2000. However, although reports were prepared, the review simply never took place, as the Home Office has admitted. As a consequence, a move to an open prison did not take place either. Altogether, that was a significant error that could well have cost Mark years of liberty to which he was otherwise entitled.

The first Parole Board hearing did not take place until November 2003, when Mark was still being held at Kingston prison, near Portsmouth. It was arguably more than three years later than it should have been and certainly three months after the tariff expiry date. The board held that Mark's behaviour in prison had generally been "good" and that he had

"worked hard and well in the gardens in the last 5 years".

As an aside, let me say that reference to Mark's use of drugs illustrates how the Prison Service has failed to deal with that issue—here was a young man whose introduction to the world of drugs appears to have come from within a Government-run institution.

The panel was critical of Mark's alleged failure to accept his guilt, suggesting that his preoccupation with his appeal in the early years prevented him from doing

offence-related work, but given the background to the case, we must ask which one of us, in similar circumstances, would not have sought to exhaust every possible avenue to secure our freedom from incarceration.

The panel concluded that until Mark had

"addressed the issues outstanding the risk remains too great for release. The panel considered that the work remaining to be done could be undertaken in what the panel would hope would be a relatively short time in open conditions".

Of course, had the Home Office followed the standard procedure, the release planning process would have begun in 2000–01, but Mark was still in a category B closed prison. Did the Home Office then move to make up for lost time? No. Mr. Simon Alderman, senior executive officer in the relevant department, accepted in principle that Mark should be transferred to open conditions, but such a move would be subject to Mark being reassessed and, if necessary, completing the reasoning and rehabilitation course in closed conditions. However, such a course was no longer available at Kingston prison, because the Home Secretary had scrapped it to save money.

Following the Parole Board review last November, the Home Office agreed to move Mark the following month, but again there was a delay and Mark was not moved to Standford Hill open prison on the Isle of Sheppey until 27 May this year, less than a month before he secured a successful outcome to his application for judicial review.

At last, progress appears to be being made, and I thank the Minister for the part that I believe he has played in securing it. Mark seems to be doing extremely well. He is working outside the prison. He has been on escorted town visits and, recently, on an unescorted visit. He is due to have his first home visit shortly, some four months earlier than originally planned. Most importantly, he has completed the enhanced thinking skills course, the assessment of which is expected soon.

This is all good news at last, but why has it taken endless representations by me, and finally a judicial review, to secure that to which Mark Day is entitled in law? Why was Mark denied his first Parole Board review at the required point? Why did the lifer review and recall section of the Home Office not seek answers from the Kingston prison governor for that failure in the process? Why did the Home Secretary force Mark to seek judicial review knowing that the Home Office had failed to provide for a timely Parole Board review, all of which constituted an additional burden on the taxpayer? Finally, why was Mark's transfer to open prison delayed by six months, despite the recommendation of the Parole Board and Mr. Alderman's acceptance of the need to move him?

The sense of injustice in this case stretches back all the 12 years. Mark got a raw deal from the legal profession at the outset, as I have explained. That injustice has been exacerbated by the fact that Scott Steer, who is generally reckoned to have inflicted the fatal blow, has been at liberty for two years, whereas the young man whose behaviour in prison a Home Office official described in a preliminary review as

"exemplary, blemished only by a few breaches of discipline early in sentence"

has been held in custody and remains there today. The Minister tells me that he cannot comment on the Parole Board's handling of another case, and I understand the niceties of that, but the fact remains that Steer and Day were both convicted on the basis of common enterprise; they were both involved and the court appears to have taken the view that, without being specific as to who inflicted the fatal blow, the three—there was a third party—were guilty of bringing about the death of Patrick French. If they were convicted on the basis of common enterprise, why has Steer been at liberty for two years while Day, with his unblemished record and previous lack of any bad behaviour, is still languishing in jail?

Mark comes from a stable home. He had no previous offending history, save for a possible caution. He has remarkably forbearing, loving and patient parents and he has the offer of a job—possibly more than one job—awaiting him on his release. The Day family and I look to the Minister to answer the questions that I have posed but, perhaps more importantly, I also request him to do all in his power to ensure that Mark's preparation for release continues to be expedited in the way that it has been in recent weeks.

Tragically, nothing can bring back Patrick French, but no purpose is served in delaying the rehabilitation into society of a young man who has more than paid the price for his part in that tragedy.

12.43 pm

The Parliamentary Under-Secretary of State for the Home Department (Paul Goggins): I congratulate the hon. Member for Aldershot (Mr. Howarth) on securing this debate. He began by explaining that he has assiduously followed the case over the years; from the correspondence and parliamentary questions tabled in his name that I have seen, I can confirm that.

I am sure that the hon. Gentleman will understand that I am not able to comment on the competence or otherwise of the lawyers who acted in this case. However, I can agree that when an offence takes place there are a number of victims. Tragically, in this case the victim was killed. The family of that victim will also have been affected. I agree, too, that the families of the offenders are affected. The hon. Gentleman spoke about the impact on one such family, and I am sure that they gain some confidence from the fact that, as their MP, the hon. Gentleman comes to the House and raises these issues on their behalf.

It may help if I set my remarks in the context of how Mr. Day came to be serving a life sentence. I should first underline that my starting point has to be that the convictions in this case are safe. The finding of the court was that in the early hours of 1 August 1992 Mr. French, a young man of only 22, and his friend Mr. Chapman stopped to buy hamburgers at a stall. Without any apparent provocation, they were set upon by Mark Day and his friend Scott Steer, who had both been drinking. Mr. Day and Mr. Steer punched and kicked Mr. French repeatedly, even when he was on the ground, and Mr. Steer kicked him in the head. Mr. French died as a result of the attack, and in March 1993 Mr. Day and Mr. Steer were convicted of murder. They both received a life sentence.

Each life sentence includes a period intended to satisfy the needs of punishment and deterrence. That period is commonly known as the tariff, and it is the minimum term that the lifer must spend in prison. Except in the

[Paul Goggins]

most exceptional compassionate circumstances, he or she cannot be released before the tariff period is completed. Once a lifer has served the tariff period, however, there is still no automatic expectation that they will be released. The legislation makes it clear that public safety must come first, and lifers may not be released until it is considered safe for them to rejoin the wider community.

These days, as the hon. Gentleman will know, the Home Secretary no longer makes such decisions. Indeed, to ensure objectivity and independence, and to meet the requirements of article 5 of the European convention on human rights, decisions about the release of lifers are now made by the Parole Board. However, it is not entitled to release a lifer unless it is satisfied that confining him or her is no longer necessary for the protection of the public. In that respect, case law in the European Court of Human Rights makes it clear that what must be taken into account is the risk to life and limb posed by the individual lifer. The emphasis on that risk is important because the Parole Board cannot refuse to release a lifer into the community for a trivial reason.

To determine the risk posed by the lifer, the Parole Board will rightly look at several issues, including the progress that he or she has made in addressing the factors judged relevant to his or her risk. Therefore, two co-defendants, who are given life sentences for the same offence on the same day, may quite easily and understandably serve different periods in custody. First, they may receive different tariffs. Secondly, and just as importantly, they may make progress towards rehabilitation at different rates. In the cases of Mr. Day and Mr. Steer, both those factors have come into play and help to explain why Mr. Steer is on licence while Mr. Day is still in custody.

First, after exhausting all the avenues in the tariff-setting process, Mr. Day was given a tariff of 11 years, which expired in August 2003, while Mr. Steer's tariff was 10 years and expired in August 2002. Secondly, the Parole Board decided that Mr. Steer had made sufficient progress in addressing his risk by the expiry of his tariff and that it was no longer necessary to confine him. He was therefore released in October 2002. So the tariff was different, and the Parole Board's risk assessment was that it was safe to release Mr. Steer when his tariff expired.

Mr. Howarth: The Minister may not have this information to hand, but can he say when the Parole Board review process was initiated in respect of Mr. Steer? Was it in the three years before the expiry of the tariff?

Paul Goggins: I am not able to confirm that now, but I will be happy to write to the hon. Gentleman if I am able to disclose that information, although there may be issues of confidentiality.

On 3 November 2003 the Parole Board considered Mr. Day's case. The hon. Gentleman asked why that review was not held sooner. I understand that there are two reasons. There is no disguising the fact that there was an administrative error on the part of the Prison Service, but the situation can also be partly explained by the fact that Mr. Day did not wish to engage in some of the offence-related work or the sentence planning that would be required of him during his prison sentence. He was reluctant to engage in that while his appeal was outstanding. As I am sure the hon. Gentleman appreciates, that work is important in helping to inform the Parole Board on the degree to which the individual has been able to reduce their risk.

In any event, despite what may have appeared to have been a delay, when the review was held and the Parole Board had given the matter careful consideration, it decided that it was not entitled to direct Mr. Day's release, because there was more work to be done to address his particular risk factors. In particular, it concluded that he needed to do more to develop his understanding of those factors that may increase his risk of violence, and that he needed to increase his understanding of the effect of his behaviour on his victim's family. The Parole Board did, however, recommend that he be transferred to open conditions to complete that work.

I should add here, and it is important to convey this point to the hon. Gentleman, that the decision to transfer a life sentence prisoner to open conditions is entirely a matter for the Secretary of State; indeed, that responsibility has been confirmed by the courts. The Secretary of State, and the officials who act for him, accord a great deal of weight to the Parole Board's recommendation for transfer to open conditions, but in the end it is his decision.

In this case, officials in the then lifer unit of the Prison Service, acting on behalf of the Secretary of State, decided that further assessment was needed to determine how best Mr. Day should address the risk factors that had been identified. Bearing that in mind, the finding of the Parole Board's sifting panel, which operates prior to the main oral hearing, was that Mr. Day should carry out more work on his cognitive skills. It was thought probable that he would be suitable for the reasoning and rehabilitation programme, which is a cognitive skills-based course available only in closed conditions. It was determined that he should be assessed for that course, and if found suitable, he should complete it.

Mr. Howarth: The trouble was that in Kingston prison Mr. Day did not have the opportunity of undertaking that course, because it was no longer available. It had been superseded by the enhanced thinking skills course. Surely, given the Parole Board's recommendation that the case be expedited, the imposition of the requirement that he should attend the course was not fair when it was not available in Kingston prison.

Paul Goggins: If the hon. Gentleman will be patient a little longer, I will explain the withdrawal of the reasoning and rehabilitation programme. It is important to emphasise that in the circumstances of the recommendation, it was open to the Secretary of State to reject the Parole Board's recommendation for transfer to open conditions altogether, and to direct that Mr. Day should remain in closed conditions pending the assessment and the completion of any necessary work. Had that course of action been followed, the Parole Board panel that was conducting the review would not

then, of course, have had the benefit of seeing how Mr. Day had been able to cope in open conditions. Bearing that in mind, officials acting on behalf of the Secretary of State decided not to reject the recommendation outright, but to await the outcome of the assessment.

If the reasoning and rehabilitation course was needed, Mr. Day would remain in closed conditions until he had completed the work. He would then be transferred to open conditions without the need for a further review. If the course was not needed, he could transfer to open conditions straight away, to work on his offending behaviour needs there. In either event, the plan was to set a date for the next review that would allow Mr. Day plenty of time to complete the work and to be tested in open conditions.

As the hon. Gentleman said, the Prison Service decided to withdraw the reasoning and rehabilitation programme before Mr. Day could be assessed for it. The decision not only related to Mr. Day but was a wider decision relating to the provision of offending behaviour programmes across the Prison Service. As the hon. Gentleman said, those prisoners who would have been required to complete the course were directed instead to the enhanced thinking skills programme, which is also a cognitive skills programme but less intensive. It is proving to be more cost-effective. Since that course was available in open conditions, there was no longer any reason to delay Mr. Day's transfer, and he was transferred to open conditions in May and began the enhanced thinking skills programme in June.

Having made those arrangements, it then fell to the officials acting for the Secretary of State to set a date for Mr. Day's next review. The maximum time between reviews, as set out in statute, is two years. European Court of Human Rights jurisprudence dictates that referral to the Parole Board must be speedy. That means that review periods longer than a year must be demonstrably necessary and proportionate in all the circumstances. In Mr. Day's case, he would first need to complete his offending behaviour programme—the enhanced thinking skills programme. His progress on that course would have to be reviewed, and then it would be necessary to monitor his progress in open conditions to ensure that he was able to apply the lessons from the programme in real-life situations.

A lifer in open conditions is also expected to spend a period on a community placement—for example, in paid work or some volunteering activity—to test their coping skills in the community. The offender is also expected to undertake periods of resettlement leave and to devise, under the supervision of the probation service, a realistic release plan. In Mr. Day's case, it was thought that all those activities would take about 21 months. It was therefore decided to conclude the review of his case in August 2005. Admittedly, the period is towards the limit of what is permitted in statute.

Mr. Day challenged the decision at judicial review. He also challenged the Secretary of State's power to set the review date, arguing that the power was properly one for the Parole Board rather than the Secretary of State. The court found against him on the latter point, stating clearly that the present system was ECHR-compatible provided that the Secretary of State referred cases in a speedy manner. However, the Court did find that such a long period was not necessary in Mr. Day's case and that the next review should conclude more speedily after completion of the enhanced thinking skills programme. Mr. Day's review is now due to conclude in December with a Parole Board panel, which may be an oral hearing if the Parole Board, Mr. Day or the Secretary of State think that an advisable course of action. The hearing will consider the case as soon thereafter as practicable.

However, it is important to emphasise that even at that point the outcome is not automatic one way or the other. The Parole Board may consider that Mr. Day meets the test for release—that is, his detention is no longer necessary for public protection—but, on the other hand, it may determine that the risk has not been sufficiently reduced. If that is the case, Mr. Day will be subject to a further review at whatever interval the Secretary of State deems lawful and reasonable in the interests of public safety.

I hope that the explanation that I have offered the hon. Gentleman is helpful in understanding how Mr. Day's case is being dealt with and that decisions about his release are properly made. Mr. Day has served his tariff period but he will be released only if the Parole Board considers it safe.

Mr. Howarth: Can the Minister say when the Parole Board hearing will take place? He said "as soon thereafter as practicable" after December. Can he give me a date?

Paul Goggins: It is not possible for me to give the date today, but as soon as I am in a position to confirm it, whenever that may be, I will let the hon. Gentleman know. With that response, I conclude my remarks.

Water Industry (Price Review)

1 pm

Mr. David Heyes (Ashton-under-Lyne) (Lab): I am pleased to have secured this short debate on what I know is a matter of great and immediate concern to many of my constituents. The timing of the debate is fortunate, as it comes as the process of the periodic review of water prices in England reaches a critical phase and moves towards its conclusion in December, with the new price regime and inevitable price rises to be introduced from next April. We are expecting a response from the water companies next week to the draft determination of price limits published last month by Ofwat. Other consultation responses will be received until 13 October, and the final determination of price limits will be made known by Ofwat on 2 December. When the Secretary of State published the principal guidance to Ofwat at the start of the process, she acknowledged that she was concerned about the effect of water bills, especially on those least able to pay. It is precisely that concern that has excited the interest of many of my constituents, and it is on that aspect of the price review that I will concentrate most of my remarks today.

At the time of the last periodic review, Ofwat gave some comfort to water consumers by forcing a cut in the apparently remorseless price increases that had taken place since privatisation in 1989. However, to judge from the current aspirations of the water companies we can expect a return to significant price increases over and above inflation for each of the next five years. Even though the regulator has cut back on the 30 per cent. plus claims of the companies, most consumers can expect increases of 13 to 15 per cent. above inflation in the years until 2010. The local supplier for my constituency, United Utilities Water, has been told to plan for increases of about 18 per cent. above inflation. Inevitably, potential price rises on that scale will conjure memories of fat-cat salaries and the huge profit hikes that characterised the industry in the 1990s, which did so much to undermine public confidence in the claims of the industry's leaders.

One way or another, water customers can expect a big increase in their bills over the next few years. I recognise that there is a need for investment to implement directives on water quality and environmental improvements, and I shall not challenge that need. Questions could be raised about the failure to make progress on some of those fronts since privatisation, especially in the light of the constant upward movement in profits. Questions could also be raised about whether the funds for such investments should be raised only from the consumer and not from the owners of the businesses—the shareholders. Indeed, on the issue of environmental improvements, some have raised challenging questions about the extent to which the polluter should pay. However, given the limited time available today I shall leave those questions hanging and turn instead to my main purpose, which is to urge my hon. Friend the Minister to use the opportunity of the review to bring forward proposals to help water consumers who cannot pay their bills and who will struggle even more if prices continue to escalate.

The situation today is so bad that about one in five households are in arrears with their water bills. The latest figure, provided for me today by United Utilities Water, is that in the north-west about 600,000 households do not pay a proportion of their water bill. More than 4 million households are thought to spend more than the widely recognised affordability threshold of 3 per cent. of income on water. Many benefits recipients spend more than 10 per cent. of their income on water bills.

According to figures produced by Ofwat, which were derived from the water companies and released two years ago, unpaid bills totalled more than £750 million, with more than £400 million outstanding for 12 months or more. I have been unable to find any evidence of a fall in those figures since then. Self-evidently, the round of price increases we look set to see over the next five years can serve only to make the situation worse. Just last year, the chief executive of United Utilities Water told the Select Committee on Environment, Food and Rural Affairs that he expected the number of his customers having difficulties in paying their bills to rise broadly in line with the rise in prices. I pause to pay tribute to the excellent work of the Committee on water pricing, which is continuing. I am sure that the Minister will take proper account of its deliberations and recommendations.

How should the issue of water poverty be addressed? I shall start by referring to the encouraging progress being made through the reform of the tax and benefits system. The long-term aim is to eradicate poverty, and family credit and pension credit are important first steps on that road. They are the route to bringing household income up to a level at which utility bills are affordable, but we are not there yet, and if the experience of my constituents is anything to go by, we have a long way to go.

The more immediate question is about the adequacy of the existing systems to help people in genuine water poverty, whose situation is likely to get worse as a result of the probable outcome of the current periodic price review. I fully support the Minister's principal guidance to Ofwat in March, which stated:

> "The policies contained in this guidance are strongly informed by the interests of customers."

My hon. Friend went on to repeat the Secretary of State's concern about the effect of water bills, especially on those least able to pay, and undertook to review the way in which lower income households are helped with their water and sewerage. One way in which he will do so is through the ongoing review of the vulnerable customers scheme. It is welcome that the review is being carried out in parallel with the periodic price review, which seems likely to lead to big price increases and hence to higher indebtedness and greater numbers of people in water poverty.

I am sorry to have to tell my hon. Friend that the present provisions for tackling the problem have been desperately ineffective. The vulnerable group regulations were very tightly drawn; they apply only to consumers who are on a metered water supply, with three children under 16, a specified medical condition and a specified welfare benefit. At best, the scheme can do no more than cap their water bill at the average in their home area. Very few water consumers know about the scheme, and, not surprisingly, take-up has been abysmal, with fewer than 2 per cent. of those who might be eligible taking advantage of it. To cap that, the

scheme costs more to run than is being paid out to consumers. For example, United Utilities in the north-west has 2.7 million water customers, of whom 472,000 are in metered properties; of those, only just over 1,000 customers meet the stringent requirements of the vulnerable customer tariff.

The review of the scheme is welcome and there has been widespread consultation on the proposals of the Department for Environment, Food and Rural Affairs. An announcement about a new scheme can be expected soon, although some people are scratching their heads wondering when that might be. However, I am sorry to say that even if all the suggested improvements to the scheme were adopted, it would still apply only to a tiny minority of consumers and would make no noticeable contribution to tackling the huge and growing problem of water poverty.

The inadequacy of the present system to help vulnerable customers had led to the emergence of a hotch-potch of voluntary and charitable schemes being set up or supported by the water companies. In the north-west, for example, United Utilities' hardship scheme will assist customers who can satisfy criteria requiring that they should be recipients of income support, have a disability, be longer-term unemployed, be a pensioner or have multiple debt. For every pound that the customer pays towards their water debt, the company will write off a further pound. A recent big push by United Utilities has increased the number of beneficiaries under the scheme to more than 6,000, which is commendable, but they are little more than 1 per cent. of its customers who have difficulty paying their water bill each year.

A recent announcement by United Utilities brought news of a plan to join the growing band of water companies that have set up and sponsored a charitable trust to help those having difficulties paying their water bills. It is hard not to interpret that as a response by United Utilities to the inevitable backlash that will result from the Ofwat proposals, which would entail an increase in real terms of almost 18 per cent. in water bills, by an average of £47 to £315, over the next five years. Although full details of the United Utilities-backed charity are awaited, it seems unlikely that the £15 million that the company has pledged to the charity over the five years will assist more than 3 per cent. of its customers who experience serious water bill difficulties. Frankly, the growing trend towards water companies sponsoring charities as a solution to the problem of water poverty has an unpleasant whiff of Victorian paternalism and the concepts of the deserving and undeserving poor.

The rules around such charities tend to be tightly drawn. For example, the Anglian Water Trust Fund says:

"Grants are given solely at the discretion of the Trustees depending on the person's circumstances. They are not available to 'claim' or given as an 'entitlement' for people in difficult circumstances."

It also notes:

"Each week, the Trust gets asked for about three times as much money as it has available. This means that we cannot help everyone and Trust staff have to make very difficult decisions about who they can help."

Bizarrely, it adds:

"Sometimes the application shows that applicants have more money going out than they have coming in".

I would have thought that that was the definition of water poverty, but the trust continues:

"In such cases, the Trust is unlikely to make a payment".

Other schemes have equally illogical constraints, such as:

"If you receive an award from the Trust, you cannot reapply to the Trust for two years."

All those things suggest that charitable trusts are an inadequate substitute for a welfare assistance scheme that is properly funded and administered by the state. To return to United Utilities, the combined benefits of its vulnerable customers scheme, its hardship scheme and the proposed charity will, even on an optimistic projection, reach little more than 5 per cent. of customers in potential bill-paying difficulties.

What are constituents who might be struggling to pay their water bills to do? First, and most important, they need not fear having their water disconnected. Nowadays, thanks to firm action by the Government, water companies are not allowed to disconnect, and that policy must continue, if only in the interests of public health. Equally, any attempt to reintroduce pre-payment meters must be opposed. They are simply an invitation to self-disconnect and give rise to the same worries about wider public health consequences.

There is little evidence that the Government's policy decisions have encouraged the non-payment of water bills; on the contrary, the non-disconnection policy is little known, and those who are genuinely struggling to meet their utility and household bills tend to give highest priority to paying the water bill because of the widely held and continuing fear of disconnection. Given the lack of a benefits-based solution, however, the problem is that the costs of the non-payment of water bills accrue year by year. Eventually, the additional cost must be borne by those water consumers who can pay their bills.

Significant numbers of households are struggling, and in many cases failing, to pay their water bills. That situation is likely to worsen in the short term, given the latest round of price rises. The lack of an effective mechanism to provide assistance to deal with water poverty results in an accumulating debt burden, initially for the companies but ultimately for paying customers. In time, the Government's core aim of reducing and eventually eradicating poverty through work and the tax and benefits system should resolve the problem of water bill affordability. However, that will not happen in the current five-year water price review period, even on the most optimistic projections. In the meantime, the Government, the regulator and the companies must decide how to tackle the issue of affordability in the foreseeable future.

In the current round of price reviews, the Secretary of State's initial guidance to Ofwat suggested that its deliberations should give due weight to the economic and social effects of policies, and especially the impact of water bills on vulnerable consumers. Affordability must be more central to Ofwat's considerations than has hitherto been the case in price reviews. If necessary, the Secretary of State's guidance to Ofwat must be clearer and stronger in that respect.

[Mr. David Heyes]

It is clear that the draft determination that Ofwat published last month gave too little weight to such concerns. I hope that my hon. Friend will take the opportunity, in his final guidance to Ofwat, which is imminent, to give it a robust reminder of such factors and to urge it to take a further critical look at the affordability of bills against the setting of water companies' continued and accelerating profitability. It is also clear that the Government need a more thorough and far-reaching review of the support scheme for vulnerable consumers than is promised by the proposals under consideration. It would be nice if the water companies were obliged to introduce more effective proposals for customer assistance than those in their inherently timid and constrained charitable trust schemes. What about a levy on their still considerable profits, following the precedent set by the windfall tax? I am sure that that would pay for a comprehensive scheme.

I am convinced that co-ordinated action of this sort by the Government, the regulator and the industry can bring about an early solution to the problem. It is time for the pass-the-parcel approach to dealing with water poverty to stop.

1.15 pm

The Minister for the Environment and Agri-environment (Mr. Elliot Morley): I congratulate my hon. Friend the Member for Ashton-under-Lyne (Mr. Heyes) on securing the debate. He raised several serious points about the affordability of water. Water is a basic need that the Government take very seriously, and there was a great deal of concern during privatisation because of its importance. We campaigned very strongly for the obligation, unique among utilities, not to disconnect people because of the essential role of water in relation to health. The Government have played an important part in recognising the needs and rights of consumers, and in ensuring effective regulation of prices.

My hon. Friend has made a powerful case concerning those who have difficulties with affordability. I was impressed by his detailed figures relating to United Utilities in his constituency and the impact felt by local people. He raised some important factors that the Government are trying to address. I shall come to those points in a moment.

The key issue in tackling the problem of affordability is recognising that it is important to everyone. We start on the basis that we do not want any more price increases than are necessary to provide improvements in infrastructure and to invest in environmental and quality improvements, which people recognise are important. They are an important part of the early investment process in the water sector. There is a system of periodic reviews of water price limits that takes into account all those factors. I pay tribute to Philip Fletcher, who has done a very professional job in going through the companies' draft plans and producing his current determinations, which await ministerial guidance and response from the companies. He will then produce his final guidance towards the end of the year.

The role of Ministers is limited to giving guidance on the quality programme. Ofwat published its draft price determinations for consultation on 5 August, containing numbers substantially below those in the companies' draft plans. I know that my hon. Friend will welcome that. The national headline figures that came out of the regulator's proposals showed that average household bills would rise by £33—a 13 per cent. increase—from £249 to £282 before inflation, over five years. That compares with the companies' proposals for an average increase of £70. Price limits stood at 3.1 per cent. per year for five years, which is roughly half the increase sought by companies. An increase of 7.6 per cent. in price limits is proposed for 2005, to reflect the build-up of customers' costs, tailing off to 1.2 per cent. in 2009. The companies sought an increase of 13.4 per cent. in 2005, so there has been a substantial change if one compares the regulator's proposals with what the companies asked for. The regulator has rightly challenged the companies' figures and looked very carefully at the costs. The process has been thorough, and it involved all agencies. As my hon. Friend rightly states, we are near the end of that process, with the final price determinations due to be published on 2 December. Those price limits should be sufficient for the companies to undertake the minimum programme consistent with delivering the policies and outputs required, but they should be no higher than they have to be. That is an important consideration.

My hon. Friend concentrated on affordability, and I understand his case. He has made a persuasive argument, and there are sections of the community for whom water is an issue of affordability. That is a key concern, and the Environment, Food and Rural Affairs Committee and the Environmental Audit Committee have encouraged the Government to review the ways in which lower-income households are helped with their water and sewerage charges. We have responded to that request and a review, led by a cross-Government steering group, is under way. We have sought the views of interested parties outside the Government, and a well-attended seminar was held on 18 June involving a range of stakeholders. Since then there has been a series of bilateral meetings with those stakeholders to develop and consolidate their comments and ideas. We will respond to that consultation shortly, and put out our response to the discussion.

Of course, my hon. Friend is right to say that what we can do for vulnerable groups in the regulations covers a comparatively small proportion of customers. I do not want unduly to raise expectations, because that is not likely to change. He understands that the more concessions we make on prices, the more we will have to put up prices for customers across the board. We are concerned to ensure that prices are kept as low as possible for everyone, while recognising that there are vulnerable groups who require special consideration. Those are people who could suffer real hardship because of prices, and in some cases because they need to use a lot of water. That is why the regulations are drafted in a fairly restrictive way. They recognise that there are special circumstances, which are not common but do affect some people. We must acknowledge that.

The regulations apply to people who are on a meter, and the number of people on meters is increasing. About 15 per cent. of United Utilities customers in my hon. Friend's area are on a meter, and there is considerable scope for that figure to increase. Many people who have not yet asked to go on to a water meter would find that it

was very much to their advantage to do so. For example, meters are likely to benefit pensioners. Many people find that their bill goes down right away when they move to a water meter, which is installed free of charge under the regulations that we have put in place.

Mr. Heyes: On that point, the people who are transferring to a metered water supply in increasing numbers tend to be those who live in larger properties—households containing just a single person or a couple. There are significant savings to be made as a result of making such a transfer, which is obviously sensible for them. However, because the costs are borne entirely within the industry, is it not the case that the overall effect is to increase the financial burden for the people who remain on the existing system?

Mr. Morley: Ultimately, that could be the case and there will have to be adjustments in the pricing regime at some point, when the proportion of people on water meters passes a certain threshold. The regulator is sensitive to that, but at the moment there is considerable scope for people who have not yet transferred to a meter to consider doing so. That has the effect of reducing water use; there are also other ways of doing that, promoted by the Environment Agency and the water companies themselves. Those are matters to take forward.

We do not want to see families on low incomes cutting down on essential water use to make ends meet, and we want to offer protection in such circumstances. We have put forward for consultation proposals for the regulations on vulnerable groups, and the Government's response to those will be published shortly. It is intended that vulnerable customers will be protected from being disadvantaged by having to pay for an unduly high volume of water. We want to offer the alternative of an average of the metered charge so that the water company removes the disadvantage.

In the consultation paper launched in 2003, the Government also proposed a further extension to the vulnerable groups scheme. Any changes made to the regulations as a result of the consultation will come into force in April 2005—the same time as the introduction of the new price limits. In deciding what extensions we might need to make, we must bear it in mind that the scheme is there to protect customers with high essential water use.

The Water Industry Act 1999 also introduced assistance to protect customers from disconnection and from having to cut down on essential water use. In providing essential services water companies occupy a prominent position in the community, and I take my hon. Friend's point that they should demonstrate their regard for the interest of all stakeholders in their businesses. When devising tariffs and payment methods, water companies should bear in mind their poorer customers. They have a range of options apart from the regulations on vulnerable groups: they can offer a frequent payment option as well as appropriate tariffs, and they can take a proactive stance in informing customers of the choices available to them. That is an important part of the service.

My hon. Friend mentioned charitable trusts to help customers in genuine need. Some companies have had those for a long time. If my memory serves me right, Severn Trent Water had such a trust pre-privatisation. My hon. Friend the Member for Mansfield (Mr. Meale) holds a long connection with that trust, and it works very well. There is a role for trusts—although they are not the answer and I would not want to pretend otherwise—in a range of measures to help vulnerable groups, and I welcome the fact that United Utilities is taking that into account.

I understand the point that my hon. Friend the Member for Ashton-under-Lyne makes about financial support and the benefit system, but it is a matter for the Department for Work and Pensions. The Government's preference has been to raise living standards generally, and we have had considerable success. Since 1997, families with children are on average £1,350 a year better off as a result of the changes introduced by the Chancellor. Families with children in the poorest fifth of the population will be on average £3,000 a year better off, which reflects the Chancellor's targeting of those on lowest incomes. Pensioner households will be on average £1,300 a year better off—about £26 a week. The poorest third of pensioner households will have gained £1,750 a year. The tax credit system and the targeting of benefits have been successful in lifting out of poverty the poorest sections of our community.

I would not want to suggest to my hon. Friend that we should not worry about the impact of water prices on vulnerable groups; we recognise that there is a real issue to take into account. However, we must consider overall incomes for average families, and rent and child care costs, which can constitute a much larger proportion of costs, although they are part of an accumulative approach.

My hon. Friend has made a persuasive and powerful case for taking vulnerable groups into account in water charging. I am pleased to see that charges have been tempered by robust and effective regulation, and I am sure that he will welcome some of the changes to the regulations on vulnerable groups. I accept that they will be targeted at a small percentage of the population, but it is more important to keep down prices for everybody, while ensuring that there is adequate investment in our water services.

Post Office Closures (Edinburgh)

1.30 pm

John Barrett (Edinburgh, West) (LD): On 22 July, the last day of Parliament before the summer recess, my constituency office in Edinburgh received a much anticipated package. After two years of waiting, Post Office management finally gave me their post office closure plans for the city of Edinburgh. That is a process that I, and others, have expected for some time. It is 23 months since the House voted for the urban reinvention programme, and since then my constituents and I have waited anxiously for Post Office plans for our city.

I was grateful to get one week's advance notice of closure plans before they were made public. It gave me an opportunity to speak not only to representatives of the Post Office but to the affected sub-postmasters. I was able to meet Postwatch Scotland, to which I pay tribute. I am particularly grateful to people such as Tricia Dow, Tom Begg and Peter Wilson, whose assistance and advice during the last few weeks have been invaluable.

When I considered the closure plans, I had no doubt that, when published, they would spark outrage among people in Edinburgh. After all, what Post Office management are proposing is the closure of 21 post office branches—one fifth of the city's remaining post office network. I say "remaining" because the closure proposals come after some branches have already closed in the last couple of years, such as the one on North Junction street, Tynecastle, Polwarth gardens, Newcraighall and Hope Street post office in the city centre.

The reaction of people in Edinburgh has indeed been considerable. More than 1,000 of my constituents have contacted my office to express their anger, concern and genuine worry. I have received many letters and telephone calls from people outside my constituency and Edinburgh's *Evening News* has run regular stories and printed letters about the plans on a near-daily basis. The strength of opinion in my constituency alone prompted me to organise two public meetings, although I was unable to attend them for last-minute family reasons. Both meetings were packed and included many people who said that they had never been to a public meeting before. It is clear that concern about the proposals not only runs through Edinburgh but runs very deep indeed.

So why are so many people so angry? What we were promised by the Government and by Post Office management was a strategic look at the post office network in Edinburgh. What we have been given falls far short of that. Rather than getting a strategic review, we have seen Post Office management effectively ask sub-postmasters, "Who wants out?" Closures have been picked from those who subsequently raised their hands.

I do not blame sub-postmasters; one can only sympathise with people who run post offices and who have to deal with a Government who are dramatically reducing their customer base. Who can blame them for wanting to take the two and a half year salary to leave the network and run?

However, we cannot have a strategic look at the overall post office network if we pick out the branches only from those where the sub-postmasters have shown a desire to get out. Nobody likes compulsory post offices closures, but Post Office management cannot have their cake and eat it. They cannot say that they have conducted a strategic review if they have not conducted a review of the whole post office network. That is something that Postwatch Scotland is also concerned about.

That most basic mistake makes me believe that the process is fundamentally flawed. What makes me and people in Edinburgh so angry is that if Post Office management had taken a strategic view, I have no doubt that they would never have come to the conclusion that post office branches such as the ones in Clermiston, Joppa and Stenhouse Cross should close.

What I hope may yet happen—I hope that the Minister will impress it on Post Office management to do this today—is that we go back to the drawing board and do what we were all promised. Post Office management must consider areas that need post offices, those that have too many branches and then—and only then—come forward with a credible list of closures and alternative branches. That is what I had always taken the urban network reinvention process to be, but so far my constituents and I have been greatly disappointed.

So what have Post Office management done? They have put forward 21 branches for closure, after staff were sent to investigate the terrain, public transport and viability of the receiving branches—those that would take the customers from the closed post offices. If those investigations took place—although I have some concern about that—it makes the conclusions reached by the Post Office management all the more incredible.

I shall give two examples. East Craigs post office, a branch that was not only successfully saved from closure four years ago, but which serves three sets of sheltered housing for the elderly and one for disabled people, is one of the branches proposed for closure. The supporting documents argue that Barnton post office is a realistic receiving branch—a realistic alternative. That is partly based on the argument that people can use the No. 24 bus to get there. However, anyone who knows East Craigs will know that there is a problem in getting to the No. 24 bus stop. Someone wanting to get that bus must walk, in some cases along roads with no pavements, to a main road completely outside the East Craigs estate—a walk of about half a mile. To reach the bus stop they must then cross the busy Maybury road, a dual carriageway with traffic moving at about 60 mph, which has no pedestrian crossing. They can then take the half-hourly bus service to Barnton. If they have managed to stay alive in their journey to the post office, they have an equally threatening journey back. And yet the Post Office management seriously presented that to the elderly and disabled people in East Craigs as a realistic alternative.

Similarly, in the supporting documents for the closure of the East Craigs and Clermiston branches, Duart Crescent post office is put forward as the alternative. The paths between East Craigs and Duart Crescent are narrow and poorly lit; they are paths that even the most able-bodied people would do well to negotiate in the winter. Moreover, probably the

steepest hill in my constituency lies between the Duart Crescent and Clermiston post office branches. Even if we ignore those two factors and assume that my constituents in East Craigs and Clermiston get to the Duart Crescent branch, we find that they will then be met with an extremely small and already very busy post office. On pension mornings, there is a queue out of the door of the Duart Crescent branch—pensioners wait in the rain.

I could not understand how that small branch would cope with the custom from two other post offices, so I looked at the supporting documents to see what plans the management had to help the Duart Crescent branch deal with the increased demand and customer base. The document states that as proposed improvements

"a handrail is to be installed"

and

"an external bell push is to be installed."

That post office needs a handrail for elderly and disabled customers, and later this year it will have to have a handrail and proper access for the disabled. I am sure that those improvements will make all the difference. For those of my constituents who are still not convinced, the document finishes reassuringly by saying:

"We will also install an approved fascia and lozenge."

I say to the Minister that this would all be comical if it were not so serious. The idea that those improvements—if that is the right word to use—will solve the unquestionable capacity problems at Duart Crescent is ridiculous.

I could go on. Corstorphine post office has also been put forward as an alternative to the Clermiston and East Craigs branches, although that would involve customers travelling past the St. John's Road post office, which, for some reason, has not been put down as a receiving branch. It is unbelievable that customers would pass a post office on the way to the alternative branch. There are serious flaws in that document.

The branch at Stenhouse Cross, a lifeline for people in Stenhouse, has been lined up for closure less than one year after an original plan for closure was reversed following a public outcry and an objection from Postwatch. The branch at Saughtonhall was closed and cleared out—there are no post office facilities—even before the consultation period began. The alternative for Murrayfield post office, a branch that serves five sets of accommodation for the elderly, is proposed as Blackhall post office, despite the fact there is no bus service connecting the two. On the road from Corstorphine to the city centre, the post office at Saughtonhall has gone, the one at Murrayfield is under threat and the Haymarket Terrace branch closed many years ago. A huge journey into the city centre is therefore needed.

Mr. Mark Lazarowicz (Edinburgh, North and Leith) (Lab/Co-op): I am grateful to the hon. Gentleman for agreeing to take an intervention. As he is now approaching my constituency in his tour of Edinburgh, I invite him to agree with me that we need more new and modernised post offices, such as the ones in Stockbridge and Leith Constitution street, which have recently been reopened. Does he agree that we need to make a good case against a closure when it is proposed? In connection with that, would he back the efforts that I am making on behalf of my constituents, who are very unhappy at the proposed closure of post offices in Newhaven village and Albert place? Many of my constituents have concerns, as I am sure many of his do, about the proposed closure of Comely Bank post office, which, although in another constituency, serves many of our constituents.

John Barrett: I thank the hon. Gentleman for that intervention. I agree with much of what he says, in that if a proposal is made to close a post office, the alternative must be, as the Post Office said, bigger, brighter and better. However, that is clearly not the case, and minor improvements are not good enough for his constituents or mine. Equally, constituents using a post office such as Comely Bank, or others that are just across constituency boundaries, have no concern as to which constituency the post office is in if it is their neighbourhood post office. I would certainly back campaigns by the hon. Gentleman to ensure that our constituents have decent and reasonable access to a local post office.

How the Post Office management were able to stand up at two public meetings in my constituency and keep a straight face is beyond me. When local residents pointed out many flaws at the most basic level in the management's conclusions, they were met with puzzled faces on the platform. I therefore hope that, before this consultation process ends and certainly before any final decisions are taken, the management will revisit the branches that they plan to close, walk between them and try to use the public transport. I believe that, if they do so, they will see for themselves why so many people are so angry at what is proposed.

That said, it would be wrong to single out the Post Office management as the only people to blame. My views and those of my party on the Government's push towards direct payment are well known and I do not want to rehearse them here. However, the Minister should be made aware of the anger among older people in my constituency. Many were happy with their pension book and trusted and understood that system. They are not only being forced into a new, more complicated system, but are being blocked from obtaining their first preference: the Post Office card account. I have already written to the Minister for Pensions to raise those concerns. No wonder post office business is on the slide when it is so difficult to open a Post Office card account. People should be able to expect their Government to do everything they can to keep post offices open. In reality, many feel that the Government are doing the exact opposite and are doing everything they can to close as many post offices as possible.

The supermarket company Morrisons also deserves a mention in the debate. As the Minister will know, it has taken a blanket decision not to continue running post offices in the Safeway stores that it has taken over. Because of that, the busiest post office in my constituency, which is in the South Gyle shopping

[John Barrett]

centre, is also set to close. After I inquired as to the reason behind the decision, Roger Owen of Morrisons wrote to me on 9 August:

"It has never been the policy of this company to run post offices within its stores . . . we quickly discovered that due to the pure bureaucracy of Post Office Limited, we were effectively prevented from running this service at a level which would be profitable to the company."

After my own experience with the Post Office over the past few years, I am quite sympathetic to the view expressed by Morrisons, but I must also say that there is for the company such a thing as corporate and social responsibility. For a company that is predicted to make £320 million in profit this year basically to say that it can make more of a profit by closing a vital post office that occupies a small site in its Gyle store is pretty irresponsible. That says to its customers that selling tins of beans is more important than providing an important public service, which is pretty bad public relations for a company that is trying to break into a new market in Scotland.

That is not to let the Post Office management off the hook. I believe that they have an opportunity and, indeed, a responsibility to find an alternative site for the post office somewhere in the Gyle shopping centre. After all, it is a profitable post office that is used by many people from throughout Edinburgh and across Lothian. Certainly the people who run the Gyle centre have been sympathetic to the need for a post office on site and, with a new wing opening, there are a range of available units in which a post office could be sited. However, yet again I have received excuse after excuse from the Post Office management as to why that cannot happen. It is all too typical of the "can't do" attitude of the Post Office—an attitude that I and many others find increasingly frustrating.

It is vital that the consultation that we are in the midst of is genuine, open and thorough. I have spent much of my summer contacting those affected and encouraging them to object to the Post Office's proposals and copy their objections to Postwatch. However, those who have already objected often receive responses that repeat the reason for closing the branch in question rather than address the concerns. I do not expect the Post Office management to respond in detail to each comment, but I—and, I am sure, the Minister—do expect it to not only listen to what people throughout Edinburgh are saying, but to respond to those views. If a guarantee cannot be given on that point, it will make a complete mockery of the whole process.

The package of closure proposals presented to post office customers and the people of Edinburgh is inconsistent and based on a number of odd assumptions. The Post Office management has picked some of the last post offices that people ever thought would be threatened with closure. Even at this stage, I hope that the Post Office, with the Minister's influence, will look at the entire issue once again. I want, and the people of Edinburgh deserve, exactly what we have been promised for two years: a serious, genuine consideration of the post office network in Edinburgh. The residents of Edinburgh, particularly the elderly and less mobile, must have access to a decent post office network throughout the city. That is all they are asking for. That is only fair, and they should get nothing less.

1.46 pm

The Parliamentary Under-Secretary of State for Trade and Industry (Nigel Griffiths): I congratulate the hon. Member for Edinburgh, West (John Barrett) on securing this debate. I also want to add my heartfelt concern and sympathy for him, his family and new granddaughter. The thoughts and best wishes of the whole House are with him.

For decades the Post Office was neglected, and it has been left to this Government to make fresh investment to secure a Post Office service fit for the 21st century, as many other countries—also with shrinking numbers of post offices—have been doing. I want to thank all Edinburgh's sub-postmasters who wish to retire as part of that process for their service to our communities in south and west Edinburgh, and indeed the whole city and Musselburgh. I also want to thank those running the remaining 80 and more Edinburgh sub-post offices for their dedication to their customers.

It is to secure a service and make it as accessible as possible that we are investing massive sums in the Post Office. Some £480 million of Government money has computerised every post office, and £450 million is supporting the rural network. Some £210 million is devoted to urban post offices, with grants of up to £10,000 being made to modernise and adapt post offices, as we have heard from my hon. Friend the Member for Edinburgh, North and Leith (Mr. Lazarowicz), and there are compensation packages for retiring postmasters. We have written off £726 million of Post Office debt to free income for such vital investment. Altogether, in the past seven years this Government have given the Post Office £1.9 billion for those improvements and to cover multi-million pound losses. There were losses of £119 million last year, £194 million the year before and £163 million the year before that.

Our twin strategy of investment and subsidy is something new after decades of under-investment. With £500 million of support, the Post Office has computerised every single post office, in one of the UK's largest ever IT projects. Now 20 million customers of banks and building societies have full access to their accounts at post offices, and 1.7 million people have opened new Post Office card accounts, which the Government introduced. Those accounts have helped those who have never had a bank or savings account.

A universal banking service has been created to enable people to use any post office to collect their allowance or pension. That has been applauded by Help the Aged and Mind. The Post Office will continue to cater for the small number of people who still rely on the pension book system. The hon. Member for Edinburgh, West attacks us for moving from payment books to bank accounts, but he refuses to attack Liberal Democrat-run councils such as Aberdeen, which have withdrawn council tax and rent collection from local post offices to save money. The Government have to spend some £500 million every year on printing and issuing payment books. That is £1.47 on every transaction, as against 1p for a direct payment of the sort that Aberdeen council has adopted.

In Holland, which the Liberal Democrats single out as the model for how they would like to run post offices, 99 per cent. of pensioners have their pensions paid directly into their accounts. That is part of an inexorable trend. In 1984, half of, or fewer, senior citizens had bank accounts; by 1994, two thirds had bank accounts. The figure is now more than three quarters, and two thirds of senior citizens are opting to have pensions paid directly into their accounts.

Indeed, Citizens Advice congratulated the Government and Post Office in its publication on financial inclusion:

"The ambition to enable all people to own the most basic of financial services—a bank account—is one we share."

Paying pensions directly into accounts helps to eliminate fraud, which costs more than £70 million a year. Every week more than 100 senior citizens have their pension books stolen, and many are mugged. Perhaps that is another reason why 99 per cent. of OAPs in Holland have their pensions paid directly.

The Liberal Democrats ignore the fact that the number of post offices is falling in every country as millions more people use cash machines, buy stamps in ordinary shops, order online and rely on e-mail and phone text messaging. Germany, a much bigger country than Britain, used to have 30,000 post offices; it now has only 13,000—3,000 less than the UK. A recent survey revealed that only Sweden has more post offices per head of population than the UK.

The British post office network has been contracting since the 1960s. Even before the recent expansion of electronic technology, the Conservative Government saw 3,500 post offices close. What they did not do was provide a policy for the future or a vision of a modern service in the 21st century. The Labour Government have faced up to that challenge. In 2000, the performance and innovation unit's report, "Modernising the Post Office Network", made 24 recommendations for the future, all of which the Government accepted, initiating the most comprehensive investment programme for a generation.

The subject of this debate is the proposal to close selected post offices in Edinburgh, and people want to know how the Post Office singles out a specific post office for closure. It works with the Federation of Sub-Postmasters to identify the post offices in difficulty and considers whether more direct investment would make a difference and where the nearest alternative post office is. Sometimes the present postmaster wants to retire or close the office, and even popular post offices can struggle to find a replacement.

If there are too many sub-post offices, none can make a decent living. As one of my local sub-postmasters told me recently:

"This area does not get enough business to sustain three post offices. I am happy to go since this boosts business for the other two post offices which are half a mile and three quarters of a mile from me."

The consumer watchdog Postwatch is notified of any proposed closure and carries out its own evaluation. The proposals for Edinburgh went out for consultation on 29 July, and Postwatch, the public and hon. Members have eight weeks to comment.

Today we have heard my hon. Friend the Member for Edinburgh, North and Leith and the hon. Member for Edinburgh, West raise some issues in respect of post offices in their constituencies. I can tell them that Post Office Ltd. is duty-bound to consider all the points, including the one about Morrisons and the application to close. The comments count. Already 110 proposals have been reversed as a result of representations, and a further 185 have been frozen so that more work can be done.

It is not only the Government, with our £1.7 billion of support, who can help local post offices. I pay tribute to the councils who also play their part. For instance, my Labour colleagues in Edinburgh have been working closely with the Post Office to maximise the income and viability of local post offices. In Edinburgh, we can pay our council tax, rent, business rates, home help charges, business waste disposal bills and other service bills in the post office. City of Edinburgh council pays for that service. Sadly, other councils, such as Aberdeen, which the Liberal Democrats run, have turned their back on post offices. We can pay our council tax in Edinburgh post offices, but Liberal Democrat councillors withdrew that service in Aberdeen. We can pay our rent in Edinburgh post offices, but Liberal Democrat councillors withdrew that service in Aberdeen. We can pay business rates in Edinburgh post offices, but the Liberal Democrat councillors withdrew that service in Aberdeen. For some post offices, that Liberal Democrat decision was their death knell. It robbed local post offices of vital custom and income.

The Liberal Democrats in Westminster, where they are not in power, want the Government to spend £500 million so that people can collect their pensions in post offices. However, where they do have power, as in Aberdeen, they do not want to pay post offices so that people can use them to pay their council tax, rent or business rates. That is why the Post Office tells me that 20 per cent. more post offices are closing in Aberdeen than in Edinburgh. That is the Liberal Democrats' track record: neglect it, boycott it, close it—promises are made before an election and broken after it.

Nationally, the Liberal Democrats are even worse. The Liberal Democrat policy document on this issue is called "Policy Paper 59: Setting Business Free"; it even has an ISBN number. The authors are the Liberal Democrat trade and industry spokesperson, the hon. Member for Twickenham (Dr. Cable), his deputy, the hon. Member for Weston-super-Mare (Brian Cotter), and Nick Clegg, the Liberal Democrat MEP. The policy is set out clearly on page 16, which says that

"we are increasingly coming to a view that a privatised Post Office.. on Dutch lines could have a better chance of succeeding than the present structure."

Perhaps the hon. Member for Edinburgh, West should have read that before he issued the press statement attacking his predecessor Lord James Douglas Hamilton for supporting Lord Heseltine's drive to privatise the Post Office a decade ago. The House will judge the hon. Gentleman, perhaps harshly, on his use of the word "hypocrisy" about a distinguished former Member.

What have been the consequences of the Dutch-style privatisation promoted by the Liberal Democrats? The Netherlands has experienced a faster rate of closures than the UK—faster than France, Germany, the USA or Australia, according to the Triangle report. In short, the Liberal Democrats' Dutch-style privatisation could

[Nigel Griffiths]

force up to 30 post offices in Edinburgh to close—one third of the network, not the 21 that are the subject of this debate.

However, this Government have rejected the Liberal Democrats' Dutch-style privatisation for another reason: we do not see post offices in purely commercial terms. Post offices perform a necessary public service to 29 million customers every week. Our 16,000 sub-post offices outnumber all the banks and building society outlets put together. The Post Office is striving to ensure that at least 95 per cent. of Edinburgh residents have less than a mile to travel to their nearest post office; in urban areas, 50 per cent. have less than half a mile to travel.

This is an Adjournment debate, but the hon. Gentleman told the *Evening News* earlier this year that he was the only Edinburgh MP to vote against national plans for post office closure. That is simply untrue. He refers to a motion tabled on 13 January. I have a copy of his communication to a constituent confirming that. This was a Conservative motion, which deplored the programme to close post offices but specifically failed to demand either an end to the closures or more Government subsidy than the £1.7 billion that we already give. Unlike the Liberal Democrats, the Conservatives are smart enough to realise that we will expose any extra spending promise as an unfunded commitment.

The same thing happened with the Conservatives' second Opposition day debate on the Post Office in July, when, I understand, a fifth of the hon. Gentleman's hon. Friends could not stomach joining him and the Tories in the Lobby. However, at least the Tories cared enough about the Post Office to call for a full-scale debate on it. I have looked at all 10 Liberal Democrat Opposition day debates in the past two and half years; not one was on the future of the Post Office.

Out of power, the Liberal Democrats want to lecture us on how to spend more money. In power, in Aberdeen for instance, they are the cost-cutters who are closing the post offices. A prudent Government have to face issues and find the best solution for all. We reject the privatisation option that the Liberal Democrats support because such a move would not be in the best interests of customers. We want to preserve the best features of our sub-post offices, not waste resources that could be more profitably used to benefit our citizens. It is time for the hon. Gentleman to tell his electors and the public the truth about Liberal Democrat policies.

Question put and agreed to.

Adjourned accordingly at one minute to Two o'clock.

Westminster Hall

Wednesday 8 September 2004

[MR. FRANK COOK *in the Chair*]

Nottingham, North (Regeneration)

Motion made, and Question proposed, That the sitting be now adjourned.—[Jim Fitzpatrick.]

9.30 am

Mr. Graham Allen (Nottingham, North) (Lab): The first thing that I want to do is to pay tribute to all those involved in regeneration in Nottingham, North—we never want for effort and commitment from our community activists, full-time workers, councillors, Members of Parliament and Ministers. They and we are part of the answer, not part of the problem. I dedicate this debate to one of those selfless regenerators, Norman Allcock, the chief executive of Nottingham Business Venture, who, sadly, passed away on Friday. His sense of dedication and public service typified that of all those involved in regeneration in Nottingham. We will miss his experience and dedication.

My objective today is to draw on their and our experience, define the problems evident in the failure to regenerate Nottingham, North and come up with some possible ways ahead for the Minister and others to think about. I will hold an open discussion at the Crabtree community centre in my constituency from 10 am to 1 pm on Friday 3 December, to see whether we can take those suggestions forward, and I hope that the Minister will find time to pop along.

I have grouped the problems around some key themes, the first of which is low impact. However hard we have all tried, there is no doubt that, despite our efforts and years of generous funding, there is often little discernable impact on or sense of progress in the communities that we are trying to serve. That leads to cynicism and then distance between the regenerators and the community. Joined-up thinking must mean, above all, joining up with local people. Initiatives themselves need to join up.

Let me take housing as an example. Nottingham, North is a series of former council estates, unleavened by industry or recreation, brick-built semis described by one Home Office official as

"the most densely packed housing I've ever seen".

Residents in Nottingham, North make it clear that the quality of the environment and building out antisocial behaviour—"externals"—are at least as important as internals, such as the Government's decent homes standard, which means that 95 per cent. of spending goes into the internal appointment of houses. Unfortunately, implementing the decent homes standard is the key floor target imposed by central Government via our One City Partnership; it is the main string attached to housing funding. There used to be estate action funding, which allowed people to plan "externals" from year to year. Now we have a pot-pourri of different bits of funding. For many, the £5,000 per house that will come with the arm's length management organisations, welcome as it is, will not do it.

Many identify the need for estate reconfiguration to provide security and social mix. However, there is no mechanism to do that systematically, so it can degenerate into speculative building on community assets such as parks and former school grounds, creating middle-class ghettos rather than integrated shared-ownership schemes. No one seems to know what regeneration is about any more.

What is the vision for the outer-city former council estates that feel so neglected? My constituents, with possibly the lowest educational attainment in the UK, have not read the Deputy Prime Minister's speeches, let alone examined websites or had access to them. More importantly, they do not have the feeling in their gut that all this is for them. Without people on the ground buying into a clear vision, priorities for regeneration funding are set by regeneration professionals and organisations with a vested interest. For example, a project might be funded by one type of funding and when that finishes, another source is targeted so that the project can continue. We rarely ask about the impact of a project on child road fatalities, teenage pregnancy or the reading skills of the under-fives, or of housing policy on antisocial behaviour.

One community worker told me that they had had a recent experience while action planning where it was possible to see professionals trying to put forward projects that they had an interest in rather than addressing local needs. In the urgency to show improvement we may be guilty of applying funds without fully understanding what we are trying to achieve and how.

The nature of some funding applications can be restrictive as it leaves little room for the flexibility to respond to, and grow with, acquired understanding. Outcomes have to be predicted, and we end up "bending" the monitoring and reporting to fit the funding rather than meeting a need. More local control over funding could enhance partnership and provide strategic and flexible responses, delivering regeneration that local people could see and feel, which would have a serious impact on key problems.

My second theme is the bypassing of local government. Many schemes seem to be designed to avoid giving locally elected councils the ability to spend money as they, rather than the centre or its appointees, see fit. That is partially because Whitehall, No. 10 and Ministers have less experience in local government than ever before; it is also due to past failings in local government. The Minister and I have debated the issue of independent local government, which should be able to decide for itself where its local share of the national income tax kitty should go. That is one end of the argument and is commonplace in most western democracies, but we are currently at the other extreme, where everything appears to be controlled by the centre.

All the "new localism" jargon cannot conceal the fact that the "one size almost fits all if you don't look too closely" model is in operation. That can only be ultimately resolved by constitutionally defining in writing the roles of central and local government. Until then, we will all continue to twist and wriggle around the issues, with regeneration being just one casualty of the lack of clarity.

[Mr. Graham Allen]

Despite that, the city council in Nottingham, on its own initiative and driven by two council leaders—Councillor Graham Chapman and Councillor Jon Collins—has developed nine area committees, of which three are in my constituency. They are council-led, multi-agency, and respond to the needs of two or three housing estates. Although resources are small, the early signs are good. At best, area committees are run less like council committees and are seen as a genuine forum for discussion and dialogue, although procedures in some still need to be more inclusive, informal and welcoming to the community. MPs, councillors and communities need to have genuine dialogue on the role of elected members as modern community leaders.

All nine area committee action plans are realistic and specific, and come together as one plan for the whole city. However, a lot of schemes or methods of working seem to be imposed on us by funding bodies such as the Greater Nottingham Partnership, the East Midlands Development Agency or the Learning and Skills Council, often late in the financial year when the struggle is to meet deadlines to spend money or to meet centrally set quotas. Even the pre-existing officers structure of the local council, if it is not given proper political direction, can arrest area committee development or obstruct regeneration: property professionals are the most obvious example of that.

If the Government wish to continue funding through a plethora of bodies, as a first step they could agree to fund only in support of the contents of agreed area action plans, echoing what Labour's founding fathers of planning aspired to in 1947 before bureaucracy overwhelmed town and country planning. Catching up with 1947 is not much of an ambition. Perhaps the vision needs to be not only independence for local councils, but a serious commitment in the manifestos of all parties to democratic structures at neighbourhood level, promoting the debate on what those democratic structures might be on the lower level. Come what may, helping local councils to get better without devising ever more Byzantine ways of bypassing them must be a key part of the regeneration answer that we all seek.

My next theme is confusion. I have yet to meet the Einstein who completely understands the multitude of bodies, even in Nottingham, North alone, that have direct and indirect connections with regeneration: all the funds, grants, and programmes, and all the initials and jargon. The commander of the city police tells me that he counted 36 different funding streams before he gave up. I spent the whole of last summer trying to come to terms with that and still do not feel confident about it, so how can one of my constituents grapple with it?

On structures, schemes overlap and reproduce rather than complement. Greater shared understanding would help to focus genuine partnership funding, planning and application. At the moment, too many partnerships are pulling in different directions on the same agenda. We need one integrated model that defines responsibilities and relationships between the people, local agencies and the big spenders of the Learning and Skills Council, the East Midlands Development Agency, the Government office for the east midlands and the Office of the Deputy Prime Minister, as well as local government. We operate within an environment of vague awareness rather than understanding. A high-level agreement between partnerships contributing to a single shared strategy would help. As professionals, we can all get caught up in blaming the partnership that we least understand.

Millions of pounds could be redirected by reducing duplication and reinvesting in delivering a service—for example, returning park keepers, and localising street cleaners and youth workers to do a job with just one set of targets and performance measurement and one clear line of account that hard-wires straight back into the community.

Again, I have spent hours trying to track the labyrinthine lines of account for various funds and if I do not understand it, how can my average constituent? Despite the best efforts of the excellent, high-quality people involved, I am still not really clear about why the functions provided through local learning partnerships have a line of account through, I think, Greater Nottingham learning partnership, the Greater Nottingham Partnership, and the framework for regional employment and skills action, finishing at the East Midlands Development Agency. Can hon. Members follow that? For that one example there are dozens more.

At regional level, our Government office might well be better co-ordinated with the regional development agency were it to be united under effective regional government. It is a shame that, eight years after our 1997 victory, coherent regional government is still not even a prospect in my region; we suffer the consequences daily. What should localities expect of the regional level? A tour of my patch by the dynamic chair of the East Midlands Development Agency resulted in a welcome yet unsustained burst of activity, yet a local school that ambitiously engaged an international motor company in the provision of further education on its site feels let down and unsupported by the region and makes progress only by using personal networks, including my and other people's good offices, rather than such matters being delivered because the structure is right.

Similarly, at local level, do we want just one funding stream or one spending body that everyone understands and can go to? If so, which? Should the social spending of One City Partnership for Nottingham amalgamate with the economic spending in the Greater Nottingham Partnership, or should both be subsumed within the city council and its area committees or, perhaps, an all-encompassing regeneration board, partly or wholly owned by local government and the various agencies. If that were to be the case, should the city boundary itself be redrawn to encompass the real Nottingham—the wider Greater Nottingham? At community level, should Nottingham, North's three area committees and its three partnership arrangements consider unifying in some way that does not result in some financial forfeit or the loss of the experience of the very good people who work within those arrangements?

One of the advantages of preparing and researching a speech of this length is that it is an interesting learning curve. I discovered on Friday that the Government are

o pilot some amalgamations of funding streams in their ocal area agreements. No doubt the Minister will talk bout that at greater length. I do not wish to be unkind, ut allowing one of those per region displays neither he urgency nor the radicalism needed. I am sure that he Minister will correct me if I have misrepresented the Government's view.

I am also conscious of the irony that to correct the tructural problems—one of which is interference from he centre—I must provoke yet another intervention rom the centre. Frankly, it requires the brute force of he centre to cut some of the Gordian knots that we ocals can only pick away at unsuccessfully.

In planning and the confusion of planning, area co-rdinators, local councillors and others often feel that hey cannot influence regeneration funding. They ometimes feel consulted only when someone else has aken the decisions. The recent action planning for our rea committees for neighbourhood renewal funding vas a welcome break from that. However, I understand hat, in achieving that break, many enemies were made, oth in city council departments and in external rganisations, which assumed that they would get the esources that ultimately went to the localities through he area planning process.

One funding stream or spending body may be out of mmediate reach, but shared understanding should not e. Perhaps the different models tend to generate rofessional competitiveness about funding and claims o success. A single, inclusive regeneration strategy ould identify partners and responsibilities with far reater clarity and could identify shared priorities in hemes such as education inclusion and crime reduction.

Unusually, Nottingham, North is also amenable to a onstituency-based solution, as it encompasses seven omogeneous former council estates with identical roblems from one end to the other. Not many Members of Parliament have that level of sameness in a onstituency. Perhaps the situation lends itself to a onstituency-based answer. In Nottingham, North we ould have a local regeneration board to replace the Greater Nottingham Partnership, the One City Partnership, the local learning partnerships and so on. It ould work with the East Midlands Development Agency, the Government office for the east midlands and the city council.

At constituency level, issues could be addressed estate by estate, feeding into the three area committees and the one strategy and bringing together multi-agency groups to link education, law and order, environment and culture for one area. They could be given a recognisable and accessible public face—perhaps, God forbid, even giving Members of Parliament a formal role.

All those ideas may reveal my lack of knowledge about the work of existing structures and groups and may offend some people. That is not my intention, but it is not in doubt that the system is not working for those it was created to serve.

My next theme is lack of local involvement. Regeneration is "done to" Nottingham, North partly because of weak community networks and partly because of professionals with their own, mostly well-intended, agendas—although some plunder regeneration budgets cynically to resource their organisation's spending plans. Notoriously, regeneration moneys do not stick but flow out of the community unless it deliberately grips and roots them.

Similarly, there is a need for consistency and long-term involvement of key staff. Constant moving on undermines organisational knowledge and the perception of a real personal commitment. Beat officer policing is a classic example. I was in Holland last week. There, a beat officer contracts to an area for a minimum of four years. Having fought to retain beat officers in my own constituency, at one point I had six vacancies out of 16 beat officer posts.

Area co-ordinators move on, as do housing officers, yet we expect constituents and the public somehow to keep a grip of all those movements and to make progress as well. The personnel and career structures of all our local organisations must take account of, and attack, that problem, and give local workers and community workers—I include beat officers, probation officers and others—the merit, prestige and recognition that they deserve, rather than putting them at the bottom of the pecking order, as often happens.

Even a measure such as changing Sure Start into children's centres undoes continuity and undermines the word of mouth so vital for that client group. That is not to mention the fog of initials and jargon that conceals regeneration from all but the in-crowd. Everyone knows the NHS, but instead of referring to the local health service, we have PCT. Hardly a soul on the ground in our constituencies knows what a PCT—primary care trust—is. Instead of parents knowing the class that their kids are in by how old they are, we have year 1 and year 2, key stage 1 and key stage 2. Thankfully, getting the LAC's or PCSO's MO on NIM is always straightforward.

All of that comes under the heading of social capital, or capacity building. Social capital is central to local ownership of problems and solutions; there is a need to integrate it into one agreed community strategy, and into the way in which agencies deliver services to increase resident ownership of services and outcomes. Social capital means giving people the capacity to work out their own answers—which includes tenants' associations and neighbourhood watches, as well as having a healthy infrastructure of political parties and community activism. When local forums cannot get enough people to set up a committee or to sign off a set of partnership trust accounts, when political parties do not have a viable branch network and when witnesses do not have a greater mass than criminals, we do not have social capital and we can say that regeneration is not succeeding.

The new deal for communities programme in Nottingham did not cover my constituency, but I am told that it demonstrated that we cannot pluck people out of the community and expect them to be fully fledged board members the next day. Leadership and commitment do not just fall from a Christmas tree. So how do we build local community capacity, to control and direct money meant for local regeneration? Rather than delivering a package of help that conforms to national norms, local capacity has to be built by enabling communities. Can we train local people in the skills and knowledge to lead regeneration themselves?

[Mr. Graham Allen]

There is no serious capacity programme in my area. By serious, I mean three things. The first relates to scale. We need enough people being trained and recruited to make an impact—a minimum of 20 a year. There are several existing models to which the Minister could refer for such schemes, including those in Sheffield and Coventry. Any such programme must be long term, not least because of Nottingham, North's position as an educational blackspot. We need efforts to be sustained if we are to build capacity. The second aspect is content. We must give people graduate-level thinking and analytical skills relating to all the domains of regeneration—health, education, employment, community safety, housing and the environment—coupled with project management skills locally. For example, we could link architects' departments at our local universities with local communities to help their design schemes. That would benefit students and local people alike.

Thirdly, we need follow-through. A programme must lead to appropriate-level jobs in the regeneration industry, and existing agencies should commit to employing graduates of the programme. The model is an apprenticeship programme. For example, local Sure Starts are already starting to use local mums to work in the new Sure Starts that are coming on stream now. Such a programme is not cheap. The jobs must pay a wage that includes child care and housing costs. However, that is cheaper than failed regeneration programmes. A similar model is being piloted by the new deal for communities, and it would be helpful if the Minister would consider such an approach for Nottingham, North.

My next theme is the need to communicate what is being done. Ordinary people in Nottingham, North do not have a clue what is being spent on regeneration, why or by whom. Current poor practice demonstrates the need to get the basic structure right before moving forward. If we tried to communicate to ordinary people what is being spent, why and by whom, I am sure that we would serve to confuse and disappoint. The way that people have to monitor and report their work for Government purposes does not lend itself to telling real people what is actually going on. I am talking about the target-led, jargonised reporting back that we insist that our professionals undertake—sometimes for good reasons. However, we should let the communities help to set the measures of success, and then they will be keener to monitor progress and able to understand what is going on in their name.

We are in a state in which professionals and volunteers do not know what is being spent, why or by whom. To try to explain this more widely would not achieve any clarity at present. We do not yet have a shared understanding of the players in the ball park and what positions they play, but more players are being introduced as we speak. We produce many lengthy documents and excuse ourselves by saying that that serves as communication. Let us stop turning out documents that we do not have time to read, and start communicating. An immediate aim should be to produce a structure that identifies and maps all those involved in regeneration, at different layers of authority, and their contribution. That could be shared and honed by e-mail. We should then seek to identify and formalise communication routes between those involved: for example, there could be a single meeting structure rather than duplicate meetings.

It would be useful to attempt honestly to review the current structure and be brave enough to admit where it is not helping, rather than to forge on without a clear strategy. In education, for example, what is the relationship between local learning partnerships and area committees, between the Greater Nottingham Partnership and the One City Partnership Nottingham, and between Connexions and Aimhigher and local schools? I hear reports of Greater Nottingham Partnership meetings and One City Partnership Nottingham meetings and I try to spot the difference. Responsibility is increasingly difficult to recognise.

So, who would be able to draw up a new structure? Perhaps the local conversation in December that I have initiated could be a starting point for review and responsibility allocation. If so, it would need to be attended by all those with authority to agree change or propose it to Ministers. If no one else will, I suppose I will organise an annual regeneration conference in Nottingham North, at which players will stocktake and make further concrete proposals for reform.

However, basic workable structures are not going to be produced by entrepreneurial MPs. They should be the conscious product of that fount of all funding and source of all schemes: the Government, who need to become sensitive enough to get the best out of the localities and authoritative enough to cleave through the sclerotic duplication and vested interest that they have allowed to develop.

My next theme is the withdrawal of public services from the front line. On the one hand, Government regeneration tries to build up localities, yet on the other hand, Government mainstream services flee the outer city. In Nottingham, North post offices close, probation offices have been relocated away from clients, and local further education sites are sold or invested in for non-locals. We had to fight to regain local policing. The health authority headquarters has moved out of our constituency—the last Nottingham-wide headquarters to leave Nottingham, North. The agendas are contradictory and appear self-defeating to local people.

At local level, decisions driven by central budget controls and officers who rarely venture into my constituency can also mean that social infrastructure is stripped out, aggravating long-term degeneration. For example, park keepers' jobs are done away with to save money, but park keepers are soon to be replaced by antisocial behaviour teams. Rent increases for local football teams and bowls clubs drive them out of existence so more has to be spent on removing graffiti sprayed by bored youths and providing extra care for elderly people who have been made more housebound. Bulwell youth club is now open only one night a week, but the saving is tiny compared with the cost of providing the neighbourhood wardens needed to help police youth dispersal orders in the area. Instead of being in youth clubs, kids are standing on street corners.

Yes, we need centrally based specialists in our cities, but cost-cutting has swung the pendulum too far. As far as logistically possible, we need to return to services that are based at the sub-city level so that we can reach

appropriate agreements with service deliverers on the ground, such as the police and local authorities. We should then let the area committee measure performance and set targets.

Immense local efforts can be blown away by insensitive mainstream decisions. I put massive energy and hours into creating the post of an education champion for Nottingham, North and I do not begrudge any of that, but such initiatives can be dwarfed by a local further education college's decision to close one of its sites in an educationally deprived area or by a learning and skills council's decision to put millions of pounds into the only sixth-form college in my area, when there was no further education provision to attract local youngsters in addition to youngsters from outside.

I have spent three years trying to make FE provision on school sites a mainstream activity, and that is essential in Nottingham, North's circumstances. However, such initiatives do not fit with national norms, including the provision that one organisation should not receive 14–19 capital funding, so they are alien to the centralised target culture and tremendously difficult to achieve. Meanwhile, every June, we flush 1,000 kids out of school at 16.

Equally, and staying with education, all the Aimhighers and learning partnerships cannot hope to have an impact as long as the low "prior attainment" of Nottingham, North's 16-year-olds is not attacked by means of adequate disadvantage uplift funds. Currently, the distribution of those funds disincentivises local FE colleges from undertaking their educational mission. For all the talk of joined-up thinking, there is no question but that central and even local government mainstream policies often produce degeneration, not regeneration, and turn regeneration into an essentially remedial, rather than proactive, instrument.

My next theme is sustainable funding. Many excellent schemes have time-limited funding, resulting in employees spending much of their time trying to botch together new funding to keep themselves afloat, rather than doing the job required. Good projects often disappear when funding runs out. The problem is especially chronic in voluntary and community organisations, which will always be better than anyone else at reaching the most difficult client groups. As the patron of the Bulwell toy library, which gets toys to poorer families, I have kept our workers only by cobbling together bits of funding from—this is not the full list—the county council, the primary care trust, Sure Start, the single regeneration budget, the education action zone, the health action zone, Children in Need, the children's fund, the local network fund and the city council.

Of course, there will never be the resources to pick up everything supported by short-term funds within core budgets, but we must get better at identifying and learning from what has been done differently and at integrating the lessons into mainstream service delivery. We need far more effective evaluation and reporting on activity, and fewer free-standing, short-term initiatives running parallel to mainstream services. Any short-term projects must be designed honestly and planned as short-term projects, not designed in the hope that someone will come along to pick up the tab later. We need fewer high-profile, short-term initiatives launched out of No. 10 and the Departments, fewer bandwagons and fewer people trying to make their name. In their place, we need more local direction and involvement, and more consistency.

What makes a difference may not be fashionable, and it probably will not make a difference next week. Good, caring family support, parenting skills, child protection, long-term development work with young people, and putting the teaching of social behaviour alongside literacy and numeracy at the heart of the national curriculum should all be fundamental to local and national budgets, not the province of pilots, initiatives and one-offs.

In the broader context, inappropriate central government funding formulas dwarf the tiny amounts given in benign grants. For example, the funding formula in the NHS gives wealthy Rushcliffe in Nottinghamshire £8 million too much and the deprived city of Nottingham £7 million too little. That cannot be balanced by spending the odd few grand on smoking campaigns, healthy eating or photo opportunities for local MPs. As with many of the other themes that I have outlined, what is needed in sustainable funding is a lot more clarity and honesty about the rules and expectations. Even knowing where we are will produce the certainty and consensus that are regeneration's greatest allies.

My last theme is central skew. Central bright ideas, pet schemes and irrelevant targets for local circumstances often skew local priorities. Civil servants sometimes try to keep Ministers quiet by offering them their little schemes. The Under-Secretary of State for Education and Skills, my hon. Friend the Member for Bury, South (Mr. Lewis), for whom I have great respect, was as excited as I was about the concept of local learning communities—bringing granddad and grandma into the educational family. What the scheme boiled down to, however, was the estate in my constituency benefiting to the tune of a couple of thousand pounds. Local needs have to be squeezed into central criteria in order to qualify for largesse. Recently, our choice in Nottingham was not between trams and buses, but between trams and no trams. At the same time, local bus services for our immobile elderly communities were reduced.

How can we regenerate locally? I shuddered when the Prime Minister reacted to an increase in muggings with the street crime initiative, which sucked police officers out of my outer constituency to stand, at double time of course, on inner-city street corners and produced a massive rise in burglaries and car crime in Nottingham, North. There is little point in stating the intention to respond to local priorities but then cutting local government out of the equation and imposing centrally determined targets that may or may not relate to local needs. For example, focusing on five grade A to C GCSEs to the exclusion of all else promotes, in my patch, a tiny number of youngsters whose educational profile is like that of Ministers' families, but marginalises the majority of kids, who could be helped to get the "prior attainment" that I mentioned in order to better themselves in vocational training.

One example of the problem is the inability of the NHS to negotiate local health targets—in Sure Start work, healthy living centres, early intervention by district nursing, and health visiting for families that may

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become a problem in later years—because it spends so much time and community health resources helping hospitals to reach their national targets, but without having any extra money to do so.

Another pernicious example of central skew, via the targeting culture, is the difficulty in justifying pre-emption or preventive measures, where outcomes are hard to measure. For example, despite the low level of confidence in the criminal justice system in Nottinghamshire, its most popular face locally—the drug abuse resistance education programme—is unfunded by the centre because it catches no burglars. Programmes to get out into crime-ridden estates to explain witness support, crime prevention, and the role of the police and courts are subject to institutional pass-the-parcel, because reinforcing social behaviour cannot be bean-counted.

Schemes to get young offenders to do good works at the direct request of the community are regenerative at so many levels, but there are no brownie points there. In the target culture, no brownie points means no action if other priorities dictated from the centre have to be met. Capacity building, confidence building and regenerating in such a scoring system become difficult, if not impossible.

Regeneration in Nottingham, North is underachieving. It is being frustrated, but not by a lack of the right people. As I said, well-meaning, energetic, dedicated community workers, councillors and activists, and Ministers, Members of Parliament and others are involved. The problem does not lie there but in the profusion of schemes and programmes that are largely beyond the control or comprehension of local people. Although each of the programmes is well intentioned and many produce successful outcomes, taken together they give maximum scope for central Government and regeneration professionals to impose their objectives on local communities. Put simply, too many things are happening in Nottingham, North because someone had the money to make them happen, and too many things are not happening because the money, direction and structure are not there.

Making regeneration work will mean getting it right at the strategic, management and operational levels, then pushing forward local ownership and embedding it so that it is sustainable. That begins with trust—not treating Nottingham, North as some colonial outpost but trusting local people to define what regeneration means to them and training them, and enabling local structures, especially elected local government, to deliver it. Then we would be doing something worthy of the great people who work in regeneration at all levels in Nottingham, North and doing something for my constituents, who need and deserve better.

10.12 am

Matthew Green (Ludlow) (LD): May I begin by congratulating the hon. Member for Nottingham, North (Mr. Allen) on his excellent speech? He clearly outlined many of the problems faced in attempting regeneration in his constituency. Although his constituency provides excellent examples of the difficulties that are faced by Government, and the Government's failure to find solutions to them, the problems go far beyond Nottingham, North. It is tempting to come back after the recess and put the boot into the Government, but I do not intend to do that; nor do I think that the hon. Gentleman intended to do that. I sensed that his speech was made more in sorrow than in anger.

The problems are not necessarily of the Government's making. Some are long-term problems that have existed under many Governments. The difficulty for this Government is that they have not yet come up with solutions. Indeed, no Government have come up with effective solutions. The hon. Gentleman touched on many of the reasons why attempts at regeneration have not worked. I wish to draw on a few of his comments and offer some suggestions of my own. I welcome the positive new ideas that he put forward. I shall reiterate a couple of them and throw in a few more on top.

Clearly, housing is a major issue in Nottingham, North but, in terms of regeneration, it is also an issue in large parts of the country elsewhere. The hon. Gentleman was absolutely right to point out that antisocial behaviour is not being designed out of our communities. There is very little funding for that. As he said, all the money is being spent on the inside of the house rather than the outside. The Government's approach to antisocial behaviour is rather like sticking-plaster. They try to deal with problems afterwards, rather than come up with preventive measures such as designing out antisocial behaviour and providing funding for that. Draconian antisocial behaviour Bills are introduced to tackle the problem after it has arisen. That approach sums up too many of the Government's failures in regard to regeneration.

It is easy to see why this happens: young people causing problems make headlines in local papers, and Ministers come under pressure to deal with the situation. To be seen to be dealing with the situation means producing a Bill that says, "We are going to stamp down harder on this," because that gets the press back on to the other side and makes it look as though the Government are doing something. Frankly, many of the real long-term solutions do not attract that sort of publicity and do not get the headlines. Consequently, there is a great temptation when in government to adopt the easy, sticking-plaster approach. I can see why that happens, but it is a strong and brave Government who actually face up to the problem and put money into dealing with fundamental issues such as youth provision.

We have heard about the running-down—that is the best way of putting it—of youth provision in Nottingham, North, which has been mirrored in other parts of the country. Often, the only time that we have new youth provision is when the funds come from the Home Office in an attempt—again, rather like using sticking-plaster—to keep young people busy during the school holidays because that cuts crime. Why are we not increasing spending on youth provision in order to benefit young people, rather than simply the rest of the community, which seems to be the only reason why the funding is made available?

There are far too many central Government targets, which are the source of outputs. I know only too well that projects are made to fit the funding package, rather than the funding package being made available to suit

the local project. Just to step outside Nottingham, North for a second, we saw that with the market towns initiative, which was led by the Department for Environment, Food and Rural Affairs and the Countryside Agency, and originally involved social as well as economic outcomes. They ran out of money for it and, in the west midlands at least, it was taken over by Advantage West Midlands, which is, of course, funded by the Department of Trade and Industry. The DTI wants only economic outputs and jobs, which means that market towns initiative projects are possible only if they create jobs. The number of jobs that will be created has to be calculated in order to secure the funding. It is a centrally driven target for which boxes can be ticked all the way up and some kind of table can be filled in so that a Minister can stand up and say, "X is the figure that we arrived at." What that actually means, however, is that the projects do not fit on the ground. The Government's belief that they must run their initiatives in that way shows a failure of trust in local people and local bodies.

The hon. Member for Nottingham, North mentioned area committees of councils, and I am delighted that he did so as I am a great believer in them. They can be a very effective way of making progress and of involving the local community much more directly in council decisions. Councils that have set their heart against area committees should reconsider them, because they are a very good way of involving the community.

Too many organisations deal with regeneration, and they tend to encounter two problems in particular. One of the problems, as we saw with many of the area-based initiatives such as the new deal for communities, is a very high administration cost. The body dealing with a new initiative has to be set up afresh each time, which costs quite considerable sums of money. On average, about 10 per cent. of the total funds for the new deal for communities initiative was spent on administration. Instead of using existing structures such as the local council, a new layer of organisation is created, new people are recruited, and the body is disbanded after a couple of years.

Secondly, centrally driven projects have also had a problem with underspend. There has been quite significant underspend on some of these projects in the past few years because of the assumption that the money will filter through if a project is announced and a new tier is set up. Surprisingly, however, certainly in the first couple of years of most initiatives, the infrastructure is not in place and the money does not get through. All that happens is that the Treasury banks it and the Chancellor announces that he has more money to play with than he thought he had last year. What has happened, in fact, is that he has banked some of the underspend from many projects. That, of course, leads to cynicism, because people believe that something will happen when an announcement is made, but the money does not filter through and does not even get spent.

The hon. Member for Nottingham, North also raised the issue of regional government. He is absolutely right that we need an effective regional tier, but an effective regional tier must go further than the Government's proposals. There is a lot of sympathy among Ministers in the Office of the Deputy Prime Minister for enhancing regional government, but they are fighting other Departments that do not want to hand over some of their pet projects to regional government. The enthusiasm in the ODPM must win through; we need the Deputy Prime Minister to act like a Deputy Prime Minister, use some muscle against other Departments and win some projects for regional government. Regional development agencies need to come under regional government and not just sit alongside it. It is astounding that we aim to establish regional governments, but that the RDAs will only sit alongside them. The Learning and Skills Council, which is now regionalised, should also come under their remit.

I imagine that getting the Department of Trade and Industry and the Department for Education and Skills to agree to these things is rather difficult for the Office of the Deputy Prime Minister. That is one of the problems that the Government face, and it is why they are hitting brick walls on their route to regional government. If they saw fit to go for it wholeheartedly, they would win much more public support and would not have to back out in their push forward.

The hon. Member for Nottingham, North made an interesting suggestion about the role of MPs. I agree with him entirely. Unless I actively sought to involve myself in such matters, I would never become involved in them. All that would happen is that my constituents would complain to me about them. Yet, we are the people who are most easily accessible to the Government and who invented the schemes in the first place. The assumption is that MPs do not want to be involved, but many of us want to engage more formally with regeneration efforts in our constituencies, and it is a failing of the system that some of the people with the greatest access to resources and the most influence in an area are the least involved unless they set out to be so.

Too many projects last for just a short period. That is not a failing of this Government, but a failing of Governments for generations. A project is announced, it lasts for about three years, then it is scrapped or repackaged with a new name, and the money is announced as if it were new, fresh money when it is in fact the old money under a new name. Somehow that is seen as moving the process along. We heard the excellent example of Sure Start, which many have begun to understand as a label, but which is being replaced by children's centres. We see schemes repackaged and relabelled all the time. That may give the impression that Ministers are doing something, but it leads to confusion on the ground and a long-term lack of confidence in the Government's ability to deliver regeneration.

I will end on the issue of trusting local communities. If central Government really trusted local communities such as Nottingham, North, they would trust local councils. Successive Governments—not just this Government—have failed to trust local councils and have taken power away from them. As a result, some of the best people do not seek election to councils, because they cannot change things, and there is a downward spiral in the abilities of councillors—and perhaps even the officers, as some of the most capable go off to work for regional development agencies and quangos.

The Government put sticking-plaster over the problems and put money into improving the leadership skills of councillors, which is welcome, but they must turn things around by trusting councils to deliver. It is clear that the Government trust their own, rather than the local electorate's ability to pick individuals to run

[Matthew Green]

schemes. That is a damning indictment, because they are failing to trust not only local councils but local people. Local people know best what the problems are. They might not have the solutions, but they can elect the people to run the projects that will provide the solutions from elsewhere. The most damning example of the lack of trust is capping, and Nottingham is one local authority that has been capped. It has been told that it was just under £200,000 over budget, and it will now have to spend about £250,000 to re-bill to make that £180,000 saving. It is perhaps the worst recent example of how the Government do not trust the people of Nottingham to run their own affairs. If the Government had any sense, they would get off the backs of the people of Nottingham, give power back to them and let them run the schemes, providing the money through a source such as the council, which is probably best placed to understand local needs.

10.25 am

Mr. Robert Syms (Poole) (Con): I should first like to declare an interest as a director of a property company with interests in the building industry. It may not be relevant, but it is best to be certain these days.

I congratulate the hon. Member for Nottingham, North (Mr. Allen) on a comprehensive and wide-ranging speech. There is little that I can say to add to the hon. Gentleman's knowledge and passion in representing his constituents. He has done them a great service today. He raised a lot of important issues and, more importantly and unusually for a Member of Parliament, he has come forward with several solutions. That means that the Minister will have a more difficult job, in that if he has sufficient time—and I aim to give him that—he will have to respond to those ideas.

We all know the difficulties of regeneration and the long-term problems that many communities have faced. Recent trends have shown that many of our proud provincial cities have been undergoing a renaissance, especially in their centres, whether that involves coffee bars, wine bars, gentrification or new build. However, there is a problem with many of the large, peripheral estates, which feel that they are not at the centre of regeneration in communities. Nottingham, North is one example, as the hon. Gentleman has illustrated.

The hon. Gentleman set out a theme with which I wholly agree. Indeed, there was not much that I disagreed with in his speech. I thought "Thank God" when he mentioned regional government, because there was a difference between us on that topic. The problem is that there are lots of schemes—we all know that Governments love to make announcements about what they are doing—and lots of funding sources. The hon. Gentleman referred to the police officer mentioning 36 different funding schemes, and the situation is extremely complex, even for Members of Parliament and Front-Bench spokesmen, to understand. If the various Front Benchers did a knowledge test on regeneration schemes, I do not think that we would get many marks. The Minister may comment later about how experienced he is with the schemes.

I thank the hon. Member for Nottingham, North for giving me a copy of his speech before the debate. I had wondered what, in a debate that is so specific, one could pick up on, but thank God for the worldwide web, as www.nottinghamcvs.co.uk gave me a flavour of what is going on.

These are a few of the schemes having an impact in Nottingham: the single regeneration budget challenge fund round 2: the "Capturing the Dynamics" Greater Nottingham Partnership regeneration scheme; the SRB challenge fund round 3: the "Secure in the Meadows" GNP regeneration programme; the SRB challenge fund round 4: the "Lifelong Success" GNP regeneration programme; the SRB challenge fund round 5: the "Connecting Communities" GNP regeneration programme; and the SRB challenge fund round 6: another GNP regeneration programme. There is also: regional selective assistance; Sure Start north-west Nottingham; Nottingham education action zone; Nobel Road home zone; urban management areas; healthy living centres; Nottingham health action zone; the social action research project; the new deal for communities, which the hon. Gentleman was disappointed was not having an impact in his constituency; Nottingham links; the European Community objective 2 programme for the east midlands; the European social fund objective 3 programme; community safety/crime reduction; the "Phase Ten" regeneration scheme; Sure Start St. Ann's; and the communities against drugs initiative.

The Parliamentary Under-Secretary of State, Office of the Deputy Prime Minister (Phil Hope): I think that's fantastic.

Mr. Syms: I would say to the Minister that there is common ground in this matter and that we all want to help and to do things better. However, if the system becomes so complex, and if those running the schemes have to spend most of their time looking for sources of money and trying to fit their programmes to the objectives that the Government have set, I can understand why local communities become slightly bewildered, and I am not sure that, on the ground, it achieves what it is supposed to.

The hon. Member for Nottingham, North made a good point about the conflict between the priorities of the Government and those of the community. We sometimes see that happening in local government, when performance indicators are set by national Government, whose indicators of what is important may not be important for local authorities. The authorities and their communities may have very different objectives. It would be interesting to know, when we are considering the schemes in Nottingham, how many of the people who work in regeneration live in the hon. Gentleman's constituency or, indeed, in Nottingham. If they do not, they might not be as plugged in to the community. The same is often true of senior officers in local authorities.

The hon. Gentleman has been a marvellous community advocate today. However, I believe that the Government should spend money on training people in such communities to put forward the objectives that they want. Quite often the people who represent those communities are not the most articulate, but given a little training and a bit of confidence, their ability to articulate their priorities would be far better.

Moreover, as we heard earlier in the debate, the fact that all the money comes from the centre skews priorities. Perhaps we should be considering

endowments for the schemes, so that local schemes could have a bit of local money that they could contribute to projects or to match funding. That would be important in giving more independence to local regeneration schemes, and would make local people feel that they had a little bit of money to bring to the table, even if they were still relying predominantly on national funding.

I agree with the hon. Gentleman that one size does not fit all. There are different problems, and communities may have different priorities from those of the Government, so a more flexible and long-term approach is needed. The improvement of any of those communities will take place over a long cycle, so work will be needed to set the priorities under this Government, the next Government and probably the one after that. It is important that we find agreement on this issue across the political spectrum so that, when Governments change, things do not necessarily go topsy-turvy, with schemes being withdrawn or rapid changes taking place.

I thought that the hon. Gentleman was extremely deft when he talked about capping—

Mr. Allen: I did not talk about capping.

Mr. Syms: Well, the hon. Gentleman talked about the independence of local government, which I read to be about capping. He made the important point that the Government are focusing a great deal of initiative and money on that area, but that other Government policies—post office closures and the closure of probation offices, for example—also have an impact that could have the opposite effect on the community.

It is important to have a proud local authority—the Audit Commission said that Nottingham was a fair authority in terms of its performance—involved in what is going on in its communities. I was interested that the hon. Gentleman mentioned the area schemes that have been set up. I think that the hon. Member for Ludlow (Matthew Green) said that the Government's capping proposals have an impact only because they think that the authority has overspent by £180,000 and that the costs of re-billing, if that is what eventually happens, may be substantially in excess of that figure. The Government are sending out mixed messages, and should sort themselves out on this issue. As the hon. Gentleman mentioned, communication is very important.

Many important points have been made, to which I hope that the Minister will respond.

Matthew Green: Does the hon. Gentleman support the capping of Nottingham city council? I understand that the local Conservative group does. Given his comments, I would be intrigued to know.

Mr. Syms: No, I do not. I do not believe that the Government should cap. We are a broad and large party, and I see no conflict between my views in Westminster and those of local authority councillors. To presume that everyone must agree with everyone else in the Conservative party is a very "old politics" way of looking at things.

The important point is that we have to work out what the cost of failure would be. If we consider family break-ups, crime, and the impact that poor housing has on health, the cost of failure is unthinkable for the country and its communities. That means that we must do our best to turn those communities round, to build on what is best, and to give people the best opportunities that we can.

The general theme of the debate is that there are probably too many schemes, too many funding streams and too much complication. Simplification is needed—perhaps an audit of the schemes' effectiveness—in order to reduce the number of schemes and funding streams and to give more local flexibility.

10.35 am

The Parliamentary Under-Secretary of State, Office of the Deputy Prime Minister (Phil Hope): I congratulate my hon. Friend the Member for Nottingham, North (Mr. Allen) on securing the debate. I believe it is unique to have an Adjournment debate for an hour and a half on an individual constituency. My hon. Friend deserves great credit for having achieved that, and for taking the opportunity to act as an advocate for his constituents and to express their needs and concerns in his characteristically robust and analytical style, with his usual common-sense and plain-speaking approach. His constituents look to him to represent their interests in Parliament and he has done a good job of doing so this morning.

I will not necessarily agree with everything that my hon. Friend says; I hope to answer many of the points he raised because, like other hon. Members, he circulated copies of what he would say in advance. I will not respond to his speech blow by blow, but I will try to pick up some of his themes.

The debate has provided some good quality time to consider major issues, which affect not only Nottingham, North. As the hon. Member for Ludlow (Matthew Green) said, many of the issues that my hon. Friend raised apply in other parts of the country too, and we need to acknowledge that and to address those matters. The hon. Member for Ludlow mentioned the market towns initiative and issues that affect rural areas. Nottingham, North is, of course, largely urban and densely populated, but some of the issues affect urban and rural areas.

I shall address the concerns raised and talk about what the Government are doing to tackle the problems and issues in Nottingham, North. At the heart of my response is a theme that I want to emphasise, and it echoes my hon. Friend's theme: it is important to make progress, get improvement on the ground and support the funding streams mentioned in the debate and the sources of cash for areas such as Nottingham, North, but significant improvements can be made only if all the partners in those communities are willing to work together to resolve the deep-seated, long-term problems. By "partners" I mean not only the official bodies—the local authority, the police, the health authorities and so on—but the communities themselves, the tenants' and residents' representatives, the community workers, the volunteers and the many people who live and work in the constituency, those who grew up there, people of all ages who can work together as partners. There are

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complex problems and I was pleased that my hon. Friend paid tribute to all the people who contribute to helping to solve them.

My hon. Friend generously dedicated the debate to one of his constituents, Norman Allcock, who played a key role. That reflects the truism that regeneration and improvement are possible only if local people in local areas take part in the change and own it, and do not have change imposed from above. As my hon. Friend said, simply imposing change from above will not necessarily be sustained; it can achieve many things, but real, sustainable change comes when local people and their local authority work in partnership with regional and central Government.

As my hon. Friend said, too, many players are involved—local authorities, the police, the health service, Government Departments and many others. The challenge is finding a way to get the structures and the processes right to engage them effectively at local level. I am especially pleased that my hon. Friend mentioned his December meeting to bring all the partners in his constituency together, and to say, "Look, all of you have a role to play. All of you are doing things and playing your part. Can we do it better, by co-ordinating matters and working together?" I thank my hon. Friend for his invitation to attend. I cannot say yes or no—my diary secretary always goes crackers when I say yes to anybody immediately without checking that I can be there—but I will certainly consider it. If I cannot come, I can at least tell him that officials in my Department are keen to be involved with him on that initiative. I shall say more on this subject later, but there are concerns, certainly in the Government office, about how to join the various funding streams at a local level and how to get the right structures in place.

We have a close interest in ensuring that floor targets are delivered. The hon. Member for Ludlow made a point about the feeling that there is a top-down approach. The use of floor targets—that is to say that no part of the country should fall below a particular level of achievement or outcome for its residents—sounds like a top-down approach but is actually bottom-up. It actually means that nobody, no matter where they live or what local decisions are made, should suffer below a certain level. We should not allow people to fall through the holes in a floor to experience poverty, deprivation and disadvantage, and we need floor targets to prevent that. Of course we want people to do better than the floor targets, which is where local effort and partnership working comes in, but that minimum is set so that a local authority of any hue cannot abandon a community. No authority, whether it be a local police force or a health authority, should be able to walk away and say that it does not care. Authorities have to care, because there is a basic floor target.

We can debate how many floor targets we have and what they are, but the principle is not about a top-down approach; it is about a fundamental right to achievement and success for people across the country. I think that my hon. Friend the Member for Nottingham, North would agree that that is the right way to proceed. The question is how to ensure that we have the right floor targets and that they can be built on as a trampoline for achievement and future progress.

The hon. Member for Poole (Mr. Syms) listed, in his brief contribution, the many funding opportunities and resources going into Nottingham, North, which I had not done before. I think that he was being critical, but I suggest that instead of "University Challenge", a regeneration challenge would be an interesting game to play to see how those things work together. There are many sources, and we might need to consider how to resolve some of the complexities, but we should not take resources away from a constituency such as Nottingham, North. It is not an issue of cutting resources going into an area, but of managing them more effectively.

This has not been a party political debate but you will forgive me, Mr. Deputy Speaker, for pulling out the point that resources allocated to local government since 1997 have increased by 30 per cent. in real terms, compared with a 7 per cent. cut in resources during the four years of the previous Administration. Also, we have pledged to increase resources given to local government by about 2.7 per cent. a year in real terms over the next spending period—compared with a cash freeze. The people of Nottingham, North communities will be able to make their own choices, faced with the contrast of a history of growth and investment versus cuts, and pledges of growth and investment versus pledges of cuts. That is the only party political point that I shall make, but it is important given the criticisms that we have heard about how we deliver resources, structure and funding. The money must be provided for there to be criticism of how it is spent. Without the money, the people of Nottingham, North would be disadvantaged.

Mr. Deputy Speaker, can you confirm that the debate finishes at 11 o'clock? Is that the time scale we are working to? I want to make sure that I have got my timing right.

Mr. Deputy Speaker: That is an interesting point of order. It depends entirely on your actions.

Phil Hope: Indeed; it certainly cannot go beyond 11 o'clock.

Mr. Deputy Speaker: That is correct.

Phil Hope: Thank you very much. In that case I shall say a few things about funding.

We have heard about the various funding streams and a point was raised about mainstream funding and funding that has been project-based or time-limited. I am pleased to say that there has been an increase in mainstream funding to Nottingham city council, which feeds into services in the local area. For example, there have been significant mainstream increases in education and health funding. Also—this is a fundamental philosophical point—as well as providing more for everyone, as I have described, the Government want to provide a little more for those who need it most: they want to target help. That carries difficulties, as the hon. Member for Ludlow suggested. How should we deal with the plethora of schemes and the extra resources? However, the idea of what has, I think, been dubbed progressive universalism—more for everyone but even

more for those who need it most—is an important part of our approach. The aim is that the areas in most need should receive extra while everyone benefits.

Matthew Green: The point is not that money should not be targeted, but that an existing structure, such as the local council, should deal with the targeted money—there need not be a new invention every time.

Phil Hope: The hon. Gentleman makes an excellent point. I shall be talking about an initiative that the Government are developing, called local area agreements; my hon. Friend the Member for Nottingham, North referred to it and it is relevant to that point about how—when there are different initiatives for different problems—to get money into an area in a way that is developed in partnership between central and local government and the community.

I shall not go through all the figures, but we can say that more money has been going into the area. Money has been entering the area through different schemes and the question is how to organise things better, to improve targeting, delivery and local ownership.

Before I go into detail, I want to respond to my hon. Friend's discussion of the impact of the resources and of whether the plethora of schemes and the fact that the structures have not worked in some respects, and that we need more partnership—as I mentioned at the outset—amount to ineffectiveness. He may have under-emphasised some achievements in his constituency. Crime levels have fallen overall in Nottingham city, including volume car crime, burglary and robbery. There has been educational success in the hon. Gentleman's constituency, with Nottingham's GCSE attainment levels. I took his point about what indicators are used, but educational performance has improved. The GCSE figures show a rise of 3 per cent.

There are several relevant schemes including the city division's community safety officers fund, which is providing more money for police officers. My hon. Friend made a point about police officers being moved, and we are all concerned about that, but the new community support officers—we have announced our intention that if we are re-elected there will be more of them—are local people working with their communities, like neighbourhood wardens. They provide community support. The people know them and they do not get withdrawn to other work if there is a murder or other crime. They carry on working in their community. My hon. Friend's communities will know the benefit of that approach, which we have piloted and implemented. We are now implementing it in many more communities.

My hon. Friend was concerned about the rate of staying on in education post-16 in Nottingham, North. That is a problem in many constituencies. The importance of the education maintenance allowance, which is available to young people throughout the country, including those in his constituency, is that it provides people on the lowest incomes in the most disadvantaged areas—young people of 16 who are tempted to leave school, to turn their backs on education and all that it brings in personal self-development and to enter the world of work or, worse, the world of no work, no training and no future—with a financial incentive to stay on in post-16 education of various forms, to gain the benefits of continuing education. His constituents, and the young people in particular, will, I think, find that of great benefit.

My hon. Friend raised some key questions about structure and co-ordination. I accept his point that there have in the past been problems, when regeneration money has not been as well co-ordinated, targeted and used as it could have been. I want to stress two points in response. We have just issued a short publication called "The future of local government: Developing a 10 year vision", which places local government at the heart of local regeneration. It deals with the idea that the role of local government should include community leadership—taking on an empowering, facilitating and enabling role for communities, with the resources that are coming into an area through the local strategic partnership; the aim is to take that forward. We have a long way to go in setting up many of the structures that will back up that basic concept of the role of local government. My hon. Friend's speech today will play an important part in our thinking and the outcome of the review in December.

We had debates about the constitutional relationship between local and central Government. My hon. Friend will be pleased to know that as we develop our 10-year vision of how local government should be, while we may not be going all the way to have the constitutional settlement he describes, we wish to establish clarity about the roles and responsibilities at local, regional and central level—and indeed below local, at neighbourhood level. We also want to be clear about how these levels interrelate so that we avoid the difficulties that he described.

One initiative that we are currently discussing and will be piloting concerns local area agreements. Basically, a local area agreement is an arrangement between Government, the council and all the delivery partners in an area, bringing into play all those other areas such as the police, health and education. They will look at the national outcomes, the floor targets—the things that we want to see—and the local priorities and come up with an agreement about the funding that goes into that area under three major headings: children and young people spending, the safer and stronger community spend and the healthier communities and older people.

If we can reach an agreement about the money so that the communities are directly involved in channelling those resources we can come out of the silo mentality and get into an area mentality. That is very exciting. It is a fundamental change if we achieve it. We are running pilots because we need to ensure that all the inevitable wrinkles involved in such a change can be ironed out. If it is successful we will want to roll it out across the country.

Mr. Allen: I thank my hon. Friend the Minister for the positive way in which he has engaged in the debate this morning, as have the representatives of the other parties. It is a credit to the House. Could Nottingham, North itself be considered as a pilot for a local area agreement?

Phil Hope: Why am I not surprised by that intervention? I will take that bid away. It will go into the pot and we will look at it. We will be making decisions

[Phil Hope]

about that fairly soon. The important thing about these local area agreements is that the local authorities and all the local partners, through the local strategic partnership, will have fewer funding streams to deal with. All hon. Members spoke about different funding streams. The funding will all go into one area pot, thereby streamlining all the bureaucracy involved with those different funding schemes and the transactional costs. Bringing those partners together in that way to deal with real cash will strengthen the partnership.

This will not be a talking shop; this will be a real debate. That is critical. One of the key tasks for the partnership is to engage with the local communities in developing that local area agreement to ensure that the professionals in the various organisations relate directly to the communities that they serve. Importantly, the agreement offers a point of contact with Government. Only yesterday the Prime Minister called a meeting of front-line workers and managers to ask them what we can do to cut out unnecessary bureaucracy in their area of work in local authorities, the health services and the police. I was present at that meeting along with other Ministers. The local authorities' representatives saw local area agreements as a major innovation that they were keen to pursue.

There is a lot more that we can do to cut out unnecessary bureaucracy. We have done a lot already. We have reduced inspections by a third. If an authority is judged excellent under the inspection scheme, 90 per cent. of its inspections disappear. We have un-ring-fenced grants so that people can have local flexibility about how they spend that money. We have given local authorities freedom to borrow and to trade, to give them more flexibility to meet local priorities and needs.

We looked at all the area-based initiatives and funds that were available, and cut them by a half as a pre-runner to the local area agreements. We have heard loud and clear the problems and issues that my hon. Friend the Member for Nottingham, North raised in many other forums and have already taken direct action on them. There is clearly more that we can do. The Prime Minister himself is directly involved in listening to front-line staff, workers and managers in organisations. We are taking many steps forward but there is more that we can do.

How right my hon. Friend the Member for Nottingham, North is to say that we must do much more on community leadership and engagement. For some of the 88 most deprived areas, we have introduced the community empowerment fund, which is about developing community networks and building social capital. That is what the community chest and the community learning chest money is all about; it is deliberately targeted at areas where social capital has been most eroded and where most effort is needed to bring it through. There is also a plan for improving individual skills and knowledge; regeneration can come down to that, as well as to relationships between people in communities that need to be regenerated—in this case Nottingham. A scheme of regeneration apprentices is planned for that very purpose as part of the wider plan for Nottingham.

The first term of our Labour Government was about getting the economy right, getting people back to work, getting interest rates and mortgages down, and so on. The second term has been about reform of and investment in public services. The big challenge for the third term—this is my personal opinion—which we are addressing already, must concern the relationships between people in communities. Sustainable regeneration is not just about buildings, but about how people relate to one another. We must do a great deal more to build social capital, such as parenting skills and support for families—my hon. Friend knows my enthusiasm for that. We have got the hardware working, and decent homes are being built. However, the real challenge is what I call the software that binds communities together, which will tackle antisocial behaviour issues.

The hon. Member for Ludlow will forgive me, but I think that it is right that both happen at the same time. We must crack down hard on young people and others—much of the antisocial behaviour comes from adults, not young people, who are often the victims. At the same time, we must invest in educational maintenance allowances and youth schemes, for example, which engage young people in social and personal development and learning. It is both, not either/or. Our local communities expect that to happen.

I have not mentioned the places project in Nottingham and would like to comment briefly on it. In recognition of such problems, the project was based on our need to map all the things going on, in relation to floor targets for example. Nottingham is one of the pilot areas where we have tried to map that activity. There was an interim report on that in July, from which some fo the ideas such as cutting bureaucracy and funding streams came. A further report is due in December, and the contribution that my hon. Friend the Member for Nottingham, North has made this morning can feed into that.

We have had a good debate. I did not think that I would have enough to say, but there is so much more to add, and I have not covered everything that I prepared in order to respond to my hon. Friend. It has been a worthwhile debate, and I hope that I have outlined some of the key themes that we are taking forward. It is very important that we maintain both mainstream and additional funding. We must tackle the problems of overlap and the silo mentality, and in standing up for his constituents, my hon. Friend's efforts are helping us to do that. I wish him luck in his meeting in December and look forward to hearing the outcomes, which will take forward a much better quality of life for the people whom he represents.

Milton Keynes Local Plan (Interim Report)

10.59 am

Brian White (Milton Keynes, North-East) (Lab): I applied for this debate back in April, just after the local inspector published the interim report. Having made the last application immediately before the recess, I had given up, so it is typical that this debate should come up now. I originally wanted to talk about the interim report to try to influence its outcome. However, the full report has been released in the past week without substantial change, so I want to highlight some of the issues that have come out of the process.

The process of creating local plans is a long one. Despite my efforts as chair of the Local Government's Association planning committee nearly a decade ago to speed it up, the procedure is still fairly long. Milton Keynes's local plan started in early 2000 and has been through a number of alterations. In addition, the Deputy Prime Minister has made an announcement about sustainable communities and there have been amendments to the regional plan—in our case RPG9.

Milton Keynes is subject to market forces, which will force us to have growth. Milton Keynes will grow, and the question is not "Will it grow?" but "How will it grow?" Will growth be planned or will it be subject to market forces and develop ad hoc? Will we learn the lessons that have made Milton Keynes successful? The key message that my hon. Friend the Member for Milton Keynes, South-West (Dr. Starkey) and I have been pushing and, which, I am pleased to say, the Government have accepted, is that any development must have the infrastructure to accompany it. I do not just mean roads. I should like to place on record my appreciation for the way in which the Office of the Deputy Prime Minister, particularly Lord Rooker, has responded to the efforts of my hon. Friend and myself to put the case for Milton Keynes and to the local concerns that have been expressed.

It is also important to say how well conducted the local plan process has been, from the start, in 2000, right through to the inquiry. There has been openness, the involvement of local groups and the community, and accessibility. One can therefore imagine the concerns that were expressed when many of the policies in the local plan were challenged in the inspector's interim report. That should not have been a problem in itself, but a matter for debate. The problem was that that came the week before the examination in public of the regional plan was due to take place. That was done either to scupper or influence the regional plan, or, as the inspector put it, to "inform" it.

A number of issues give rise to concerns. There are social housing problems in Milton Keynes: tonight 1,500 families will be in temporary accommodation. I met a family at the weekend with a child with special needs. That family were third generation in Milton Keynes, but were unable to get housing and were living in a friend's house as it was being rebuilt simply because that was the only accommodation available. There is a crisis of affordable housing and a need for social housing in Milton Keynes, but the inspector's report does not address those issues. Indeed, the inspector challenged the plans that address them.

The inspector addressed transport issues and we could have an entire debate about that. My hon. Friend and I have been pressing Ministers about the east-west rail link and on commuting into and out of Milton Keynes. I have also taken up the issue of a new canal to Bedford. There are real transport issues, but what does the inspector say about them? He says:

"The Council also produced a variety of calculations relating to viability. I attach relatively little weight to these calculations as they are based on many assumptions".

He then goes on to make his own assumptions, which counter a lot of the work done in various studies. One of my concerns about the report is that the inspector's assumptions are viewed as okay, but the council's work and the many studies that have been conducted are not.

An example of that is the removal of policy on areas of our attractive landscape, which was designed to protect rural villages so that people did not think that they had to re-fight the battle of the 1960s when Milton Keynes was first proposed. That policy reassured people, but it has been removed from the local plan. The inspector has therefore caused unnecessary fears that those villages will be overrun.

The downgrading of the standards for the linear parks has compromised Milton Keynes's flood defences. Energy concerns have been dismissed, yet Milton Keynes development corporation set the standard for many of the energy ratings. If we built new homes in Milton Keynes, we could create zero carbon requirements that would go a long way to tackling the climate change issues that the Prime Minister rightly identifies as one of the most important challenges that we face. So why does the local plan minimise the opportunities?

In the previous debate, we heard about designing for crime. Thames Valley police wanted to add a target related to the percentage of applications that meet safety by design standards. The inspector says:

"The Secure by Design standards go beyond what is appropriate for planning control."

An area called Stantonbury Park Farm in the north of the city is to be proposed for 500 houses. The school that serves that area is already full, and the inspector says:

"Stantonbury Campus . . . would be expected to accommodate pupils from a development on this . . . site",

but that it is already at capacity, and that the situation will

"get worse with the planned change in the age of transfer."

Some 55 children were not able to get into Stantonbury school this week because of that. The provision of secondary school places to serve that site and the area in general is likely to occur as the result of a long-term review. The inspector says:

"On this basis this land would contribute some 500 dwellings to the supply side of the housing land equation albeit likely that the site could not come forward until late in the plan period once the education issue has been resolved."

In other words, the planners create a problem then say to the local authority, "Get on and solve it." That is not particularly helpful.

Similarly in Wavendon, Walton high, which is the school that the Prime Minister visited along with the Chancellor in March, is already over-subscribed. Someone with two daughters who came to Milton

[Brian White]

Keynes found that one was accepted at the school and the other was not. There are 3,000 houses proposed for that area in the regional plan.

My major concern is the way in which the balance in Milton Keynes has been changed by the inspector's report. After a great deal of work, the local plan proposed certain areas, and I know that, in a moment, my hon. Friend the Member for Milton Keynes, South-West will want to raise an issue that affects her constituency. The local council, with local groups, proposed areas for development round the western flank of Milton Keynes, but the local planning inspector says:

"The area to the west is a distinctive 'natural area' with strong landscape features and attractive views. It is part of the Whaddon/ Whaddon Chase ambience."

That is despite the fact that the other studies, including regional planning studies, say that the work favours westerly and south-westerly growth in Milton Keynes in preference to continuous major eastward expansion over the M1 motorway. However, the inspector simply says:

"I agree that the land to the east of Milton Keynes is suitable for long-term development as I consider that this area is much less sensitive in landscape terms than the Whaddon Valley ... In reaching this conclusion I appreciate that the assessment by Landscape Design Associates ruled out the designation of the Whaddon Valley as an area of attractive landscape."

So, the inspector has removed the area of attractive landscape to the north of the city to protect the villages there, but when other villages cannot reach that standard, he still thinks that they are "sensitive". Such inconsistency in the inspector's report has led him to say:

"My view is that the M1 should not be seen as a long-term barrier to development."

When areas are owned by the great and good of Buckinghamshire, they are somehow sensitive, while the areas of the ordinary people of Milton Keynes are not. I appreciate that my hon. Friend the Member for Milton Keynes, South-West has argued strongly for the regeneration of Bletchley and Wolverton, and such a policy has a major impact on her position.

Dr. Phyllis Starkey (Milton Keynes, South-West) (Lab): May I take this opportunity to say that I wholeheartedly concur with my hon. Friend's overall critique of the inspector? However, does my hon. Friend not agree that one particularly egregious part of the inspector's findings is that by removing the area known as 10.4, which he has just described, on the basis of recommendations primarily from a developer, he has increased pressure on area 11, which is owned by that same developer? That is a matter of huge concern to my constituents in Stony Stratford and Calverton.

Brian White: My hon. Friend makes a strong point. Which should take preference: developers' legitimate aspirations or the local community? The unfortunate timing of the inspector's report means that there has been no chance to debate such issues. Had we had the chance to do so in the run-up to the regional plan public examination, many of these concerns would not exist. However, because the examination took place the following week, the impression was given that the inspector was trying to influence—or as he put it, to "inform"—the examination in public.

If I believed in the conspiracy theory, it would lead me to question such issues. For instance, why do the great and good of Buckinghamshire seem to benefit when the ordinary people of Milton Keynes do not? Why, when considering their land interests, do certain developers benefit and others do not? Why were previous reports, such as the Milton Keynes in-field study, not considered and developed? Why, at the last minute and against its planners' advice, did the South East England regional assembly executive committee remove certain growth options and insert others into the assembly's planning policy for the area that my hon. Friend spoke of. These options went for examination in public.

Such matters give rise to a number of concerns, and those who subscribe to conspiracy theories will have noted them. I do not believe in the conspiracy theory. I believe in the cock-up theory, and those who try to conspire will still cock it up. However, it raises the possibility of those disappointed developers opening the process to judicial review, and that could raise further issues.

Since the interim report, the examination in public has reported. Luckily, it was not influenced by the local inspector's report. However, the local plan report and the regional plan are at odds. The question is how to resolve that. The Milton Keynes partnership committee has been established, and the recruitment of staff at English Partnerships for developing Milton Keynes is going ahead. The delivery of the Government's sustainable objectives rather than the developers' wishes is moving ahead. That is something that my hon. Friend and I have been pushing for.

The Deputy Prime Minister visited Milton Keynes only a few weeks ago. He said that people should learn the lesson of what has worked in Milton Keynes and recognise that the developers have to bring the community with them; we should remember that it is about developing communities and not just buildings. If it was down to what my right hon. Friend said, we would be fairly relaxed, but will the courts take note of what he said or will they consider the words of the inspector and the local plan? It is the conflict between them that concerns me.

Ministers will need to consider a number of questions when they come to consider the inspector's final report. The way in which the Office of the Deputy Prime Minister considers those issues will be critical to the development of the city. Particularly important is the relationship between the Milton Keynes partnership committee, English Partnerships and Milton Keynes council. Given their interrelationship, to whom will their officers be accountable, and which plans will they follow?

A number of applications have been made under section 7(1) of the New Towns Act 1946, the Act under which Milton Keynes was built and designed. The new partnership committee and the council both have planning powers; that is why the interrelationship between those bodies will be important, and the Department needs to give guidance on the matter. What will be the role of the Government office? How will departures from the local plan be dealt with?

Caldecote in my constituency was built under a section 7(1) application, but part of the estate was left undeveloped. In 1995, the existing local plan designated part of that area as open space. In 2000, English Partnerships told the council that it wanted the promontory to be developed, as in the original plan. English Partnerships's brief, which is contrary to the local plan, is currently before Milton Keynes council development control committee; its decision is due at the end of the month.

I have asked the Government office to call in that decision, because the principle that we are discussing is important—whether precedence should be given to the local plan, the inspector's report on the local plan or the existing local plan. What happens if an application fits into the regeneration aspirations of central Milton Keynes but not into the inspector's report? Which should take precedence? We heard in the previous debate that one size does not fit all. That is why it is important to get the process right.

Milton Keynes has always been an innovative city. It is a can-do city, and it has delivered for its citizens. My concern is that the inspector's report creates a number of obstacles, and the Government's vision for a sustainable community in Milton Keynes and the south midlands is right and important. To ensure that it happens, Departments need to work together. We need cross-regional working. At the moment, there are Highways Agency proposals for dualling the A421 as far as junction 13, but Bedfordshire county council and Milton Keynes council have not done similar work on extending dualling from junction 13 to the Kingston roundabout in Milton Keynes. The Highways Agency is doing good work, supported by local people, and the dualling is absolutely right and necessary, but it is not being completed, because Government offices, agencies and local authorities have not got their acts together and are not working to the same time scale. The role played by the Government offices for the south-east, the east of England and the east midlands will therefore be crucial to delivery. However, there is a perception that the inspector's report has ignored Milton Keynes's success and the reasons for it.

Today is not the day to debate funding, although we could have several debates about it. However, my hon. Friend the Member for Milton Keynes, South-West and I have consistently reiterated to the Minister that the provision of infrastructure must go ahead at the same time as development. The Government have accepted that in principle, and, to his credit, Lord Rooker said so publicly in Milton Keynes. However, success will be determined by whether highly individual Departments and agencies, such as the Highways Agency, can co-ordinate their individual plans with the Milton Keynes partnership committee's plans and the south midlands plans. The local plan will be a key means of delivering that success, but if we do not get it right, the issues that arise could compromise the Government's aspirations. The inspector's report is not an auspicious start, because it has raised fears without providing solutions.

I do not expect the Minister to be able to answer my points today, nor do I want an instant remedy. However, Ministers will need seriously to address them when they come to consider the council's final report, because they raise several serious issues. The way in which the different agencies react will also be important. The local plan is the vehicle by which we can turn some people's fears into opportunities and ensure that my city remains the success that it is.

11.17 am

Paul Clark (Gillingham) (Lab): At the outset, let me congratulate my hon. Friend the Member for Milton Keynes, North-East (Brian White) on securing the debate. He has raised many issues and, at the heart of them, is the question of how we promote joined-up thinking and joined-up government at all levels—nationally, regionally and locally—to ensure that we deliver the communities for which he and my hon. Friend the Member for Milton Keynes, South-West (Dr. Starkey) have argued at every possible opportunity at ministerial and local level.

My hon. Friend the Member for Milton Keynes, North-East said that Milton Keynes was a can-do city, and he is right about the success that it has enjoyed. We want to celebrate that success and build for the next phase to ensure that we have sustainable communities in which people want to live and work.

Several of the detailed matters that my hon. Friend raised are for the local council to decide through planning processes. He has substantial expertise in that regard because, in a former life before he came to the House, he was chairman of the Milton Keynes planning committee. He will recognise that many of the decisions will be taken at the local level, rather than anywhere else.

It is worth while setting out to the Chamber the processes involved. Everyone should recognise that there are still substantial opportunities for public consultation. All sections of the community should be involved, not just key stakeholders. I am sure that my hon. Friend and other colleagues in the area will do their utmost to ensure that people take those opportunities.

Let me attach a Government health warning to what I have to say. I am constrained by the fact that the independent panel report following the public examination of the Milton Keynes and south midlands sub-regional strategies was published at the beginning of last month and my right hon. Friend the Deputy Prime Minister is now considering his response to its recommendations. Although the contents of the report are public, no comments can be made on them at this stage. However, we expect to publish our response in October, and that will lead to a further round of public consultation.

Let me give the background to the Milton Keynes process. There are two key documents: the Milton Keynes local plan, which is the responsibility of the local authority, and the Milton Keynes and south midlands sub-regional strategy, which was jointly presented by the three regional assemblies to my right hon. Friend the Deputy Prime Minister last year. Both are relevant to the debate. We recognise that there might have been some confusion due to their running concurrently, so I shall deal with them separately.

The first document, the local plan, was placed on deposit in October 2002 by Milton Keynes council. It covers the period up to 2011, and contains detailed policies about land use for specific areas of land.

Brian White: Does my hon. Friend appreciate that one of the difficulties is that the local plan covers the

[Brian White]

period up to 2011, the regional plan runs until 2016 and the sustainable communities plan covers 30 years? The interaction of the three is causing concern.

Paul Clark: Absolutely. I realise that that does not make things easy. It has become clear in Milton Keynes that in order to deliver the sustainable communities plan, we need to run the processes concurrently. Then we can achieve what I know my hon. Friend desires—joined-up thinking that will allow us to get it right for all who live there now and who will do so in the next 10, 20 or 30 years. The processes have to come together at some stage, and part of the difficulty relates to the concurrent running of the documents.

As hon. Members know, we have introduced changes to the planning system to speed up the process and increase its transparency. They will come into force at the end of the month. Yesterday, the Minister for Housing and Planning launched two new advice notes concerning spatial strategies and local development frameworks, precisely to enable communities to have greater and earlier involvement than they have had in the past.

Returning to the Milton Keynes plan, the inspector who conducted the inquiry into the local plan is due to submit his report to the council later this year, and the council will then, if necessary, advertise any modifications that it wants to make in light of it. Further consultation will then take place. My right hon. Friend the Deputy Prime Minister was consulted on the draft local plan and commented on how it fitted with national policy guidelines. As my hon. Friend will know, it is the responsibility of the local authority and its elected officers to implement it.

I have already mentioned that we are changing the system to bring forward a better, more streamlined system. Many of us have been involved in local councils in the past and are well aware that housing and the demand for it—where it ends up and the levels of it—are invariably the most contentious issues. However, we have to deliver. As my hon. Friend has pointed out, some 1,500 will be sleeping rough tonight.

Brian White: They are in temporary accommodation.

Paul Clark: I am sorry. They will be sleeping in temporary accommodation tonight in Milton Keynes. I am aware that within the local authority stock there were only 140 voids—or there were at the end of April, according to the figures that I have—and I recognise the problems with that. I am sure that my hon. Friend, and my hon. Friend the Member for Milton Keynes, South-West have had many cases in their surgeries of people seeking accommodation. I know that they will recognise that we have to meet those demands, but in a sustainable way.

The plan identifies 36,700 additional homes in Milton Keynes in the plan period up to 2011. My hon. Friend the Member for Milton Keynes, North-East will recognise that the plan period runs from 1991 and that many of those homes were already built or had permission through the planning permission system to be built when the plan was being drawn up. Therefore, in reality, the additional number of homes being sought is about 6,800. That is largely to be achieved through developments in the centre of Milton Keynes. A development is being considered as part of the centre of Milton Keynes expansions that would include some 10,000 residents returning to the town centres, where we are seeing a major renaissance and revival.

The second document is the Milton Keynes and south midlands sub-regional strategy, which was submitted to the Government by the three regional assemblies in July 2003. Although the regional assemblies bring forward proposals for regional guidance, regional planning guidance—RPG—is approved and decided by my right hon. Friend the Deputy Prime Minister. Those are to change regional spatial strategies under the new system. A proposal to alter regional guidance in such a way during the final stages of the local plan is unusual, as I have said, but it was made necessary for us to make sure that the implementation of the sustainable communities plan went ahead.

All the comments in the inspector's report will be dealt with by the council as the local planning authority. As far as the Office of the Deputy Prime Minister is concerned, we would get involved only in extreme circumstances. Many of the matters raised by my hon. Friend are matters of detail and would not have been discussed at the sub-regional examination whenever the inspector's report had come out. The interim report was put out to inform debate. A substantial number of opportunities are still available at different stages of the process for members of the public, Members of Parliament, key stakeholders and the community to be involved in the sub-regional strategy and the local plan process.

I want to comment on one or two points that have rightly been made. If we are to have sustainable communities, they are not only a matter of bricks and mortar, but a matter of the social infrastructure that binds those together into communities. My hon. Friends will be aware of the Deputy Prime Minister's personal commitment to seeing that happen, and of how much he puts into it. In fact, the underlying strategy of the Office of the Deputy Prime Minister is to create such sustainable communities.

The comments made about health and education provisions were absolutely right. The moneys given under the growth area fund, for example, include about £800,000 for studies into what is needed for health provision and so on to meet the expansions, and about £135,000 for a sustainable strategy in terms of education and training in skills. That work is under way.

In terms of the designing-out of crime features, the ODPM and the Home Office have worked closely—

Sitting suspended till Two o'clock.

Electricity Market (Scotland)

2 pm

Mr. Alex Salmond (Banff and Buchan) (SNP): It is a great pleasure to introduce the debate. I make no comment on the fact that the Minister for Energy, E-Commerce and Postal Services is not present; I understand that he is in China. He told me on the telephone the other day that he had been inspecting the great wall. If Ofgem, the subject of this debate, had been in charge, the great wall would never have been built. If Ofgem's plans proposals and theories go ahead, it will make it extremely difficult to exploit Scotland's renewable energy and electricity potential.

It is entirely suitable, and very welcome, that the Minister for Trade and Investment is present, as the debate is about whether there can be trade in electricity between the nations of Scotland and England.

This extremely serious matter is coming to a conclusion: in November we will know whether the proposals being made by the National Grid company will be accepted by the Ofgem board, and pursued. If the proposals in option B of the consultation exercise are carried through, there will not be a significant increase in the generation capacity of renewables in Scotland, and we will miss out on the renewables boom that so many of us hope for, exploiting Scotland's vast energy potential and allowing it to supply markets across the UK and perhaps further afield. I thought that all parties shared that desire.

I hope we can agree on the scale of the renewables potential. Scotland already has 1,200 MW of hydropower because of the vision of a Minister, Tom Johnstone, after the second world war. He pursued hydro schemes against a huge amount of official opposition and blockage by landlords and vested interests. He wanted to develop the project because he had a vision that the highlands and islands of Scotland, especially the highlands, could have a vast generating capacity, serving the whole of Scotland. No one would now argue that we do not welcome our 1,200 MW of installed hydro capacity; indeed, many would argue that there is scope and room for more.

There is a huge array of energy resources in Scotland, both traditional forms of energy generation and hydrocarbons, including Europe's finest and most technically efficient combined cycle gas station, which is in my constituency of Peterhead. The station has 73 per cent. technical efficiency, which shows that even hydrocarbon stations can be so technically efficient that they help the Government's targets in respect of energy balance and the greenhouse effect.

Scotland has substantial coal-fired stations and nuclear capacity, but many debates on the subject concentrate on what will happen in the renewables sector. According to the Risoe laboratory in Denmark, which has a long-established wind farm industry, Scotland has 25 per cent. not of the UK's wind capacity but of Europe's. The other Scottish Members present in the debate know that we are a windy nation, and sometimes our constituents suffer the consequences. None the less, 25 per cent. of Europe's potential wind capacity shows Scotland's enormous potential in that respect.

Scotland also has 10 per cent. of our wave power capacity—at present, the only working commercial wave power station is on the island of Islay. Professor Ian Bryden of Robert Gordon university described the Pentland firth as the Saudi Arabia of tidal power. Let us start with the agreement that there is enormous potential for renewable energy in Scotland, which is the why the Government's 40 per cent. target for Scotland is higher than the target for south of the border.

It would therefore be a tragic missed opportunity if exploitation of that renewable energy were prevented by regulations and the arbitrary imposition of unfair and discriminatory charges. Yet that is exactly what might happen under the National Grid company's proposals, which are unfortunately being put forward because it is adopting charging policy based on theories conducted within Ofgem about how to decide the interest charges on a system. Let us be clear that we are not talking about charges for transporting electricity—we all accept that a transportation charge should be built into the transmission of electricity. We are talking about entry charges: what is paid per kilowatt to get electricity on to the national grid.

The absurdity of the proposals can be best shown by the following example. In the north of Scotland, option B under the National Grid company's proposals would be to charge generators £20 per kilowatt to get on to the grid. However, the good news, I suppose, is that someone who wants to put a wind farm on top of Big Ben would be paid a subsidy of £9 per kilowatt. So a wind farm up Big Ben brings a £9 subsidy, whereas a major offshore wind operation in the north of Scotland carries a £20 a kilowatt tax.

The theory behind the proposal is locational pricing. Basically, Ofgem wants power stations in the UK to be approximately configured to the population: they want the population to match the power stations, or vice versa. There are a couple of obvious difficulties with that for renewables and particularly for wind power. I do not think that the population of London wants a wind farm up Big Ben. Indeed, the population in many areas of the country is resisting wind farms anywhere. I do not think that the population of London would be particularly enthusiastic about any power station in the precincts of outer London. In many senses, it does not matter what subsidy Ofgem comes up with; it will not reflect the reality that there will not be many new power stations in central or outer London.

The other obvious difficulty is that if there was a wind farm up Big Ben, the wind required to keep that station operational blows about 30 per cent. of the time. A wind farm offshore—in the Moray firth, for example—would be up 50 per cent. of the time, because the Moray firth, and this may come as a surprise to the academics and to Ofgem, is somewhat windier than central London.

If only the economists and Ofgem could have had a tutorial from the late Member for Portarlington, David Ricardo, one of only two great English economists in history, the other being John Maynard Keynes. Some of us remember that David Ricardo developed a theory of comparative advantage, which states that one should produce things where it is technically best to do so in order to increase the wealth not only of that area, but of the international community. I am sure that the Minister in charge of international trade is absolutely up on the international trade theories of David Ricardo.

[Mr. Alex Salmond]

Therefore, to increase the benefit under that theory to both Scotland and England, the right place to produce renewable energy, such as wind power, is where the wind blows most and where it is technically most efficient to produce that power. That would certainly benefit the economics of Scotland but also the economics of England. Instead of creating obstacles, trying to prevent that happening, putting barriers in the way of that development, and trying to strangle at birth the development that we all hope for in wind and other forms of generation, Ofgem should be encouraging the development of renewable energy in the places of best comparative advantage.

Ofgem's latest press release was issued before this debate—they must have got wind of what I was going to say. Ofgem is in a state of some confusion. On the one hand, the press release repeatedly states that the proposals are those of the National Grid Company and that Ofgem has still to judge them when they are submitted. For example, I quote:

"The company"—

that is, the National Grid Company—

"will then submit final proposals to Ofgem for its approval at the end of September."

That is technically true, but it is under the Ofgem scheme and its theory of locational pricing that the National Grid Company has produced these ridiculous proposals.

It is not only me and other Scottish Members who are jumping up and down about the issue—if one looks at the exchanges at Scottish questions yesterday, it is fair to say that the Secretary of State for Scotland is also deeply concerned. I do not think that the former Energy Minister, the right hon. Member for Cunninghame, North (Mr. Wilson) would mind me saying that he is equally concerned about the implications. For many years, he had a vision of the north of Scotland being the powerhouse for renewable energies and—if I interpret his remarks in debate correctly—I believe that he is deeply frustrated at the prospect of an obstacle being placed in the way of that development. If it was just politicians talking about the matter, we might have to bow to the experience of the experts in Ofgem and the National Grid Company, but the very companies on which we will depend to develop the resources are saying the same as we are.

A week last Thursday, I attended a glittering dinner in Fyvie castle, which is not currently in my Banff and Buchan constituency, but will be shortly, although the event was not to celebrate that. It was to celebrate Talisman Energy's 10 years in the North sea. The dinner was addressed by the Minister for Energy, E-Commerce and Postal Services and by the First Minister of Scotland, both of whom celebrated the fact that one of the projects that Talisman is engaged in with Scottish and Southern Energy Group is the development of the Beatrice field in the Moray firth, which is potentially Europe's largest offshore wind farm.

It seems to me that offshore wind has many advantages over onshore wind. There will be nothing like the same environmental resistance that is experienced with onshore wind farms. Despite a relatively benign climate at present, Scotland has only 200 MW of installed capacity in wind farms. If the Beatrice project comes to fruition, that single offshore project alone will generate 1,000 MW of power, which is five times the entire installed wind capacity onshore. That single project would meet some 20 per cent. of Scotland's entire electricity needs, and would be up and running for 50 per cent. of the time, as opposed to installations in even the best location for onshore wind, which would run for less time than that.

Let us agree that it would be marvellous to have the Beatrice project come to fruition—that was certainly the view of the Energy Minister. The Government, the European Commission and, to a minor extent, the Scottish Executive, have backed the demonstrator models that will go on to the Beatrice platform over the next year or two. There is funding for the research and for the demonstrator models, which will establish and prove the technology, but what does Talisman Energy say about the proposals that are currently being made by the National Grid Company? I shall read exactly what it says:

"It is bad news for us and for anyone producing renewable energy in remote parts of Scotland. The changes Ofgem is talking about are 50 per cent. to 60 per cent. higher than we thought. At the moment it is the biggest single threat we see and it could threaten the viability of the project."

The very company that is being celebrated by Ministers both for its huge success in 10 years in the North sea and for its vision in being one of the partners in that amazing project, which would put 200 wind farms into the Moray firth and generate a gigawatt—1,000 MW—of electricity says that the proposals from the National Grid Company and Ofgem are "the biggest single threat" to the viability of the entire project.

Moreover, it is not just Ofgem. I am sure that the Minister knows of the proposals relating to Scottish Power. I am considering legal action against the discrimination that is implicit in the proposals if they come to fruition; although in its area of generation the charges are less than they are in the north of Scotland, they are still discriminatory. Ian Marchant, the chief executive of Scottish and Southern Energy Group has said:

"Whilst Scottish generators account for 14 per cent. of total installed capacity they will pay all of the UK's generation and transmission charges. Yes, England and Wales will net pay nothing.

I can't believe this is true but my experts assure me it is. I have even double checked it."

The major generator in the north of Scotland is perfectly clear on the discrimination implicit in the charges.

One might of course say, "Well, that's MPs. They are up in arms and so are the major companies going ahead with the projects, but the MPs have a vested interest in getting development in their constituencies and the companies have a vested interest in not paying huge charges." However, I was impressed to receive this morning a message from Maf Smith—I was more impressed than I was by the Ofgem press release. Maf Smith is the chief operating officer of the Scottish renewables forum. He writes:

"Under BETTA Scottish generators will subsidise English and Welsh generators by £70 million per year."

He adds:

"If you wanted to remove the £70 m subsidy you would need to reduce the Scottish locational charges by at least £10/kW . . . The corresponding increase . . . in English-Welsh generation charges would be approx £1/kW. Thus a small increase in English-Welsh charges would allow significant drops in Scottish charges and make the system equitable."

It is Ofgem's view, and the Government will no doubt echo it, that all the huge increases, which are not denied, and the amazingly high charges in Scotland and, to some extent, the north of England are offset by the fact that under BETTA the interconnector will now be paid for by the entire system as opposed to the Scottish generators alone. There are two difficulties with that argument. First, it is not true. There will still be a net loss to Scottish generators—with respect to existing capacity; never mind what comes on stream in the future—of £6 million a year under option B of the National Grid Company. With, hopefully, increased generation in Scotland, that net loss will become greater. There will be more power stations paying those large charges. There is a moving target, and the figure is already net.

The second reason the argument is wrong is that the fact that the interconnector fell only on the Scottish generators was already a block to competition in the system. That is why more electricity is not being exported from Scotland to England and Wales now. The fact that that a system was created under the vision of the previous Energy Minister to remove the blockage in the system and allow proper competition across the generating capacity of the UK and to allow Scottish generators to sell more of their technically efficient energy into the UK market, is being used to justify unfair discriminatory charges on new power stations in Scotland. Surely the Energy Act 2004 was designed to remove the blockages to competition and allow the increase in generation capacity—not to institutionalise charges by introducing them in another way.

Things could not be graver. We do not know definitely that option B of the National Grid Company will go ahead or that Ofgem will accept it. Neither of the two options is good for Scottish generation, although option A, despite the fact that it still includes discriminatory charges, is slightly better. There is much informed comment in the industry, and the attitudes displayed in Ofgem's press releases would lead one to believe that that it is so thirled to the ridiculous theory of locational pricing that option B might well be the one to come forward.

If we can we want to get our retaliation in first. The Government will look ridiculous if on the one hand they help and stimulate the development of renewable energy, and set it hugely ambitious targets of 40 per cent. of generation in Scotland, while on the other hand Government agencies such as Ofgem prevent the realisation of the dream of Scotland as the renewable energy capital of Europe.

The stakes could not be higher. Not only will the Beatrice field development generate 1 GW of electricity, but the total investment costs of the project will be approximately £1 billion and it will generate, directly and indirectly, thousands of jobs—300 alone in the construction phase and many others in the long term. That is only one of potentially half a dozen major projects of such a scale across the variety of renewable energy resources.

Not only are such new developments under threat of being strangled at birth by the ridiculous charges. Existing generation, the hydro power and the Peterhead power station are also threatened by the imposition of the charges. The Government say that they have given a 10-year protection for renewable energy—five years that then rolls on for another five years. That is true if we are talking about a small wind farm development up a hill somewhere. If it has a short payback period and can be up and running in nine months to a year, the protection might be effective. However, even if the Beatrice project demonstrators work perfectly and show that the project can come to fruition, it cannot be up and running until 2010 or 2011, and the payback period for the project is estimated at 15 years. Even in the best possible scenario, a major project such as Beatrice would have two, three or four years of protection before facing the full blast of paying £20 million tax just to get into the national grid.

What I hope to have demonstrated is that both arguments—first, Ofgem's claim that the charges on Scottish generators are offset by the removal of the interconnector charges, and secondly, the Government's argument about the 10-year protection for renewables—do not apply. The first is simply not true, and in any case, the balance would change over time, institutionalising unfairness in the system. On the second argument, although the provision might protect small-scale renewable projects in the 10-year horizon, it will not protect major projects such as the Beatrice field and the ones that the Government like to boast about their help for.

The stakes could not be higher. On the one hand, if we have a fair and equitable pricing regime to get into the electricity system, there could be billions of pounds of investment and thousands of jobs, particularly in the north of Scotland but all over Scotland as well. On the other hand, we could be undermining our existing capacity in the north of Scotland and strangling at birth the hope that we can become the renewables capital of Europe.

My final point takes me back to the former Member for Portarlington, David Ricardo. I repeat the point that producing renewables in the areas of technical efficiency and taking advantage of Scotland's range of amazing resources in wind, wave and tidal power is certainly a good thing for Scotland. However, it is also good for the rest of the UK and for Europe as a whole in making a more effective contribution to the protection that we all want to give to the environment. I appeal for consistency in Government policy and the removal of the unfair charges, and I hope that, as the Minister for Trade and Investment is now acquainted with the subject, David Ricardo will prevail and Ofgem will be defeated.

2.24 pm

Mr. Alan Reid (Argyll and Bute) (LD): I congratulate the hon. Member for Banff and Buchan (Mr. Salmond) on introducing this important topic and his excellent explanation of what is a complicated matter.

Any proposal that involves higher connection charges for electricity generating stations that are far from centres of population is bound to discourage investment in renewable energy in the north and west of Scotland. Since much of the UK's potential resources for

[Mr. Alan Reid]

renewables are located there, it is difficult to see how the Government's renewable generation targets will be met if a connection charging system is introduced that discriminates against electricity generating stations that are located in the north or west of Scotland. There is protection in the Energy Act 2004 for renewable generators but, as the hon. Gentleman explained, the 10-year sunset clause will discourage investors because they will be worried that whichever Government are in power in 10 years might have a very different renewables policy and not be as kind to them as the current Government, who introduced the clause, might be.

As a result of land reform in Scotland, many more communities are buying the land on which they live and work; the island of Gigha in my constituency is one example. After years of rule by absentee landlords, the islanders bought their island, and one of the many schemes in which they are investing is a scheme to build three wind turbines to generate electricity for their own use and to sell the surplus to the grid. Schemes such as that one on Gigha will be adversely affected if a charging system is introduced that places higher connection charges on schemes on remote islands.

In addition, a Wavegen experimental station on the island of Islay is leading the world in research into generating electricity from wave power. Given the strength of the wind, waves and tides that we get in the north and west of Scotland, this is clearly an ideal part of the country for generating electricity from onshore wind, offshore wind, and wave and tidal power. We should not discourage that enormous potential by adopting any proposal that involves higher connection charges.

Both the Government and the Scottish Executive have policies of investing large amounts of money in the research and development of renewables, and the logical extension of that policy is surely fair connection charges. Once we have developed wave and tidal power to be commercially viable, we do not want to discourage the resultant schemes from going live. In summary, the north and west of Scotland have a tremendous role to play in allowing the Government's policy of greater renewables to be put into effect, and we should not adopt any policy that involves higher connection charges in that part of the country.

2.27 pm

Mr. Michael Weir (Angus) (SNP): Having spoken on Second and Third Readings of the Energy Act 2004 and served on the Committee that considered it, I seem to be thinking about energy in my sleep these days.

It will come as no great surprise that I very much agree with what my hon. Friend the Member for Banff and Buchan (Mr. Salmond) said about transmission charges. I shall concentrate on a slightly different point in a moment, but I want to make another point about transmission charges before I move on. Section 185 of the 2004 Act states:

"The Secretary of State may make an order under this section if it appears to him . . . that a particular area of Great Britain is suitable as a location for the generation of electricity from renewable sources".

That area is assumed to be the north of Scotland; any other area would be completely illogical. The point is that this is an area-based scheme, not a project-based scheme. Subsection (11) states:

"A scheme shall not be applied in relation to a time more than ten years after the commencement of this section."

Subsection (12) states:

"A scheme . . . shall not be applied for a period of more than five years; but . . . may be renewed . . . by a further order under this section for a period of no more than five years".

The effect is that there will be an area-based scheme for a maximum of 10 years, which means that only a scheme that was up and running when the area-based scheme was brought into being would get 10 years of benefit from the capping of the charges. Any scheme that was not up and running at that time would not get the benefit even of the 10 years, the five years, or whatever the length of the scheme would be. If the scheme in the Beatrice field, which my hon. Friend mentioned, was up and running when the area-based scheme was introduced, it might get 10 or so years' benefit. Another similar scheme a few years later would not get that 10 years' benefit, but it might get four or five years' benefit, depending on when it was up and running. So there is a disincentive to the scheme under section 185 for the future development of renewables. I make that point to back up what my hon. Friend said.

Section 184 relates to distribution charges as opposed to transmission charges. As hon. Members will know, distribution charges relate to the cost of distributing electricity to consumers, while transmission charges relate to accessing the national grid. That is important for the north of Scotland. When the then Energy Bill introduced BETTA, we were told that it would benefit Scottish consumers. In various debates during the passage of the Bill, I asked several Ministers what those benefits would be. Frankly, the best they were able to come up with was that consumers could benefit by switching to new suppliers. I find that argument unconvincing, because, in my experience, consumers benefit from switching only if they are high users or pay by direct debit, although even the savings for those who pay their existing supplier by direct debit are fairly minimal.

In any event, Ministers' arguments have been somewhat undermined by the substantial price increases announced by British Gas last week and by npower only this morning. Those of our constituents who do not have bank accounts or who pay by means of pre-payment meters—I spoke about this issue at length in Committee and I do not propose to do so again—would not benefit from any switch in supplier, even if they could find one willing to take them on. Those with pre-payment meters pay far more for their energy, although they tend to be less well off. The Library notes that accompanied the original Energy Bill put things very clearly:

"The tariff paid by domestic electricity consumers depends, in part, on the method of payment used. Broadly speaking there are three distinct options: standard credit"—

that is, payment by quarterly bills—

"direct debit and prepayment. Standard credit is, in effect, the default method of payment for most electricity consumers. Choosing to pay by direct debit confers a discount, while prepayment involves a surcharge."

That means that those who are least well off and have to use prepayment meters pay most for their energy.

The issue is even more important in Scotland. Figures produced by Energywatch Scotland show that until 1997 electricity consumers paid less in Scotland than in England and Wales. Since then, however, people in Scotland have not seen electricity prices fall at the same rate as people in England and Wales, contrary to the Government's original argument for introducing BETTA. Since 1990, consumers in England and Wales who pay by standard credit have seen prices fall by 31.4 per cent. in real terms, while the figure in Scotland is about 20 per cent. The gap narrowed slightly in 2002 and 2003, but, strangely, it has widened for those who pay by direct debit and particularly for those with pre-payment meters. Again, the system is penalising the least well off.

The Government's much trumpeted reduction of the number of households in fuel poverty has, according to Energywatch Scotland, largely been brought about by lower fuel prices, not Government action. Even so, as the regulatory impact assessment published with the Energy Bill showed, 13 per cent. of households in Scotland meet the Scottish Executive's definition of fuel poverty. However, it is important to note that the incidence of fuel poverty in the 16 local authorities that lie wholly or partly within the hydro area is approximately 4 per cent. above the Scottish average. In some areas, particularly island areas, the figure is much higher. The price increases announced by British Gas and npower may well reverse the declining trend in the number of households in fuel poverty, because prices will rise dramatically.

To return to my point about distribution charges, the Energy Act presents Scotland with a particular problem: hydro benefit. I urge those hon. Members who are not au fait with the history of hydro benefit to read the regulatory impact assessment, which contains an detailed and interesting account on page 119:

"Hydro Benefit has existed in various forms since 1943 when the North of Scotland Hydro-Electric Board . . . was created in order to electrify northern Scotland. More generally, the NoSHEB was established to help promote economic development in the Highlands and Islands, which had experienced relatively high unemployment and depopulation in the preceding decades."

The regulatory impact assessment also states:

"Given the abundance of hydro-electricity in northern Scotland, Hydro Benefit was devised for social reasons as a means of ensuring that some of the advantages enjoyed by SHE",

which NoSHEB, as we knew it, became,

"through its ownership of cheap hydro generating assets could be used to offset some of the expense that its customers would otherwise bear through the relatively high costs of transporting electricity to and within the Highlands and Islands."

The assessment goes on to say that

"average distribution costs in North Scotland were easily the highest of any region in Great Britain—over 50 per cent. higher than the national average—in 2002/03, even after the reduction afforded by Hydro Benefit. The average cost in North Scotland without the subsidy would have been around 100 per cent. higher than the overall GB average, largely because of the large, sparsely populated terrain that must be wired to transport electricity to local consumers. Indeed, SHE served only 2 per cent. of all electricity customers by number (both domestic and non-domestic), yet had by far the highest system length per customer of any distribution area in Britain".

Unfortunately, hydro benefit also came under threat from Ofgem, which seems to be the villain in this debate and the debate on the Energy Act 2004, although this time it cannot offload the problem on to the National Grid company. It was Ofgem that stuck the knife into Scottish consumers, by deciding that the hydro benefit was illegal under European law, despite the fact that the Monopolies and Mergers Commission had already conducted an investigation in 1995 and concluded that hydro benefit was in the public interest. That caused a great deal of controversy in the north of Scotland, as can be imagined.

It is fair to acknowledge that the Government reacted to that and introduced in the House of Lords what is now section 184 of the 2004 Act, which, as I have said, allows the Secretary of State to introduce a price cap and distribution charges in an area in Great Britain. Again, however, as with transmission charges, that area is not defined or is assumed to be the north of Scotland. The provision was widely welcomed in Scotland, but there are problems with it. The reduction in the replacement of hydro benefit is not guaranteed in the same way that hydro benefit was. Subsection (11) of section 184 provides that the scheme be reviewed three years after its introduction and at three-yearly intervals thereafter. It is also worth noting that the decision to introduce the scheme at all is at the Secretary of State's discretion. Presuming that it is introduced, however—I understand that Scottish Hydro-Electric has undertaken not to change charges until then—it will be for only three years. That is the only guarantee that consumers in the north of Scotland have for that benefit. They can have it for three years, but there could then be a fairly dramatic increase in prices.

I mentioned percentages earlier, but the situation should be put in context, with pounds, shillings and pence. Whatever happens to electricity prices over the next few decades, the reasons of geography that make electricity distribution much more expensive will not change. Distribution in the highlands and islands is now costed at £225 per customer, as compared with the next highest area, where the figure is £131. That is a substantial difference. If Ofgem were to use the same madcap economic theories as for transmission charge, and to go to locational charging, I dread to think what the charges would be for distribution to some of the island areas of Scotland.

Mr. Salmond: If Ofgem had been around in the immediate post-war period, two things would be certain: first, the hydro stations would never have been built and secondly, there would have been no benefit in their being built in the north of Scotland. Neither would have been allowed by Ofgem.

Mr. Weir: Given the history of the matter, my hon. Friend is correct. There might have been an attempt at hydro generation in the Thames—the Thames barrier might have looked rather different. I have to ask the Minister why there is such a short period for the benefit, and why is it to be reviewed at three-yearly intervals. Its mainstay, the geography of the highlands and islands, is not going to change. Distribution will always cost more in those areas than in the south of England or a more densely populated area.

[Mr. Weir]

What is the reasoning behind the frequent reviews? They cause nothing but uncertainty to consumers and businesses in the north of Scotland and to the electricity generators, who face the double whammy of not knowing the future charges for either transmission or distribution. That could hurt consumers in remote and rural areas of Scotland very badly.

The combination of the ludicrous system of locational charging for transmission and opposition to the hydro benefit by Ofgem delivers a double whammy to the people of Scotland. An energy-rich nation faces higher energy costs and the sabotage of a huge renewable potential. That must not be allowed to happen.

2.41 pm

Mr. Alistair Carmichael (Orkney and Shetland) (LD): I add my congratulations to the hon. Member for Banff and Buchan (Mr. Salmond) both on having secured the debate and on the substance of his speech. There was very little in it with which I disagreed. I should also, as this is my first chance to do so on the record, congratulate him on having successfully reapplied for the leadership of his party. I have never been sure why he wanted it, and it remains to be seen whether he reflects on the best political advice that I have ever been given, which is to be careful what one wishes for. However, he has it, and I am sure that he will again be effective. I have also to thank him for his endorsement of one of my political and economic heroes, John Maynard Keynes.

Mr. Peter Duncan (Galloway and Upper Nithsdale) (Con): Another one!

Mr. Carmichael: The hon. Member for Galloway and Upper Nithsdale (Mr. Duncan) expresses some surprise from a sedentary position. Perhaps he has seen the press reports that some on the fringes of my party have cast aspersions on the efficacy of Keynsian thinking. I am not one of them. John Maynard Keynes was a Liberal.

Mr. Salmond: I am sure that if he had been a Scot, he would have been in the Scottish National party.

Mr. Carmichael: It is idle to speculate on that. He was, rightly, a Liberal and it is difficult for many liberals to exist within today's SNP, but I take the hon. Gentleman's intervention in the spirit in which it was offered.

Much comment has been made about how Ofgem regulates the markets with whose regulation it is charged. The hon. Gentleman has already speculated that, had we had Ofgem at the time, we would not have seen the development of hydro energy in the post-war period, and would not have had the hydro benefits. It is true that the parts of those two crucial planks of Government policy not accounted for by Ofgem would be caught by state aid rules. The highly artificial way in which Ofgem seeks to regulate the market, driven in some ways by free market zeal, is exceptionally unhelpful.

All hon. Members who have spoken today have highlighted the tension at the heart of Government policy between the desire to promote markets as a mechanism for delivery and that for a particular social good, the promotion of renewable energies. Ofgem is a major potential barrier between the two.

It has always escaped me why Ofgem has an office in Millbank. On the basis that generation should be done where it is best done, surely regulation of markets is best done where generation is done, and there is precious little generation done on Millbank. If the staff were to get out of their office on Millbank and into the areas where electricity generation is important, they would see at the sharp end the impact of some of the things that they seem to regard as abstract.

Mr. Salmond: The hon. Gentleman is on to something, because Government policy, as I understand it, is to distribute public sector jobs across the country. That is the Government's locational theory of the civil service. Can the hon. Gentleman think of somewhere to which the new Ofgem's headquarters could be moved?

Mr. Carmichael: I can think of a number of places, Kirkwall and Lerwick being the most obvious. If, however, it were just a question of getting away from London, I have a particular ambition to get the Northern Lighthouse Board out of the offices on George street. It is ridiculous to have a lighthouse board based in George street in Edinburgh, so once I have achieved that, there will be a vacant building that Ofgem might be able to occupy. I fear, however, that we are straying a little from the main thrust of today's debate.

It has been said by all contributors that there is tremendous potential for the development of renewables, particularly in the highlands and islands. Two barriers to that make me pessimistic, however. First, we have been speaking long enough now about the notion of communities benefiting from having renewable generating facilities sited locally—principally, at present, wind farms. Everybody agrees that that is a good idea, but somehow it never seems to happen. The Government must now start to consider it seriously, and come forward with concrete schemes that will make such pious thoughts a reality.

Secondly, our local authorities must show greater strategic thinking in planning policy for wind farms. I perceive, particularly in the highlands and islands, a growing unease in many communities, a lot of which could be addressed with more strategic thinking in local authority planning policies. I know that that does not happen quickly or easily, but it is important none the less.

Mr. Peter Duncan: I hope that the hon. Gentleman is not suggesting that it is appropriate for local democracy for scrutiny of the proposals to be removed and replaced by central Government diktat.

Mr. Carmichael: No, absolutely not. I do not think that the hon. Gentleman has listened to a word that I said on that point. All that I said is that the local authorities, in constructing their planning policies, must have a greater strategic view of what is appropriate for their area. That is not at all the same as what the hon. Gentleman is suggesting, which is the withdrawal of powers from local government. In fairness to him, that was very much the hallmark of 18 years of Conservative

Government so it is not in any way surprising that the hon. Gentleman should think along those lines, but I can assure him that my mind runs along very different lines.

The financial regime for the transmission of electricity, largely established by the Energy Act 1994, is extremely important, not least to my constituents. Communities in the northern isles face very significant economic challenges, and we see renewables as an important part of ensuring our long-term viability as communities. It was a particular pleasure for me during the recess just past to witness the opening of the European Marine Energy Centre—EMEC—in Stromness in my constituency. That is one point on which we have not dwelt sufficiently: we have used renewables today as a synonym for wind power, but there is a lot more to renewable energy than wind farms. The next phase, and the long-term contribution beyond wind farms, is the development of wave energy, to which other hon. Members have briefly referred, and tidal energy. Because of its predictability, tidal energy has the potential to contribute to the base load generation capacity, which will be of supreme importance if renewables are to play the part that we think that they can play.

Some time ago, an answer was provided to a question asked by the hon. Member for Salisbury (Mr. Key), in which the Department for Trade and Industry identified 40 sites of tidal streams that were suitable for the generation of electricity. 13 of them were in the Pentland firth or north of it, that is to say in my constituency. That will be the next opportunity. However, unless we get wind generation right and the framework correct, it will not happen because the infrastructure will not be there to ensure that the developments that will inevitably come from the peripheral, coastal and island communities are developed to their full potential. That is why this is a matter of supreme importance for the general renewables industry.

Just yesterday Shetlands island council agreed to a £150,000 funding package for a major community-owned wind farm project known as Viking Energy. It is therefore vital that renewable energy producers in the north of Scotland do not face punitive charges that threaten their future development. The hon. Member for Banff and Buchan referred to the charge of £22 per kilowatt that has been calculated as an example for mainland Scotland. He may not be aware that if one applies that same line of thinking to projects in Shetland it will be in the region of £70 per kilowatt. That is as good as saying that these projects will never happen. That is the real danger of the economics that are applied in a doctrinaire manner. The hon. Gentleman described it as discriminatory. My objection to the Ofgem thinking is that it is not discriminatory enough. I should like to see discrimination in favour of the development of renewables. I know why he used that term, and I do not take issue with it but I want to see the discrimination moving in another direction.

I am prepared to give the Government some credit for reaching where they have. I have been involved in this issue for some considerable time. I give the Minister for Energy, E-Commerce and Postal Services some credit for having stuck to his guns and to ensure that he has a power to cap excessive charges. I met him along with the chairman of Ofgem and the hon. Member for Western Isles (Mr. MacDonald) in February and it was apparent to me—I am fairly sure that the hon. Member for Western Isles would agree—that the Government were facing significant pressure from Ofgem to abandon a proposal that is now part of the Act and which would leave our energy producers to the vagaries of the market.

In their unceasing quest for cost-reflective pricing, Ofgem seem to be indifferent to the impact on Scotland's burgeoning renewables sector. Of course such an approach is a result of Ofgem viewing every policy decision from a narrow free-market economic standpoint. The real problem is that renewable generators are at present totally unaware of how Ofgem will meet the new requirement. That is critical in the run-up to the post-BETTA situation that will operate after April 2005. The Minister will be aware that Scottish Power and Scottish and Southern Energy currently charge flat rates. Reference has been made to the fact that there will effectively be a £9 subsidy in the south of England as opposed to the £22 charge. To my mind that is regulatory nonsense.

The Department of Trade and Industry has indicated that it will consult on a rebate or a cap on renewables in the highlands. When will this consultation take place? It is anticipated that it will occur this autumn but as far as I am aware that has not been confirmed. Could the Minister, either today or later in correspondence with his colleague, provide a clear timetable for consultation on the issue of a rebate or cap for peripheral locations? A cap or rebate will help individual schemes, but until we know the level we do not know what benefit it will be. What does the Minister envisage happening after this 10-year period elapses? The uncertainty that that generates is unhelpful in the extreme.

Finally, I turn to the analysis offered by Ofgem. It maintains that BETTA is broadly cost neutral and notes that generators in Scotland pay £92 million now in charges and will pay £90 million under BETTA. Although the figures used have an accurate basis, I would suggest that the analysis is simply wrong. The figures used relate to conventional generation, as in practice only conventional generation is traded via the interconnector with England. They do not account for the costs that renewables will face. Renewables are not currently traded over the border, so the costs proposed represent large increases for renewable generators of up to twice the current level.

As I understand it, the Government are also using Ofgem's analysis. However, Ofgem's analysis is irrelevant here, as it does not factor in charges that are faced by renewable generators. The Scottish renewables forum estimates that as a result of the new charges, Scottish generators will be subsidising English and Welsh generators by about £70 million a year. That is hardly the level playing field that BETTA is supposed to create. At best, it only preserves rather than removing any qualities.

Ofgem is right to want to introduce some cost reflectivity into charging, but it is wrong to make that the only consideration. A high cost reflectivity brings higher instability and also raises the costs of generation that cannot move. The wind and waves are where they are; one has to generate from them where one can find them, and that is in our peripheral areas.

[Mr. Carmichael]

I urge the Minister to provide a clear signal to the national charging company about how it is to develop charges. Ofgem must adapt to fill its obligation under the Energy Act 2004 to ensure sustainability. That means that Scottish renewable power generators must not be priced out of the energy market.

2.57 pm

Mr. Peter Duncan (Galloway and Upper Nithsdale) (Con): I share in the common congratulations to the hon. Member for Banff and Buchan (Mr. Salmond) on his timeous selection of this debate in our first week back after the summer recess. I suppose that a lot has changed over the last couple of months. For him to have shown such foresight over that period is truly remarkable.

Obviously this is an important and pertinent debate, but I greatly enjoyed—I thought it was one of the most important debates—the discussion about which party John Maynard Keynes would belong to. I thought that that was an instructive indication of the way in which Scottish politics is likely to head in the coming months and years. We look forward to that juncture. If there is any doubt remaining in the minds of hon. Members, I reassure them that he would not have best found himself in my party.

The market for electricity in Scotland is clearly different. It has been historically different—hon. Members have referred to the foresight of the hydro engineers in the past, but there is a different commercial field in Scotland. Research by the Scottish Energy Environment Foundation shows its importance: three out of the top 10 companies by turnover in Scotland are electricity utilities. That is clearly a different emphasis to the rest of England and Wales. The Scottish market is much more integrated and much less fragmented than that south of the border.

I reiterate the welcome made by my hon. Friends in the passage of the Energy Act; we look forward to the better provision of new opportunities for Scottish energy generators after the passage of the Act. I hope to provide considerable support for the substance of what the hon. Member for Banff and Buchan said. We will probably diverge in emphasis a bit later on, but it is always useful to start on common ground.

The hon. Gentleman has made an important and succinct summary of the case against discrimination in energy transmission. His opening remarks have shown how clearly existing Scottish generators will suffer if the proposal—option B, as it has been described—is allowed to go through. Locational pricing was originally an Ofgem concept. The National Grid Company has brought forward proposals to comply with that concept. Ofgem has to look long and hard at the way that it has taken this debate. It is not going to move forward an important sector of Scotland's economy and, on that basis, Ofgem will need to look long and hard at it before moving forward.

I want to provide the hon. Gentleman with support for his suggestion, which was reiterated by the hon. Member for Orkney and Shetland (Mr. Carmichael), that wind projects should be located where they are most efficient and effective. There is clearly little point in creating a market that will encourage the creation of renewable projects in areas where they are least effective. That would be crazy, and it would not add anything to the wider debate on energy needs in Scotland or the GB market. I found little to quibble with in what the hon. Gentleman said on those two points.

I hope that Scottish consumers will see some improvement in the cost of electricity. Consumer prices have been attractively low in recent years, but that has provided a huge challenge for policy makers and companies in the energy sector. As the hon. Member for Angus (Mr. Weir) pointed out, the Scots have missed out relative to those in other parts of Britain on the benefits since deregulation. I read this morning that Energywatch has found that Scottish prices have increased by 10 per cent. since privatisation, whereas they have decreased by 5 per cent. in England and Wales. Clearly, that will not help in the wider selling of an effective market in Scotland. It has even been advocated that we switch to English or Welsh companies, a truly extraordinary remark for a Scot to make. Prices may have fallen in real terms, but we clearly have not shared in the benefits of privatisation. I was interested to hear that the National Audit Office has recommended that Ofgem should review the differences in consumer prices. I look forward to its response.

Much of the debate has focused on wind and renewable energy. That is inevitable, given that they tend to be the most peripherally located forms of generation. The Scottish Executive's target—it wants 40 per cent. of generation to be renewable by 2020—figures significantly in that debate. I understand that we are currently approaching the 12 per cent. mark. Scotland is rich in wind and wave resources, but I counsel hon. Members that my party does not necessarily share the common dash for wind. We see a place for it, but we see a place also for renewable energy and a balanced energy mix. We are hugely concerned at the unrestrained dash for wind energy in Scotland.

I sympathise entirely with the comments of the hon. Member for Orkney and Shetland that we tend to focus on wind to the exclusion of other forms of renewable energy. I will share a personal anecdote. When researching the purchase of a solar panel for my house recently, I was interested to note that the technology had not moved on significantly since my father undertook a similar purchase in 1975. The photovoltaic sector has not made an incremental jump in those 25 or 30 years. However, although renewable energy has huge potential, I would not support those who wanted to focus exclusively on wind energy.

Mr. Salmond: I can see a community benefit in onshore wind power—it would be even better with community ownership—but if one power is to make a significant contribution to the renewables target, it must move offshore. The projects that I mentioned, some of which have caused much angst in Scotland, now contribute 200 MW. A single offshore project would produce five times as much energy.

Mr. Duncan: The hon. Gentleman is absolutely right about the considerable benefit to be gained by moving offshore. However, the issue is not entirely straightforward. I am reminded of a proposal approved for the Solway firth, adjacent to my constituency. I

understand that it is not a long distance offshore, but some of the arguments are pertinent. A proposal was made for an area adjacent to a stretch of coastline that is a site of special scientific interest, one that is significant in the UK and Europe for environmental preservation. Although farmers were precluded from erecting a single turbine to support their own premises, approval was given in a relatively short time for 60 wind turbines to be built some six miles offshore. Such inconsistency does not endear the wider public to the planning process.

I ask the hon. Gentleman if he can reconcile a perceived inconsistency in what he said in his intervention. He said that Scotland had the potential to provide 25 per cent. of Europe's wind energy. He will be pleased to know that I listened to the opening debates in the Scottish Parliament yesterday. Unusually, the *Official Report* of the Scottish Parliament has not yet reached the website, so I have not been able to clarify the precise wording, but I understand that Nicola Sturgeon suggested that Scotland could be the source of 40 per cent. of Europe's wind energy. As I would not want to engender conflict at such an early stage between the hon. Member for Banff and Buchan and his deputy leader, vice leader or assistant leader, perhaps he would clarify the target figure.

Mr. Salmond: The figure of 25 per cent. is the available resource. The 40 per cent. figure is what is done with the available resources. For example, Scotland contributes about 90 per cent. of the UK's hydropower at present, but the available resource is only about 60 per cent. It is something that economists get to understand, and I am sure that the hon. Gentleman will catch up.

Mr. Duncan: I look forward to reading the *Official Report* when it is available to see how closely the wording reflects what the hon. Gentleman said.

Anger is mounting in Scotland as huge numbers of proposals come forward and there has been a step change in public opinion on the issue.

Mr. Alan Reid: The hon. Gentleman will recall that some time ago some of his colleagues in the Scottish Parliament called for a moratorium on all wind farm applications. Is that his party's policy?

Mr. Duncan: I can confirm that we have called for a moratorium on wind development in Scotland until the Scottish Executive can prove to us that that policy is worth pursuing. There is huge concern that we are embarking on a course to have 40 per cent. wind power that will put our stability at risk. I will come to that issue later.

Mr. Salmond: Does the moratorium include the Beatrice project? My constituents in Peterhead and people in other constituencies are extremely anxious that the Conservative party wants to deprive them of job opportunities.

Mr. Duncan: I assure the hon. Gentleman that we are looking forward anxiously to the Scottish Executive justifying the continued pursuance of wind power. There is a lack of accountable decision-making by the Scottish Executive.

The Minister for Trade and Investment (Mr. Mike O'Brien): I agree with the hon. Member for Banff and Buchan (Mr. Salmond) that it is important that the Conservative party clarifies its position. It seems clear from what the hon. Member for Galloway and Upper Nithsdale (Mr. Duncan) said that the Conservative party is prepared to put jobs at risk in Scotland. He needs to clarify the matter.

Mr. Duncan: There is no confusion. Our policy is clear: we need a moratorium until such time as the Scottish Executive can come forward with a rational basis on which to support 40 per cent. of Scotland's power coming from renewable resources.

Long term, there is a change in the balance between nuclear power, which is being decommissioned, and wind power. That is playing Russian roulette with the energy mix. The market is about supply and demand. The security of supply should be one of our primary concerns.

Wind development across Scotland is scarring the landscape and we want the assurance that that can be justified by providing us with long-term, stable power supplies in Scotland.

Mr. Reid: What measures does the hon. Gentleman have to help the 300 employees at the wind turbine factory in Campbeltown who would lose their jobs as a result of his party's policies? What is his message to those employees?

Mr. Duncan: My message is clear: we are looking forward to the Scottish Executive's early justification for pursuing the 40 per cent. target. There will be question marks over the stability and security of supply in Scotland if that target is pursued. The Scottish Executive must produce that reassurance very quickly.

The market needs to supply electricity in a stable as well as a secure manner. In my constituency and in other parts of rural Scotland, there is great concern about unstable network supplies. The current measure of network stability is customer minutes lost, and the figure in my constituency is higher than the Scottish average, but investment in the rural network tends to be assessed on a Scotland-wide basis.

Mr. Carmichael: I appreciate what the hon. Gentleman says about wanting a moratorium pending justification of the target, but, as he reminded us, something like 12 per cent. of generation comes from renewables, against a target of 40 per cent. In those circumstances, does he not feel that calling for a total moratorium is somewhat disproportionate?

Mr. Duncan: No. It is reckless and irresponsible to propose a target when the Scottish Executive cannot justify it or provide a reassurance that Scotland's electricity generation will be stable and secure in the future.

To return to network stability, there is an imbalance in the assessment of customer minutes lost across Scotland, but that is not reflected in figures for the investment that is required to provide a secure and stable network in rural Scotland .

[Mr. Duncan]

To conclude, I agree that the price structure for supplying electricity needs to be fair and that generators should be located in areas where they are most effective and efficient. However, I question whether we need to pursue a policy that envisages a dash for gas and a dashfor wind, but does not provide a place for nuclear, which is a key part of a balanced energy mix.

3.12 pm

The Minister for Trade and Investment (Mr. Mike O'Brien): It is a pleasure to reply to the debate. My right hon. Friend the Minister for Energy, E-Commerce and Postal Services is on a visit to China and has, I think, already apologised to the hon. Member for Banff and Buchan (Mr. Salmond) for not being here, although he has asked me to pass on his regards. In congratulating the hon. Gentleman on securing the debate, let me also congratulate him on his re-election as leader of the Scottish National party, although I should perhaps congratulate the Scottish National party on having elected him since he was obviously the most outstanding of those available. Only months ago, he was perhaps regarded as one of the politically dead, but—like me, to some extent—he is now an example of life occurring after death.

The hon. Gentleman made some strong, cogent arguments, but despite their substance, he overstated them at times and often missed some countervailing arguments about the benefits to the Scottish people. That said, he made some good points, which deserve a clear reply.

Throughout the debate, concern has been expressed about the impact of transmission charging on the Scottish electricity industry. It is right to raise such concerns, because the industry is crucial in Scotland, not only generating electricity, but supplying jobs. However, it is also important, as the hon. Member for Angus (Mr. Weir) said, to consider the benefits for the Scottish consumer. The Government are introducing the new BETTA system to benefit the Scottish consumer. For too long, Scottish consumers have had less choice than their counterparts in England and Wales. As a Government who believe that people should be able to have some element of choice, we think that that is unacceptable.

Overall, the BETTA package will deliver a better deal for the Scottish consumer by creating more competition and bringing down prices. The hon. Member for Angus wanted more information about that, and Ofgem estimates that, because of BETTA, the average domestic customer's bill in Scotland will be about £13 lower than it would be otherwise. The hon. Gentleman rightly referred to fuel poverty in Scotland, and it is a key issue for many families. However, the way in which the new regime operates should allow some of the problems of fuel poverty to begin to be addressed.

Mr. Weir: On what basis is that £13 calculated? We have heard today that the generators will face a massive increase in costs as a result of the transmission charges. Where does the Minister think that those costs will go, and what figure is taken into account in his calculations? Does he think that the companies will absorb the costs and reduce profit, or will they be passed on to the consumer? What figure is used in calculating that fall in the bill?

Mr. O'Brien: As I understand it, the figures are available in the statements that have been made by National Grid and Ofgem. The hon. Gentleman can find them too, but I will be happy to supply him with them.

Mr. Salmond: Why, we ask ourselves, can we not have the competition and its benefits without the discriminatory transmission charges?

Mr. O'Brien: Let me deal with the points one by one. My key point was that in putting his argument, which had some substance, the hon. Member for Banff and Buchan ignored the Scottish consumer. He was rightly concerned about the impact on the Scottish generators, as they are important employers, but he ignored the impact on consumers. His colleague the hon. Member for Angus did not, and it is important to look at the balance of the argument. As with everything, there are judgments to be made, and the overall judgment is that what we are doing will benefit the Scottish consumer. The figures that have come out will address some of the concerns about fuel poverty put forward by the hon. Member for Angus.

Mr. Salmond: My colleague and I operate as a team, which the Government should perhaps try, given the events of the last few days.

Talking of operating as a team, when my hon. Friend and I met Ofgem, I asked representatives three times whether they accorded to the Government's renewable target and three times they refused to answer. Can the Minister tell us whether in his opinion Ofgem operates to the Government's renewable target?

Mr. O'Brien: I shall come to renewables later. The hon. Gentleman is taking me away from the Scottish consumer—I understand why he is doing that, having ignored the consumer in his opening speech—and towards transmission charges and renewables. I want to deal with each of them in turn, and I shall now move on to transmission charges.

To claim that transmission charges under BETTA will rise for generators and that that will be bad overall for industry in Scotland is to distort the overall picture. There will be some difficult effects in certain areas, but overall the picture should be positive. It is not true that it will be bad for industry, and the hon. Gentleman's characterisation of the increase in transmission pricing is misleading. Let me say why.

The hon. Gentleman said in a press release on 5 September that charges will increase from £5.44 to £20.69, and he has referred to similar figures today. He has conveniently left out the fact that under the existing arrangements generators in the north of Scotland pay charges amounting to between £32 and £37 per kilowatt to sell their electricity into England and Wales. Those figures are based on figures that are publicly available in

SHETL and National Grid's transmission charging statements. They are the real comparison for the new transmission charges.

Mr. Salmond *rose—*

Mr. O'Brien: I have given way twice, but let me finish my point, and I shall give way to the hon. Gentleman again.

We now have a different comparison from the one that the hon. Gentleman so eloquently made. Scotland is already a net exporter of electricity. Most new renewable projects will expect to export their electricity out of Scotland. It is wrong to claim that a reduction in charges from a potential £37 to £20.50 per kilowatt, which is the highest charge currently proposed—the hon. Gentleman got his figures wrong—is damaging to renewables. It is not.

Mr. Salmond *rose—*

Mr. Carmichael *rose—*

Mr. O'Brien: I promised to give way to the hon. Member for Banff and Buchan, but if he will bear with me until I have made my point, he may well want to respond. One example that he keeps giving is the Beatrice project. It is important, but it is at an embryonic stage of development and has some distance to go before transmission charges are even an issue. He is right that if it comes to fruition it will be a major employer. I share his concern about what the Conservatives are doing, and their damaging proposals, but to predict dire consequences at this stage for that project is alarmist and very premature.

Mr. Salmond: The Minister's colleague, the Energy Minister, was more enthusiastic about Beatrice a week last Thursday, but I have already dealt at some length with the matter that the Minister has raised—the question of interconnector charges. It may not be set out in that way in the Minister's speech, but what he was referring to are the interconnector charges. Even the Energy Minister argues that the effect is neutral between the interconnector charges and the new discriminatory charges. My point is that the change was sold to us as the removal of a major barrier to competition within the system. Even if the Energy Minister is right, and I doubt whether he is, how is it possible to justify removing from the system one barrier to the export of electricity while erecting a new one in this unfair and discriminatory way?

Mr. O'Brien: The hon. Gentleman seems to be making the point that if the consultation that is now going on produces a particular result, there may be difficult consequences. We say that the process of consultation is still under way. It is right that hon. Members should make their voices heard in that process. I know that many of my colleagues are concerned that Ofgem, the National Grid Company and Ministers should all listen to the points that are being made.

I listened with great care to the hon. Gentleman's points, which he put very well. However, there are too many "ifs" at this point. Let us see where we are at the end of the consultation period. We take the view that we need a system that to some extent reflects the overall charges caused by the costs of transmission. I hope that the outcome of the consultation will be a system that allows that.

Mr. Carmichael: I thank the Minister for giving way again; he is generous with his time.

We can argue indefinitely whether £22 is neutral in effect. No one would entertain the idea that the figure of £70 per kilowatt that is expected for access to the grid for projects in Shetland will be neutral. Is the Minister content that that figure should be imposed, with the result, effectively, that Shetland will be excluded from contributing its potential to the market in renewable energy?

Mr. O'Brien: Let us see where we are at the end of the consultation process and how the costings work out then. The potential contribution of Shetland and the whole of the northern part of Scotland is enormous. We need to ensure that we establish an energy policy that will realise that potential, for the benefit of all the people who use that electricity and power. That is part of the process of working our way through the arguments. We have taken the view that Ofgem should have a certain degree of independence, in order to be able to work through the arguments in a sensible and objective way. We have taken some powers to intervene if necessary. However, we have attempted to put in place a system that can allow all the issues to be considered in a way that is not seen to be at all politically biased and in which, to some extent, the substance of the real arguments is seen to be considered. We must allow that process to proceed.

The hon. Member for Banff and Buchan suggested that we were not enthusiastic about Beatrice and Talisman, so before I leave that issue I reiterate that the Department of Trade and Industry put £3 million into researching the project. The Department has strongly backed the scheme, so let there be no suggestion that £3 million is not greatly supportive—in my book, £3 million of taxpayers' money is considerably supportive.

Furthermore, BETTA provides many benefits for Scottish generation. There will be financially firm access to a Britain-wide market. Another important point is that under BETTA the cost of upgrading the Scottish transmission system will be spread across all British users. Without BETTA, the cost of that work would have to be recovered solely from the users of the Scottish transmission system. We would be talking about hundreds of millions of pounds falling just to Scotland, which would make charges rocket. The hon. Member for Banff and Buchan needs to consider for a moment what the situation would be like for Scottish generators if Scotland were independent, had its own market and was trying to export the majority of the electricity that it produces.

In addition, there would be a single, tangible set of rules under BETTA, replacing the vast variety of different rules we have now. It is better to have a straightforward system, which we are trying to put in place, than the complexities that the hon. Gentleman seems to prefer. Under that system generators would

[Mr. O'Brien]

continue to face a number of different charges and the costs of upgrading the transmission system would be recovered solely from the small base of Scottish users, which is not right. That is why we want to put in place a better system. Perhaps the hon. Gentleman's aim is to inflict extra expense and extra bureaucracy on Scottish generators. That would surprise me, because I do not think that that is his aim, but that would be the outcome of the concerns that he has expressed if he does not get the balance right in the argument.

BETTA will also allow Scottish generators to provide services to the national grid, the transmission system operator, especially by providing balancing services. Those contracts can be lucrative and Scottish generators have not been in a position to realise the value from those services before. On a number of fronts, far from being bad for Scottish generators, the creation of the British market in fact provides a range of new and exciting opportunities for Scottish generators and will therefore develop the Scottish electricity industry.

We have heard some statements that I have concerns about, although we do not have time to deal with all of them. For the record, however, I should like to make it clear that the transmission charges are neither set nor capped by the Energy Act 2004. The Government, with Ofgem, consulted on the criteria to govern the transmission charging methodology. We very much support a methodology that is cost-reflective and promotes competition. We also concluded that National Grid should be asked to develop a methodology to meet those criteria. National Grid is still consulting on its methodology, and it would be for Ofgem to decide whether to approve it in the final instance. However, I note the valid point that the hon. Member for Banff and Buchan made about the nature of those proposing the methodology. That is something that we need to consider. I am sure that National Grid would be interested to receive the views of all hon. Members on the issue and I hope that they will be prepared to put those views forward.

Things are not yet finalised. We are still very much in the discussion phase and the Government are still listening to the points that hon. Members from Scotland are raising. We are concerned to ensure that Scotland realises its potential for energy generation and renewables, which we certainly back and want to be a success. Our main interest is to ensure that the Scottish consumer benefits, and when we look at the changes overall, we see that the Scottish consumer will indeed be the major beneficiary.

Asperger's Syndrome

3.30 pm

Mrs. Angela Browning (Tiverton and Honiton) (Con): I am pleased to see the Under-Secretary of State for Health, the hon. Member for South Thanet (Dr. Ladyman) in his place in what is becoming an almost annual occasion, for which I make no apology. You will recall, Mr. Deputy Speaker, that I secured a debate on Asperger's syndrome on 10 September 2003 to discuss the impact on adults and adolescents who had been misdiagnosed by psychiatrists, particularly provincial psychiatrists, who confused their autistic behaviour with schizophrenia. They were the, to their detriment, treated as schizophrenics, with all the drugs that that treatment involves. Difficulties then arose in managing their lives, and damage was done.

To set the scene, I shall repeat something that I said at the beginning of my speech last year because it is still relevant to today's debate: very few provincial psychiatrists have been trained in either the diagnosis or the management of Asperger's syndrome; even fewer have gained the necessary experience in their working lives to be able to differentiate between a mental health condition and what many of us would regard as normal autistic behaviour, which sometimes even professional psychiatrists might well interpret as something quite different.

Very few psychiatrists in this country have the expertise to differentiate between autism and schizophrenia, and yet, day after day, people with Asperger's syndrome are admitted to mental health hospitals and are diagnosed and treated by people with that lack of experience. I want to build on that point this afternoon because it is still as much a problem today as it was when I raised the matter last year. Indeed, my hon. Friend the Member for Aylesbury (Mr. Lidington), who is sitting next to me, told the House on 30 April of the tragic case of his constituent, Mr. Piers Bolduc, a young man with Asperger's syndrome who had been diagnosed quite mistakenly as schizophrenic and who had been in Broadmoor hospital for 10 years. As a result of my hon. Friend's intervention—I know that the Minister is familiar with this case—Piers was moved to the Hayes unit, which is a much more appropriate placement for him. With permission, I shall read part of a fax that his mother sent to me this morning when she saw that the debate was going to take place. She wrote:

> "After one month there he is doing his laundry, helping on kitchen cleaning duties, hoovering, kicked a football about outside, played scrabble, monopoly and chess and has even made some design patterns on the computer . . . In Broadmoor he just shuffled from his windowless bedroom to the dayroom and tried to keep himself safe for ten years."

That sums up what can be done for adults with Asperger's syndrome when they are given the appropriate help, support and treatment, but it also signifies the desperate vulnerability of these people and the damage done to them when their condition is not recognised by medical professionals.

I singled out provincial psychiatrists, but I now want to discuss some of the other problems that psychiatrists acting in various areas of life are causing and that are

affecting adults with Asperger's syndrome. This is not just a question of health. People with Asperger's syndrome get caught up in the court system and find themselves in prison. They also become involved in tribunals fighting for benefits or for appropriate packages of support. I particularly want to mention the case of Mr. X. It would not be appropriate to name him because his case is likely to come before the courts.

Mr. X is a married man with Asperger's syndrome who ran his own business and fell foul of the Court of Protection and other parts of our legal system. As a result, a psychiatrist attempted to pass an opinion on Asperger's syndrome without understanding the condition and without a working knowledge of the specialism. I advised the spouse of Mr. X to inquire about the background and qualifications of that psychiatrist who was appearing as an expert witness against him. When pressed, the psychiatrist withdrew because it became quite clear that he had no expertise in Asperger's syndrome at all, yet he was identified as someone who was available at huge remuneration to himself to appear as an expert witness in legal cases. That, too, gives cause for concern.

These are serious matters. These are life-changing circumstances that affect people with Asperger's syndrome. I particularly want to raise my concern about the medical professionals who put themselves forward in court cases as expert witnesses against the person with Asperger's, causing havoc to their lives and infringing their human rights. We have already a classic example of what happens when so-called medical experts put themselves forward as expert witnesses without the proper qualification and validity in the cases of Munchausen's syndrome with which the Minister will be familiar. This is an area in which he should be personally involved. He should talk to the health bodies to ensure that we do not have these people who quite clearly see a lucrative future for themselves, but a future that is bleak for the person against whom they speak.

Mr. David Lidington (Aylesbury) (Con): Would my hon. Friend agree that not only is there a duty on the Minister to take action in order to prevent the sort of case she describes, but that the precedent of Munchausen's syndrome should stir the Government into carrying out a review of the cases of misdiagnosis which everyone agrees have taken place in recent years? There are still people who have suffered the same fate as my constituent Mr. Bolduc and are still in secure mental hospitals as a result of misdiagnosis and mistreatment.

Mrs. Browning: Indeed, Mr. Deputy Speaker. I do not want to repeat much of what I said last September. My hon. Friend has identified how we simply do not know how many cases of misdiagnosis there are. These cases are purely anecdotal at present, but as all those of us who take an interest in this subject have discovered, they are too frequent simply to be odd cases. Every odd case is bad enough in itself but there are just too many of them.

Liz Blackman (Erewash) (Lab) *rose—*

Mrs. Browning: I give way to the chair of the all-party group on autism.

Liz Blackman: Alongside the recommendation that both hon. Members have made, would the hon. Lady not agree that we need more dialogue with the Royal College of Psychiatrists to ensure that expertise and capacity are properly increased during psychiatric training?

Mrs. Browning: I certainly agree. When the Minister replies, I hope that he will give us the assurances that we seek about his Department's involvement with the royal colleges to set out a blueprint for how we take this forward. We cannot leave this lying on the table any longer. That is why, for the second time in a year, I bring this subject to the attention of the Chamber. I would like to run through one or two of the issues that I have raised in the last year with the Minister, both in correspondence and written questions.

Two things are in the back of my mind. The first is the Mental Health Bill, which was published today and on whose scrutiny Committee I will serve. The second is the Mental Capacity Bill, which has had its First Reading and will proceed through the House. We are in the process of making changes to the way that people who lack capacity are represented. On the mental health front, it fills me with horror to think that we are still dealing with misdiagnosis, yet the Mental Health Bill will give professionals even more draconian powers to exert on people. I have no confidence that, uniformly throughout this country, there are psychiatrists who, as yet, can even differentiate between schizophrenia and Asperger's. How will they deal with personality disorder, another rather nebulous condition, which even the professionals admit is a spectrum?

I want to raise another issue with the Minister. In June, I tabled the following written question:

"To ask the Secretary of State for Health what assessment his Department has made of the appropriate qualifications and experience required of psychiatrists treating *(a)* in-patients and *(b)* out-patients who have an autistic spectrum disorder."

The Minister replied:

"None. This is a professional matter. It is the responsibility of the Royal College of Psychiatrists."

I know that officials draft such replies in all good faith, but the Minister has a detailed understanding and knowledge of autism. I put it to him that his Department should speak to the royal college, because such an assessment is desperately needed.

I tabled other questions on that same day and I am sure that they are in the Minister's folder. I apologise if I am becoming autistic in my behaviour, but I make no apologies for the fact that this is becoming an obsessive subject for me. I hope that he will see this as an opportunity to sort out my questions so as not to have to repeat his answers next year. I asked,

"what assessment his Department has made of the number of people with Asperger's syndrome who are misdiagnosed as schizophrenic."

Again, he replied:

"None. Where people have Asperger's syndrome or any other form of autistic spectrum disorder, it is important to distinguish behaviours due to their autism from any that might be attributable to a mental health problem".—[*Official Report*, 15 June 2004; Vol. 422, c. 892W.]

As I have already made clear in previous debates, like any other member of society, somebody with autism can develop a mental health problem—depression is a common problem. However, being misdiagnosed with

[Mrs. Browning]

schizophrenia is a very serious matter. I beg him to take another look at the issue. It should not be left to medical professionals. Direction is needed. There must be a strategy to deal with the problem; we cannot keep leaving it.

On the question of expert witnesses, I tabled a question to the Home Office asking

"what criteria are set for doctors and psychiatrists who offer themselves as expert witnesses on autistic spectrum disorders."

The Under-Secretary of State for the Home Department, the hon. Member for Wythenshawe and Sale, East (Paul Goggins) sent me a long reply and I will not repeat all of it. However, he said:

"The decision whether or not to allow the evidence of an expert witness to be admitted rests with the court, which must be satisfied that the material comes within a recognized field of expertise and that the witness is indeed an expert in that field."—[*Official Report*, 18 June 2004; Vol. 422, c. 1157W.]

As it happened, in the case of Mr. X, it was not the court that made a judgment about the doctor's eligibility and qualification. Judgment was made because, out of the blue, I suggested to the wife that she make inquiries.

I have seen correspondence with the royal college and it is not satisfactory for somebody to self-nominate in such cases. That is a cross-departmental matter that needs to be examined carefully by all sections of Government. It should not be left to the old boy network—the Minister will know what I mean by that. A chum in the hospital should not be able to nominate or second someone to be an expert witness.

In this country, we have some very good, although too few, psychiatrists. It would be invidious to name them, but many here know who they are. They are excellent psychiatrists and experts in autism, particularly Asperger's syndrome. We cannot go on praying in aid that the syndrome is difficult to diagnose. However complex the case, it is difficult only if the person trying to diagnose an adult does not have a life's working experience and is unable to untangle those symptoms that might present as some form of mental health disorder but are in fact symptomatic of somebody with autism and not just mental illness. I must emphasise that autism is not a mental illness. In the case of Mr. X, a very concerning comment was made by a Lord Chancellor's visitor—a retired psychiatrist employed by the Court of Protection—who wrote an opinion stating that the person concerned suffered from mental disorder, namely Asperger's syndrome. Asperger's syndrome is not a mental disorder under the Mental Health Act 1983. It is critical that the matter be dealt with—not just left to the royal colleges—and that the Government take a hands-on approach with the royal colleges on some of the suggestions that I humbly made in my approach to the Minister last September.

For example, when psychiatrists in provincial hospitals, who genuinely do not have a working knowledge of Asperger's syndrome, are presented with either an in-patient or an out-patient, there is no reason why, as in other medical disciplines, they should not have an list of authorised people with expertise from whom to obtain a second opinion. They could, at least, pick up the phone and share the case with a recognised expert—such people are genuinely out there.

However complex the case—some cases become very complex indeed when adults with Asperger's syndrome fall foul of the criminal justice system and of in-patient mental health services in the provinces—all that is required is a structure that obliges non-specialists to make contact with a specialist and to get a second opinion and guidance as to how to manage and treat the case. That is not unreasonable, and it should not require loads of money. I am not asking for a hike in the budget, or telling the Minister to go to the Chancellor to ask for umpteen more pounds for his Department; it can be achieved at minimal cost. That is why it is so sad that it is not being done. I hope that the Minister will give me the reassurances that I seek, because we have made no progress in the past year. I hope that all of us can work together before next September to make sure that I do not have to stand here again and repeat bits of this year's speech because no progress has been made.

3.47 pm

The Parliamentary Under-Secretary of State for Health (Dr. Stephen Ladyman): The hon. Member for Tiverton and Honiton (Mrs. Browning) has again shown herself to be a true champion of people with Asperger's syndrome and autistic spectrum disorders. I pay tribute to her energy and will be very happy to come back to answer her annual Adjournment debates on the subject if for no other reason than that it will mean I have survived not only reshuffle week but the general election that might intervene between now and next September. The hon. Lady knows that I share her wish to improve the life experience of people with autistic spectrum disorders.

In recent years we have made significant progress. It might seem as though we have not made as much progress as the hon. Lady would wish in the area on which she has concentrated today, but she might find some messages of comfort later in my speech. A week today, with the national service framework for children, we will launch the next step in improving the life chances of autistic people. That will include an exemplar for autism, and I think she will find a great deal to be pleased about in that document. I am sure that the all-party group chaired by my hon. Friend the Member for Erewash (Liz Blackman) will find a great deal in it to be pleased about as well.

As the hon. Lady said, some aspects of service provision for people with higher-functioning forms of autism require a specific understanding of the conditions. We need to do all we can to ensure that those with responsibilities for service delivery have that understanding, and that it is shared outside the specialist health and social care services—across housing, employment, leisure, the police and the court services—as has been so eloquently pointed out.

Asperger's syndrome is a developmental disorder on the autistic spectrum, and there is wide variation in the social adaptation of people with the syndrome in adolescence and adulthood. As a result, it is often difficult to identify the best way of supporting each individual. Those who need health or social services sometimes find themselves less than ideally served by learning disability or mental health services; I recognise that they often fall between them. Next week's national service framework will have something to say about that aspect of the care system.

This afternoon's debate is specifically about services for adults with Asperger's syndrome, and I fully acknowledge that those are not as well developed as I would like. It is clearly the responsibility of government, nationally and locally, to ensure that good, effective support services are in place. It is important that people with Asperger's and other forms of high-functioning autism should get their fair share of resources and services, according to need.

In her Adjournment debate last September on the mental health issues affecting people with Asperger's, the hon. Lady raised the issue of professional education in autism for psychiatrists. She has mentioned her concerns again today, with particular reference to provincial psychiatrists and others. She said that the matter needs leadership from the Department of Health. By instinct, I am a bossy boots, and I would be prepared to order people from the Department of Health about in all sorts of ways that are not fashionable these days. However, we have devolved responsibilities, and leave professional standards and training to the royal colleges. That does not mean to say that we do not talk to them, or that we do not express our concerns and engage in conversations with them. However, we do not do so in a Stalinistic way, or order them to take steps.

The matter is one for the Royal College of Psychiatrists, which recognises that psychiatrists in every area of psychiatry need specific training in autism, to raise their awareness of issues such as consent, capacity, mental health legislation, diagnosis and treatment. It also recognises that although psychiatrists should have such training, not all of them do at the moment. It is particularly conscious of the problems of overlapping diagnosis and misdiagnosis that the hon. Lady identified. I am pleased to be able to tell her that it has set up a working group to consider psychiatrist services for adolescents and adults with autistic spectrum disorders. The group's report is awaited, and I understand that it will include a discussion about the training of psychiatrists in that field.

That is not all that the Royal College of Psychiatrists has done to increase its members' awareness of autism: it has already made it a requirement that all trainee psychiatrists do six months of developmental psychiatry in either learning disability or child adolescent psychiatry before they can go on to higher level specialisation. That will ensure that they have at least some exposure to people on the autistic spectrum before becoming consultants. No doubt the hon. Lady will want to see more intensive exposure to autistic spectrum disorders than is currently the case, and I hope that the report being produced will take us there.

Mrs. Browning: The Minister will know that the diagnosis of an adult, as opposed to a child, is complex. We have seen a lot of progress in child diagnosis, but many more complex cases require someone who has a specialism and whose working life is dedicated to working with autism. I appreciate what he is saying, but only such long-term expertise allows people to get an accurate diagnosis. That is why I like my idea of referrals—I hope that the Minister will listen carefully to it again. People who specialise in coronary heart disease obtain, in many complex cases, a second opinion from an expert who concentrates on that aspect of the spectrum. I hope that the Minister will take that on board.

Dr. Ladyman: That is a very helpful suggestion, and I shall ensure that my officials consider it and pass it on to the Royal College for inclusion in its report.

The hon. Lady and the hon. Member for Aylesbury (Mr. Lidington) spoke about expert witnesses, and I am delighted that Piers Bolduck is now receiving the treatment that he should have got some time ago, and to hear from his mother that he is now thriving. Long may that continue. We are aware of the expert witness problem, and I freely admit that we became aware of it because of the issues of child pathology and Munchhausen syndrome. However, the hon. Lady and the hon. Gentleman may remember that just before the recess, my right hon. Friend the Minister for Children and I issued a written statement saying that we had asked the chief medical officer to set up a review group into expert witnesses, which would consider their training, selection and preparation for giving evidence in court. Although our primary focus in setting that up were the sad issues relating to children, it is intended to be a general review of expert witnesses. I shall ensure that the comments made in today's debate are passed on to the chief medical officer so that they can be taken into account in that review.

Although the hon. Lady may say that we have not made any progress since she raised the issue last September, I hope she will acknowledge that there has been some, although perhaps not so obvious as she would have liked. There is still a heck of a long way to go before the work is completed.

We have also been doing other work. Work has been completed on a project called "Green Light: How Good Are Your Mental Health Services for People with Learning Disabilities?", which was commissioned by the National Institute for Mental Health in England and the Valuing People support team. It is a guide to developing good services to meet the mental health needs of people with learning disabilities. Although people with a diagnosis of Asperger's syndrome do not always have a learning disability—or, at least, not what is traditionally understood by a learning disability—we ensured that that work addressed the importance of seeking an expert opinion when a person with mental health problems has any form of autistic spectrum disorder. If the hon. Lady is interested in following that up, the information can be found on the Valuing People support team's website.

In addition, the Department of Health has started some work for those with responsibility for developing more specialised tertiary services for people with a learning disability and a mental disorder. That work is being led by Professor Louis Appleby, the national director for mental health. Points made in this debate and in the recent Adjournment debates on Asperger's syndrome will be fed into that work, and a report on Asperger's is expected early next year.

The hon. Lady mentioned a couple of pieces of legislation that concerned her. I am delighted to hear that she will be on the pre-legislative scrutiny committee for the Mental Health Bill. That joint scrutiny committee has just been established and has been asked to present its report by the end of March 2005.

[Dr. Ladyman]

It provides an important opportunity for stakeholders to have an input into developing an effective and fair piece of legislation.

The revised Mental Health Bill represents the first major overhaul of the legislation since the 1950s and is an integral part of the Government's wider strategy to improve mental health services for all, along with substantially increased investment and the reform of service development. It will be an important piece of work although no doubt controversial, and many debates will be had before it finally starts to make its way through Parliament. However, the committee will have the benefit of the hon. Lady's expertise from her interest in Asperger's.

The hon. Lady also mentioned the Mental Capacity Bill, which was introduced to Parliament on 17 June. It will help to bring about a cultural shift in the way in which we treat people who lack capacity, and will include provision for those with autistic spectrum disorders. The Bill sets out the key principles to be taken into consideration in making decisions for people who lack capacity. It starts from the presumption of capacity—everyone is assumed to have the capacity to make decisions—and places an obligation on the decision maker to take all practicable steps to help the person make a decision. It sets out a functional test of capacity—capacity must be assessed in relation to the decision to be taken. All decisions taken must be in the best interests of the person concerned, and the Bill sets out a checklist of factors to be considered in determining those best interests. It stipulates that the decision should involve the least restrictive action.

The Mental Capacity Bill will increase the expectation that decision makers such as clinicians should take into account the wishes, feelings and values of people who lack capacity. The Bill provides a new safeguard—the independent consultee—for people who are particularly vulnerable because they have no friends or relatives. The decision maker must consult the independent consultee about serious medical treatments and decisions about long-term care. However, I entirely accept the point made by the hon. Lady that experts who are involved in that process must be genuine experts. We must ensure that they have the training necessary to give proper advice to the courts and to the individuals concerned.

Mr. Deputy Speaker: Order. We were due to commence the final time-allocated topic for today's consideration at this point. However, as the Division bell is ringing, I propose to suspend the sitting for 15 minutes.

4 pm

Sitting suspended for a Division in the House.

Red Squirrels (North-East England)

4.12 pm

On resuming—

Joyce Quin (Gateshead, East and Washington, West) (Lab): I very much welcome the opportunity to speak on a subject about which I have been concerned for a long time. It is one that I have raised previously in early-day motions and written and oral questions. It is the importance of ensuring the survival of the red squirrel, particularly in one of its few remaining bastions—the north-east of England.

For a number of reasons, I am glad that the Minister for the Environment and Agri-environment is to respond to the debate. I had the pleasure of working with him as a colleague in the former Ministry of Agriculture, Fisheries and Food. His commitment to the environment and conservation is widely known and hugely respected, and he has a deep knowledge of our countryside and its flora and fauna. He is also determined to honour our international obligations on environmental matters and biodiversity.

The north-east has the largest remaining populations of red squirrel in England. It is estimated that between 20,000 and 30,000 red squirrels remain in the country, three-quarters of which are to be found in Northumberland. The red squirrel is something of a regional icon; it is regarded with deep affection, and attempts to ensure its survival are hugely supported by the people of the area. I saw that at first hand this summer when I visited the National Trust property at Wallington Hall and saw how many people were observing them from the hides in the wildlife sanctuary—and how delighted people were to see them. Whenever I or other hon. Members raise the subject, we receive letters of support from many people in the region. I am grateful for that support.

The red squirrel is under considerable threat from grey squirrels, which are approaching the region from both directions—from further south in England and from further north. Squirrels from Edinburgh and the firth of Forth have now reached the borders of Scotland, and the situation is now becoming serious.

I should say from the outset that I am not calling for a solution along the lines of the dramatic policy launched by my hon. Friend the Minister for the Environment and Agri-environment when he announced the cull of the entire ruddy duck population in our country. I recognise that grey squirrels have their friends and, along with London residents, I enjoy the sight of them in St. James's park and elsewhere. However, it is the remorseless spread of the greys and their role in eradicating our native red squirrel that is the problem.

An article in *Natural World* this spring gave figures for the decline of the red squirrel over the past 50 years. Whereas in 1953, the grey squirrel occurred only in Kensington gardens and other parks in the London district, the red squirrel at that time was distributed throughout Britain. Today, however, the red squirrel is outnumbered 66:1 by 2 million grey squirrels.

The threat from the grey squirrel to the red is twofold. First, the greys tend to win hands down in any competition with the reds and therefore invade their

habitats and take their food. Secondly, they also pose an undoubted health threat to the reds in exposing them to the parapox virus. Grey squirrels do not appear to be affected by the virus, but current thinking suggests that they carry and transmit it to reds. The way that transmission occurs is not well understood: it may be by direct contact between squirrels or by indirect contact via scent markings or saliva. However, what is certain is that red squirrels die within 15 days of contracting the virus, and there is no known cure or vaccination.

I know that the importance of finding effective strategies to ensure the survival of the red squirrel population in the north-east and elsewhere is accepted by my hon. Friend the Minister. I welcome the fact that there has been increasing Government recognition of the problem. In turn, that has led to increasing awareness of it in the minds of the general public and, importantly, in the minds of farmers, landowners, foresters and the people that we tend to describe as the "key stakeholders" in rural areas.

I pay particular tribute to the Northumberland Wildlife Trust, of which I have been a member for many years. Its campaigns in association with local businesses and environmental bodies, such as the "Red Alert" campaign begun in 1992, have been well received and have led to much more systematic recording of sightings of both red and grey squirrels, information that is vital in devising effective red squirrel conversation strategies and measures to control grey squirrels.

The Northumberland wildlife trust has a full-time red squirrel conservation officer, Louise Bessant, who is energetic and committed to her role. In co-operation with other bodies, the trust has a strategy of creating red squirrel reserves with adequate buffer zones around them as a way of limiting the spread of greys. At the same time, it has a strategy of creating and expanding habitats that seem more suited to the reds than the greys and that therefore give the reds the opportunity of winning ground in the intense competition with greys.

The trust's strategies are assisted in several ways by the efforts of the Forestry Commission, whose chairman Lord Clark of Windermere is very supportive both personally and professionally of the case for ensuring the survival of the red squirrel in both the north-east and Cumbria. Of course, we remember him well as a former Member of this House for a north-eastern constituency and as someone who took environmental issues with the utmost seriousness.

Modest amounts of money are available under the Forestry Commission's woodland grant scheme, which can assist in the purchase of grey squirrel traps and the planting of certain trees, such as birch and rowan, whose seeds do not provide enough energy to support grey squirrel populations but sustain the less voracious reds. I note that the hon. Member for Hexham (Mr. Atkinson) is in the Chamber. When he raised the issue of the red squirrel in an Adjournment debate a few years ago—I think in 1996—he mentioned that it would be desirable to have Forestry Commission grants. I am sure that he is pleased that those grants are at least having some impact, and are being applied for.

Despite such valuable work, some of which is still in its early stages, the remorseless decline of the red squirrel continues. Looking at maps of red and grey squirrel distribution in the north-east over the past few years, one can see that the greys have now colonised large areas of County Durham, where they were not previously present, and have also appeared in areas north of the River Tyne. The remaining red squirrel areas are looking increasingly and alarmingly vulnerable.

I contend that more resources will need to be devoted if we are to have any opportunity to reverse the trend. Such resources could increase the success rate of controlling the greys in various ways and of enhancing the number of habitats that would be favourable to the reds.

I want specifically to consider the issue of public funding. In a written answer to me last year, my hon. Friend the Minister said that the Department, through English Nature, had spent about £125,000 over the past five years on red squirrel conservation. I am not sure how much of that was spent in the north-east, but only one of the main four projects was specifically targeted at what were described as priority woodlands in northern England.

On the other hand, it is my understanding from information supplied to me by the House of Commons Library that the estimated cost of the ruddy duck cull over five years is in the order of £5 million. However, I understand that the Department for Environment, Food and Rural Affairs hopes that £2 million of that money will be obtainable from European sources. That prompts me to ask two questions of my hon. Friend. First, is it not possible for at least as much money to be spent on a strategy to ensure the survival of the red squirrel as is envisaged for the ruddy duck programme? Secondly, is it possible to obtain European funding for a red squirrel strategy?

I know that the European Union as a whole is keen to promote the goals of the biodiversity convention. Red squirrels are not only under threat in Britain; for example, grey squirrels are in the north of Italy and there are worries about how far they may spread, although it is certainly true that the situation here is particularly dramatic.

Overall, it seems to me that we are talking about relatively modest current levels of spending on red and grey squirrels. About £100,000 a year is spent on research dealing with the control of grey squirrels, and about £200,000 a year on targeted control of grey squirrels on land managed by Forest Enterprise, together with a proportion of the annual management grant spent in England. I am not quite sure what level that proportion is at, and if my hon. Friend has any figures, I would certainly be interested to hear them.

Apart from fairly modest levels of spending, we are otherwise relying on the overstretched resources of admittedly committed volunteers and some welcome private sector support, which I know has been obtained in recent years. Furthermore, in mentioning some of the useful initiatives supported by the Forestry Commission money, I am aware that the money is disbursed on a first come, first served basis and that the grants are speedily exhausted. Indeed, I understand that no more may be available under those

[Mr. Elliot Morley]

Red squirrels are a priority for us in this country. I know how important they are in the north-east of England and in Cumbria. The red squirrels attract a great deal of attention, as my right hon. Friend says. I must make a correction. I said that the woodland grant scheme would be open in January. In fact, it will be April—the end of the year, in financial terms.

There have been a number of successes in relation to red squirrel conservation. The various projects around the country—not just in the north-east, but in places such as Anglesey and the Isle of Wight—add to the knowledge and experience of conservation management, which will be helpful in terms of translating that information.

My right hon. Friend has raised a number of important and serious points and I hope that I have answered her questions. I will be happy to provide her with more information, if she requires it. With people such as her, and many others, and the interest that they have expressed, I believe that the long-term future of the red squirrel is secure. However, we cannot be complacent and we recognise that we have a responsibility and a role to play as central Government, and that along with that there must be a partnership approach with the many organisations and individuals who are committed to the conservation of this wonderful animal.

Question put and agreed to.

Adjourned accordingly at nineteen minutes to Five o'clock.

Westminster Hall

Thursday 9 September 2004

[MR. JOHN MCWILLIAM *in the Chair*]

REACH

[Relevant documents: Within REACH: the EU's new chemicals strategy—Sixth Report from the Science and Technology Committee, Session 2003–04, HC 172-I, and the Government's response thereto, Seventh Special Report, Session 2003–04, HC 895.]

Motion made, and Question proposed, That the sitting be now adjourned.—*[Mr. Heppell.]*

2.30 pm

Dr. Ian Gibson (Norwich, North) (Lab): I am very pleased and proud to present the sixth report of the Select Committee on Science and Technology, "Within REACH: the EU's new chemicals strategy". This was an intensive inquiry into a very serious issue. The Select Committee has deliberated, agitated and cogitated on this European initiative and draft regulation, which seeks to register, evaluate and authorise the use of chemicals—REACH—and to establish a European Chemicals Agency. We want a fast, efficient and workable process to test and screen chemicals, about which we will say more soon. The Committee has added to that, and the Government support, a one substance-one registration scheme. We also want compulsory information from companies about consortiums, which we will also say more about, and to ensure that we have the mechanisms to give serious consideration to the use of animals in tests. We also want to have a really effective and functional European chemicals industry.

First, let me say something about the inquiry, which was announced on 29 October 2003. We wanted to examine the principles behind the legislation, which we believe to be important, and we believe that our Government should play a major part in taking that forward. We wanted to see what amendments we might need to make to the legislation, and what the implications of those amendments would be. We also wanted to examine the significant role that the Government have played and what action they might take as we enter the final stages of the legislative process.

We published our report on 12 May 2004, and held four evidence sittings, which were all important and interesting. One sitting involved the World Wildlife Fund, the British Retail Consortium and the British Union for the Abolition of Vivisection. We talked to Dr. Delbeke, the European Commission's director-general of environment, and to Mr. Liikanen, the European Commissioner for Enterprise and Information Society, on their home pitch in Brussels. We also talked to the Chemical Industries Association and to the Minister for Rural Affairs and Local Environmental Quality, whom I am very pleased to see in the Chamber today and who has played a significant part in the development of the British response. The Committee held meetings in Brussels with WWF and CEFIC—the European Chemical Industry Council—and had the oral evidence sittings that I mentioned.

Chemicals are all around us: in our cosmetics, in our food and in our homes. Each year, some 400 million tonnes of chemicals, including thousands of new concoctions and conglomerates of chemicals, come on to the market and into our lives. For a very long time, there has been concern that the combined effect on our lives of so many chemicals may have detrimental effects on our health and our environment. That, I believe, is where the Europeans are coming from and the reason for the legislation. Indeed, many of us have been concerned about this issue for many years. More will be said about particular concerns as today's debate develops.

Chemical technology does, of course, move on. Nanotechnology is the buzzword of the minute, and the Committee produced a report on it. There are many new skin care compounds to improve our skin and our beauty, although the latter is not something that any of us here today have to worry about—beauty is not a word that is associated with anyone in this place.

Dr. Desmond Turner (Brighton, Kemptown) (Lab): My hon. Friend will get into trouble if he carries on like that.

Dr. Gibson: My beautiful hon. Friend has identified trouble immediately, which is good.

Nanotechnology is still partly non-regulated, so today's debate will filter into that field as well. Our Government and other Governments have identified that as a fast-growing area in terms of the needs of those who inhabit this world and the development of new products.

I enjoyed reading a book this summer—it is not often that we in this place have the chance to read a real book. It is by Bill Bryson and is entitled "A Short History of Nearly Everything". It should be compulsory reading in every school. He asks the sort of questions about science and technology that are so important to young people—"Why doesn't the sun fall out of the sky?" or "What is the weight of the earth?"—all questions that are never answered because the curriculum gets in the way.

Bill Bryson took three years to do research on the book, including on chemicals. He said that by the beginning of the 20th century, many consumer products involved the use of chemicals and that caused problems. He makes particular mention of lead, a compound that featured in many people's lives, and still does. There are lead solders and lead-lined tanks; there are pesticides that contain lead; and toothpaste tubes and motor fuel both contain lead. We have known for some time about paints containing lead. Bannisters have been painted with such paint, and young people have been known to chew them. I have never chewed a bannister, but many young people find bannister-chewing important, and lead gets into their bodies as a result.

There have been many important epidemiological studies, in which people have looked at the IQ of pupils in schools near places such as Spaghetti junction, where the lead in the air pollutes young bodies—and old bodies, too. It seems to have an effect on behavioural patterns, although some argue against that.

Tetraethyl lead has the advantage that it stops engines knocking. Industries in the United States, and particularly General Motors, Dupont and Standard Oil,

[Dr. Gibson]

joined together and skilfully managed to keep the market going for lead by naming it ethyl—despite the pronunciation, it is not a woman's name—which kept lead out of the headlines. The health effects of lead in the air were known, including its effect on the brain—it causes delusions of grandeur and the kind of stuff often seen around here—and on IQ, behaviour and so on. The industry's answer, with a skilful campaign, was to say that workers who were shown to have lead in their blood samples and in their bodies had been working too hard; it was suggested that it was the cause of their mental health problems and that they should slow down a little.

We know more now; we have moved on in the last 50 or 60 years. The Clean Air Acts have allowed us to remove lead and so on from the air, and later from our paints; in 1986 it was taken out of solder in the United States, and in 1993 it was taken out of paints in the US. However, even in February 2001, industry was saying that lead had no ill effects on health; industry was defending it and was still using it in various products. The use of lead has benefits, such as producing petrol that prevents engines knocking, but it also has a downside in its effects on health. That is the paradox that is faced by science, as new products and new technologies come on to the scene: we need to balance the benefits and the problems in our attitude to the use of lead.

The report, and the work done by various other groups, is about chemicals and their effect for good or bad. REACH abolishes the distinction between new and existing chemicals, but that will result in a huge backlog of testing. A 1 tonne threshold has been mentioned as a starting level for testing. If that is the criterion, it is estimated that something like 30,000 substances will enter the REACH process. That huge body of work will involve an awful lot of people and resources.

As for registration, we would have to attempt to include data on chemicals manufactured in or imported into the EU. On evaluation, we would consider establishing whether tests were required and what chemicals should be subjected to the authorisation process. Substances could be banned or their use restricted, or they could continue in production if they were adequately controlled, no suitable alternatives existed or there were socio-economic implications. A huge debate revolves around all the information that we are trying to access.

A balanced approach has had to be taken and nothing has been written in tablets of stone. We all know that asbestos is a substance that was considered safe—indeed, many people still think that it is safe. We have now moved on and even this week I heard that people can now take asbestos and turn it into less unhealthy compounds that might be beneficial to people's lives, but that remains to be seen. I stress that the 30,000 substances need to have a priority of registration under which they are scrutinised. We must examine the intrinsic hazard of the substance. The industry and science community often prefer a risk-based system that takes into account the exposure levels in respect of the substance but, to begin with, the Committee regards the volume measures as a proxy for looking at exposure. We cannot start on day one examining 30,000 substances.

Bob Spink (Castle Point) (Con): Does the Chairman of the Committee recall that the exact words used were not "proxy" but "crude proxy"?

Dr. Gibson: I accept that it was a crude proxy system.

We recommended that the approach remain, but that it should be refined with the introduction of a single pre-registration phase, so that highly toxic, low production volume chemicals could be dealt with more quickly and high production volume chemicals of lower risk dealt with later by, for example, employing advanced computational techniques. We talked about one substance-one registration—a key element in the Government's position—that encouraged the formation of consortiums to share testing data. I am aware that this week in the health service we found out that much information was skulking away in the undergrowth, hidden by companies that will not divulge it and which devoted their energies to giving it to other people to save a lot of time. Consortiums are the way ahead. We want them to share animal test data, for example.

For goodness sake, the issue of animal testing is a real up-front problem in science. We examined animal testing. I shall not talk about terrorism and other aspects of it. But if we are serious about animal testing, we must bear it in mind that there is no evidence in the REACH proposals about how many animals might be involved, whether they be fish, birds or vertebrates, and that there has been no hard-line assessment of what might accrue from such regulations. Moreover, sometimes it seems that we pay lip service to alternative methodology. Groups such as the Fund for the Replacement of Animals in Medical Experiments have been bashing away for years with alternative ways of assessing chemicals—from the chemical formula, the nature of the compound and what we know from past similar compounds and data. By doing so, they have saved a lot of hard-line animal experimentation, which is not only costly, but not popular with many people in this country and throughout the world.

Bob Spink: Does the Chairman accept, that subsequent to the Committee's investigations, questions in the House and investigations by other bodies revealed that as many as 5.4 million additional animals could be tested under the REACH proposals in the phasing period of REACH alone?

Dr. Gibson: I am grateful for that information. I am not sure that 5.4 million is the final figure. There are many arguments about that. I am certain, however, that the figure is not in the 10s, 20s or 30s. Science moves forward and we are proud of the information from Sir John Sulston and others in the Cambridge laboratories about the human genome, in which Britain has been at the forefront for many years now, and for which we have won Nobel prizes. Understanding how those genes work in animal models necessitates work in the scientific community with animals. We need to assess that with an open, honest appraisal of how many other animals and what types of animals will be involved.

The British public still, in general, support such experiments where information is found out that will improve people's health. However, if they think that it is being done willy-nilly just because it is part of some process that has to be gone through, we will soon lose the argument, and not merely in terms of the current issues: the movement will grow and will make it difficult to handle the new information that comes forward.

I feel that we have to do a certain number of animal experiments. However, I know from practical experience that although we say that we look for alternatives before we approve research, it is half-hearted. It is not a full-fledged development of new computational techniques, tissue culture experiments and so on. During our inquiry, we talked to people who vehemently, passionately and enthusiastically believe that we do not need to use any animals at all. There is a huge spectrum of opinion about the subject, and if we fail to address it we do so at our peril: not only in terms of the REACH legislation, but in terms of the whole scientific progression in genetics and human health, and the improvements that we hope to make.

The Minister for Rural Affairs and Local Environmental Quality (Alun Michael): This is an important issue, which needs to be kept clearly in perspective. If there are to be alternatives to animal testing, and we are to keep animal testing to a minimum, there needs to be the sort of engagement to which my hon. Friend has referred. When I have had correspondence from people promoting ideas, I have asked officials immediately to engage with them and to consider the options proposed.

I should make it clear that part of the Government's overall objective in negotiating the regulation is to ensure that animal testing is kept to the minimum necessary to protect human health and the environment. One of the ways in which we aim to do that is by applying an intelligent approach to testing. I very much welcome the Committee's views on that and the engagement that my hon. Friend is arguing for, in order to ensure that every opportunity is taken to develop and promote the use of alternatives.

Dr. Gibson: I thank my right hon. Friend. I am glad that we are in harmony, but such action has to be seen to be done. We need to be able to sell it to the public, as it were. We have to get John Humphrys and company on side, too. They are almost always too ready to knock science when they get an opportunity. I am pleased that the Government have put money into alternative research, taking us away from animal experimentation. We must ensure that more goes into that, and that the centre of such action is not just a token but is well staffed, well funded and committed, so that soon we have something to sing about when it comes to the alternatives that might be available.

Geraint Davies (Croydon, Central) (Lab): We would all like a minimisation of animal experiments. Does my hon. Friend agree that one of the key drivers of REACH is the protection of animals, whether it concerns endocrine disruption in polar bears or whatever? The whole point of the proposals is the future of the environment and all our species. Those who say, "I am for saving animals" should be thinking about the bigger picture of the future of the planet and safe chemicals for the world.

Dr. Gibson: I thank my hon. Friend. He makes a good case for appearing on Radio 4 to make that very argument. Many people do just that; the chief executive of the Medical Research Council has appeared and others have done so this week, for example, to explain why the legislation will help to deflect the problems concerning not just animals but humans. He mentioned endocrine disruptors. I do not think that any of us want to change sex overnight, but there is plenty of evidence that molluscs and other organisms in our environment do so. That is not natural, and is prompted by chemicals. I read today, for example, that even bracken releases chemicals into the water that may have cancer-inducing effects.

The vigilance that we are beginning to show is to be welcomed; research into the environmental arena is growing apace, and must be carried out. We must be able to assess chemicals, not on the basis of the suffering that they cause in the world, but in an environment where they are under control. We can then make balanced judgments and ensure that we have hard evidence that will stick when it is presented to the public. As my hon. Friend the Member for Croydon, Central (Geraint Davies) explained very well, we are moving in that direction.

The chemical industry has outlined several problems with the one substance-one registration approach. There are problems with getting consortiums together, cost-sharing, confidentiality, different risk assessments, chemical identity and so on. I sometimes feel that it is easy for people to prevent things from happening, but the Chemical Industries Association has, on balance, been positive and has welcomed the proposals while trying to identify mechanisms for assessing the process and putting it into practice. Working in industry and getting industries to work together is not the easiest thing in the world given the handle of confidentiality that they always use to prevent things from happening.

There is much to be gained from promoting the one substance-one registration approach. The legislation could provide incentives and encouragement to form consortiums, although not enough has been done to address that. However, if data-sharing is to be the norm and the formation of consortiums is to be mandatory, the system will not necessarily be workable. In saying that, I am not bowing down to industry; I am talking about the difficulties involved in making things happen.

As I said, this is not a once-for-all piece of legislation, and we will not simply lie back afterwards. I hope that the legislation will be evolutionary and that we will learn. If bad practice goes against the spirit of REACH, we will take it up and make sure that we move the legislation on. I hope that people will see that we have a great opportunity to benefit the world.

What a chance this is for industry to show that it really cares. MPs are always asked whether they think that this or that company does enough for the environment. I do not know what other right hon. and hon. Members in the Chamber say, but I sometimes say, "I don't know" or "Certainly not." However, I know of companies that have taken environmental issues on

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board and that are much more open about not only producing their data at open days in towns and cities, but engaging with schools and helping young people to understand problems.

Geraint Davies: Does my hon. Friend think that some of the industries and companies that do not participate in a data-sharing consortium might be hiding information and research that suggests that some of the chemicals that they produce are hazardous? If so, should the Government act to elicit that information compulsorily for the public good?

Dr. Gibson: I live for the day when we have open access to information. The Committee has just produced a report, which is yet to be debated, about open access to information. Such access would mean that nobody had to pay astronomical sums to get data through subscriptions to journals in libraries. It is up front, on the internet, where people should be able to look at publicly funded research. I am talking not about people such as MPs, but about the public accessing open information. A major cancer research charity, Cancer Research UK, challenged pharmaceutical companies this week to produce data on their websites to stop duplication of information and to empower individuals and the public to understand what is going on in that arena. That is an important concept, and it would be one of the most important things we put in a political manifesto.

People want information about drugs, and I do not know why companies hide behind confidentiality so much. Even negative results are worth knowing about, because it is important to know if something does not work. Many people here have probably produced and published negative results. When done well, it will have prevented other people from proceeding, raising questions about why a technology did not work and how it could be modified to make it work.

Richard Ottaway (Croydon, South) (Con): I am following the hon. Gentleman's arguments with interest; I am always attracted to anything that has electoral popularity. However, is the issue not that the pharmaceutical companies want to be reimbursed for their research? If there were full disclosure, they would lose their investment and the net effect would be that less research would be conducted by such companies. That is a circular argument, but I would be interested to hear the hon. Gentleman's response to it.

Dr. Gibson: I am always sympathetic to people in the pharmaceutical industry, whom I have worked with, when they tell me about the money put into research and development. On the other hand, the industry gets young—and older—people from the public sector to do its work and puts very little back into the educational process that produces those people.

The balance between how much money the industry gets and puts in has to be seriously considered; often there is a one-way transit of support. We have to think about balancing the act and making sure that the industry puts much more back into research. I do not believe that a lot of the industry's information cannot be divulged. Pharmaceutical companies publish research work through peer-review journals, and hopefully they will offer access soon. However, generally such companies are moving on the issue because they realise that they should not be seen to hide things. I know that that does not answer every aspect of the matter, but the political dimension is in favour of opening information up to people so that they can balance their judgment.

Every charity that I know in the health field now says that patients should be empowered and that information gives them power. The biggest threat to the general practitioner in this country is the empowered patient with six print-outs from the internet who says, "What about this treatment? What about that treatment?" about which the GP knows nothing. The movement of information is sometimes faster than industry and the health service can handle, and I welcome that. They have to adapt to that.

Alun Michael: The point about data sharing is important. Commercial confidentiality certainly concerns parts of the pharmaceutical industry and other industries in which processes are involved. Will not the benefits of one substance-one registration be realised if all available test data is shared among all EU suppliers? By and large, test data is not commercially sensitive. We need to be careful about the distinction between the type of data that needs to be shared and that for which commercial confidentiality can be maintained and respected.

Dr. Gibson: I thank my right hon. Friend, and I absolutely accept that. However, the challenge for us is to get the consortiums and the companies to talk together. They have to move out of the culture in which they have existed and to understand that the REACH proposals give them a great opportunity for advance. The point was made a few minutes ago about how important that might be.

I turn to another important aspect of the proposals: substitution. The Commission's demand for the substitution of chemicals of high concern is a very contentious area. Our friends in the environmental non-governmental organisations are concerned that the proposals would allow companies to argue that a chemical can be "adequately controlled" and remain on the market. On the other hand, industry argues that the substitution of toxic chemicals is already taking place, but that it is a complex process requiring the involvement of all parts of the supply chain. It argues that enforced substitution would result in a significant loss of products from the market. I am sure that it believes that, but there is a serious argument to be had.

The Committee had acrimonious debates on this issue, but it did not conclude that the proposed requirements for substitution were excessively onerous. If a substance of high concern is involved, it seems reasonable to argue that authorisation should require that attention should be given to the use of alternatives. We do not contest the fact that that would impose a burden on companies, but nor should they contest the importance of ending the production of substances of high concern. We say that substitution is acceptable, provided that adequate control is interpreted so that the

risks of exposure to humans or to the environment are remote, during and after the lifecycle of the product.

Substitution is an essential element of the legislation and it must be encouraged, but the issue is whether we enforce it or whether we have a pragmatic trust, as it were, that it will happen. That is why we have come down in the middle way—a phrase that my right hon. Friend will recognise from other aspects of his political endeavours.

Alun Michael: May I ask my hon. Friend to protect his political respectability by referring to the third way rather than the middle way?

Dr. Gibson: I apologise; I get muddled with the hunting with dogs debate—after all this time.

Dr. Brian Iddon (Bolton, South-East) (Lab): Does my hon. Friend agree that substitution does not always work? The outstanding example is the replacement of ammonia in domestic refrigeration with Freons. We all know what damage to the environment Freons have caused, and we are now substituting them in turn. It is not a simple issue.

Dr. Gibson: I thank my hon. Friend for that. Of course what he says is true. The substitute must be as adequately and thoroughly tested as anything that it replaces. The REACH proposals give us the opportunity to do that. We do not want to substitute something with something worse.

I do not want to go on about the European Chemicals Agency. We are all in favour of it. We want it to be tough and rough, and to ensure that things happen—I am sure that it will.

Geraint Davies: Does my hon. Friend agree that without lowering cost or legislative compulsion there is no incentive for a producer of hazardous chemicals to make a substitution once that has been deemed advisable for public health, and that therefore we should move towards a mandatory and precautionary stance and not dilly-dally?

Dr. Gibson: My hon. Friend is much more radical than the Committee was on the issue. My instinct is with him; I think that the stance will have to be like that in certain quarters. In some industries—not necessarily in all—we will have to impose some mandatory condition. I look forward to hearing what my right hon. Friend the Minister says in reply to the debate, because some industries are much further advanced and innovative in developing substitutes. It is part and parcel of their innovation culture, to which I now turn.

Innovation is a challenge for all industry. It is part and parcel of the trade policy in this country to innovate in all aspects of technology, science and so on. We are aware of the increased money that the Chancellor has provided in the comprehensive spending review and how he has accentuated innovation. Innovation is a simple word that trips off the tongue rather easily, but it is a complex process. We must examine the chemical industry and ask ourselves how successful it has been in innovating, because there cannot be substitution without an innovation process that is encouraged, supported and works. We think that the challenge is there for the industry and that innovation should be encouraged. We know that resources have been invested in innovation; many people feel that more should be put in. It will be interesting to see how the industry handles the matter.

Incidentally, given that the young and bright people—as well as some older people—enter the industry from academic chemistry, it is important that we do not allow chemistry departments and, indeed, physics departments to close down, as has been happening during the past few years. Steps are being taken by the Government to examine that process so that such places cannot be closed down without a thorough annual examination of what is happening in the community.

More than that, in our schools and education we need to extol the virtues of chemicals—we should consider their benefits, how we assess them, and the kind of problems that we have been discussing and that we will hear more about today—so that young people get excited about inventing new chemicals and substitutes, and so that they know about how they are tested and developed, and how one gets into the markets. Such education in this country needs a radical rethink, yet we stutter towards it in politics. We address an issue here and an issue there, we move forwards and say the right things, but here is a great chance for the chemicals industry to move forward a strategy that is so needed for science and technology, in order to promote interaction between academia, industry and all the other groups that parade around this vital area for our development. What a chance for innovation—absolutely vital to making inroads into chemical developments.

The Department of Trade and Industry's chemical innovation and growth team concluded that innovation is essential to the future success of the chemicals industry. The industry has a long tradition of innovation, but in recent years its record of product innovation has been less strong; much of it is characterised by incremental change and it spends below the international average. The DTI research and development scoreboard points to under-investment by the United Kingdom chemicals industry. In 2001, average spend was 2.2 per cent. of sales compared with an international average of 4.2 per cent. Furthermore, spending is only a proxy for innovation, as it covers more than just research and development. Such under-investment has been a persistent finding over the years, which the CIA recognises.

The UK would be expected to meet the international average, given that speciality consumer products form a large part of the UK industry. We have bright people and good industries, and we need encouragement for that. We certainly should not have a youth policy that is based on the closure of departments in our educational establishments.

In recognising the difficulties and problems, the CIA must impact on innovation in its sector. There have been comparisons with other countries such as Japan. We produce some wonderful scientific papers, such as the recent paper by David King, the Government's chief scientific adviser on nature, and we hold our own in Europe, but if we look beneath the surface at what we are producing for the benefit of our people, we see that this country does not punch its weight. The CIA made

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strong arguments about its problems, but it seems to be weeping and whingeing a little rather than getting on and showing strong initiative.

I sympathise, as does the Committee, with the environmental NGOs that argue that REACH will be a strong driver for innovation, and that if the substitution of chemicals of concern becomes mandatory, as they would like, a demand for new and safe chemicals would be created. That is a challenge. I look forward to the chemicals industry's response to that, not just in paperwork but at the coalface. We need support from the Government and the chemicals industry working together to produce innovation. The Committee agrees that REACH will be very supportive of that.

The Committee welcomes REACH, which is so much better than what has gone before, because it recognises the problems and hazards for our environment, individuals and so on. It will not necessarily be an all-encompassing solution, but we have come a long way in a few years. I welcome the fact that the Government have spent time on this area, have made suggestions, and have shown real commitment to taking up the issue to move things forward. It is exciting, but we have to make sure that things happen and that we are not left with a piece of paper gathering dust.

3.9 pm

Bob Spink (Castle Point) (Con): I thank the Committee and its civil servants for all their efforts on this important subject, which will affect all our lives over the coming years. I suspect that I shall take a different line from those on the Government Front Bench, and perhaps from those on my own Benches—I have certainly done so in the past, such as with the common fisheries policy throughout the 1990s.

REACH comes from a questionable stable: the European Commission. It is a new European regulatory framework for chemicals. The European Commission has produced some crazy ideas in the past. I refer hon. Members to the common fisheries policy, which was set up with three basic objectives 20-some years ago. The first was to help fishermen and the second was to conserve fish stocks. It was also intended to help fishing-related onshore industries.

We can see what has happened: the number of fishermen has been decimated, our fleet and onshore industries have been destroyed, and fish stocks have been destroyed, to the clear detriment of our environment and food chains. Why should we now have confidence in REACH to help our industry or to achieve its pre-eminent objective of improving safety? Looking back on our experience, we must ask questions, and that is what I want to do.

The UK chemical industry is very important to our economy. It is the third largest in Europe and the sixth largest in the world. The UK operates in a global, not a European-focused, market. The industry supports many jobs in the UK and it has for many years provided great innovation, which has in turn brought great benefit to mankind in general, and to the environment. Innovation has of late slowed down, and part of the impact of the REACH proposals will be to slow it down even further. My hon. Friend the Member for Croydon, South (Richard Ottaway) was involved in an exchange on that matter, so I shall not pursue it now.

The REACH proposals are a potential nightmare of massive proportions. The 10 commandments have 94 words, the American declaration of independence has 634, but the EU REACH legislation has 498,124 words. *[Laughter.]* That may be amusing, but it is extremely dangerous.

Alun Michael: Will the hon. Gentleman give way?

Bob Spink: I shall in a moment.

The legislation is highly complex. It comes in six volumes covering 1,328 pages, and I doubt whether many people understand it or its full implications and potential. It will be a lawyers' and environmental campaigners' charter for mischief. I give way to the Minister, but not before asking him whether he has read all the REACH proposals.

Alun Michael: I spent a good deal of time in recent months reading a great deal about the REACH proposals, their full content and their implications. I do not pretend to be a chemist or a technocrat, but I want to bring people together on important issues such as this.

The hon. Gentleman said at the outset that he intended to make an idiosyncratic speech—those can be attractive contributions in debate—but does he agree that it is not the number of words that is important, but whether they are the right words, taking us in the right direction? Does he acknowledge that the UK chemicals industry, which is extremely important and innovative—a leading industry—has engaged positively with the REACH proposals? It has engaged with those who have various other concerns, and is showing maturity in trying to ensure that REACH will be practical and will achieve the Government's objective of protecting human health and the environment without undermining its own competitiveness.

Bob Spink: I am grateful for that intervention. I accept that the chemicals industry has been mature and responsible in its response. It has little choice, after all. It is a responsible industry, which adds much to our society and our economy and will continue to do so in future, given the opportunity.

I do not accept that my contribution is idiosyncratic. I have a duty to explore the issues and expose the problems and I will try to do that. If that gives discomfort to people who do not seek to look fully at the issues, that is their problem, not mine. I am also concerned that the legislation will lead to massive claims against the industry because of the shift of burden of proof. That may not be in the best interests of society at large, but only time will tell.

I shall take Members through the seven claims and objectives of the enormous regulatory framework that we face. The first objective, a substantial one, is the

"Protection of human health and the environment".

That is key and laudable. We all want to do that, but no evidence has been adduced that REACH will achieve that. In fact, anything that is toxic or damaging to the environment or human health or which is likely to cause a problem will be dealt with, can be dealt with and must

be dealt with under current regulations. If the Minister, any member of the Science and Technology Committee, anyone in the industry or any environmental non-governmental organisation is aware of any substance that may be causing a problem, such as lead or anything else, they have a duty to bring it forward now and have it dealt with under current rules and regulations. Those mechanisms are quite capable of dealing with the problem and will do so firmly. There is no evidence that there are issues waiting to be discovered by such a massive burden of legislation, which may be detrimental to that purpose in the longer run.

Sue Doughty (Guildford) (LD): As the non-scientist in the Chamber, I suspect that I speak on behalf of ordinary people. Is the hon. Gentleman really suggesting that we must wait until we find out that something is toxic and allow it to accumulate in the environment before we discover which chemical causes the problem? Surely the objective of the proposals is to introduce an element of precaution, as so much damage has been done in the past by waiting to see what turns up.

Bob Spink: The hon. Lady is right that it is necessary always to be one step ahead of the game and to look for toxicity, bioaccumulation and other things, but that is what scientists do now. Nobody has their head buried in the sand waiting for the legislation in question to rescue the world. Perhaps the proposals will deliver that objective, but perhaps risk-based legislation would do so more effectively. That is the thesis of my argument, and I am grateful to the hon. Lady for giving me the opportunity to outline it.

The second objective of the REACH proposals is to

"Maintain and enhance the competitiveness of the EU chemical industry".

There is no evidence that REACH will do that, although the Committee received lots of evidence that the proposals would do the opposite. In fact, one study predicted the loss of more than 2 million jobs in Germany alone. The evidence is quite contrary to the achievement of the second objective, which is a trend that we shall see as I go through the rest of the objectives.

The third objective is to

"Prevent the fragmentation of the internal market".

REACH may well achieve that: it may bring the UK operation more into line with the European operation, which I would interpret as levelling down the UK industry's competitiveness to EU average levels. I do not know whether there is a conspiracy to level down competitiveness in the UK or whether that result will be an instance of the law of unintended consequences, but much EU legislation has removed the UK's economic and competitive advantage over Europe. I simply place that in front of those in this Chamber.

The fourth objective is to "Increase transparency", which in some ways REACH will do, although at the cost of competitiveness and, possibly, innovation. Certainly, in bringing forward the proposals there has been a great lack of transparency about costs, the numbers relating to animal testing and other things, and that does not bode well for the objectives.

The fifth objective is to "Integrate with international efforts". The proposals certainly will not do that, because the REACH regulations are different from the regulatory systems applied in Japan and the United States of America; those systems are risk-based, unlike the REACH proposals.

The sixth objective is to "Promote non-animal testing". In including that, I think that the Commission was having a laugh. The proposals would increase animal testing, and no one argues that they will not. The Commission talks about "minimising" animal testing, for example, but even the Minister will not say that the proposals would reduce it. It has been variously estimated that 500,000, 2.6 million or 5.4 million additional animals will be tested on in REACH's phasing period alone, as the Committee is well aware. I was deeply saddened that Ministers and the Commission were not prepared to come clean about that fact. That does not bode well for their fourth objective, which, as I said, is to increase transparency.

The seventh and final objective is to

"Conform to EU international obligations under the WTO".

Well, REACH may well do that; we do not know, although we do know that the proposals are massive and probably unworkable.

I therefore put it to the Chamber that the objectives and claims fail miserably. They have little communion with the truth, evidence or even common sense. However, I can confirm that the legislation will have one impact that will please Ministers: the proposals will generate thousands of new jobs for bureaucrats, bean-counters, pen-pushers and wealth-absorbers across Europe, albeit at the expense of tens of thousands of jobs among wealth-creators.

Paragraph 3 of the introduction to the report says:

"Our inquiry took as its starting point the acceptance that REACH was the only system under discussion at this stage in the legislative process"—

in other words, REACH was the only game in town. That may be so, but I hoped that we would say that there were other options available for regulation, such as the systems used in Japan and America, and that it would have been more useful to investigate other areas, too.

Dr. Iddon: I am a little puzzled, because the hon. Gentleman is a member of the Science and Technology Committee and could have made a minority report if he wished. Why did he not do so?

Bob Spink: I did not submit a minority report because I thought that there were some good things in the Committee's report that should come through—

Dr. Gibson: What are they?

Bob Spink: If the Chairman of the Committee can contain himself for a moment, we may come to them. Also, I thought that it was appropriate for the Committee to remain unified.

I am approaching the issue from the viewpoint that past European legislation has gone wrong. I fear that more such legislation will go wrong if we do not address the issues. I am not criticising the report so much as

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encouraging the Minister to review thoroughly what is happening and to think carefully before signing up to something that will—

Alun Michael: Will the hon. Gentleman give way?

Bob Spink: I will when I have finished answering the previous intervention. I want to encourage Ministers not to sign up to something that could be extremely detrimental to this country, as the common fisheries policy proved to be.

Alun Michael: I am rather puzzled, because I thought that the report was thoughtful, constructive and agreed unanimously, across parties, by the Select Committee. In his contribution so far, the hon. Gentleman has used the type of language that is quite good at attracting headlines. It appears to be a bit of a Eurosceptic rant, rather than a development of the thoughts of the Committee. As I understand it, he is saying that he does not agree with the Committee, of which he was a member. Therefore, it is difficult to see what the relationship is between his remarks and the Committee's report.

Mr. Deputy Speaker: Order. If the hon. Member for Castle Point (Bob Spink) wants to make a Second Reading speech against legislation that is not in front of us, it must be in the context of the debate that we are having.

Bob Spink: I am grateful for that explanation, Mr. Deputy Speaker.

I accept that some of my comments will be seen as Eurosceptic, but that does not necessarily mean that they are inappropriate. I was called a Eurosceptic when I said that the common fisheries policy would end up destroying our fish stocks rather than conserving them, and I was proved right. However, I trust that I will not be proved right on this occasion. I am encouraging the Government to improve the legislation, so that I am eventually proved wrong. That will be in the interests of the country.

Paragraph 11 of our report states:

"Useful comparisons can be made with the chemical regulatory systems in the USA and Japan."

The paragraph goes on to state that both of them

"employ a risk-based approach to regulation and are cheaper than those currently in operation in the EU."

Colleagues will recall that I said when we were going through the report—and I remain convinced today—that we should not accept this monster legislation en bloc and simply try to make the best of it. That was the starting point of our approach. Paragraph 3 states that

"our energies could best be directed at identifying areas where the legislation could be modified to make it more workable and more effective."

I never accepted that. I strongly encouraged the Committee to look at aiternative models and to put them forward for consideration, but it did not accept my view. I acknowledge that I may be wrong and the Committee may be correct, but I reserve the right to stand up and report what actually happened.

I believe that the Committee should have told the Government that REACH is wrong for the UK, and that we should have looked at other more proven systems that are in use in some of our main international markets. That would have been anathema to people such as the Minister, who thinks that all things EU are good and everything else is bad.

As in Japan and the USA, we should remove substances of low and known risk from further study and focus on substances of greater risk, where persistence, toxicity, bioaccumulation and real threats to mankind, animals and our environment are more probable. Sadly, we have failed to take that approach.

Dr. Gibson: Does the hon. Gentleman agree that the Committee did not look at this legislation entirely from the European perspective? We looked at it from the perspective of science and technology and of benefiting the world and the communities that we serve. We did not look to say that, because it came from Europe, it must be wrong. That was never part of the discussion, but he is implying that it was.

Bob Spink: I am not implying that. The hon. Gentleman is absolutely right in what he says about what the Committee did. I also accept the charge that he has made against me from another angle—I am Eurosceptic. It is necessary to question what is coming out of Europe and to challenge whether it will be in the best interests of this country, because so much of it is not in our best interests.

I will draw attention to some of the findings in our report to cast light on the weaknesses in the massive REACH proposals. Paragraph 32 states:

"We recommend that the scope of the legislation should be set out clearly and comprehensively to enable unambiguous understanding of what the legislation does and does not cover."

That is a Committee recommendation. Clearly, therefore, the Committee believes that the REACH legislation is ambiguous. It is self-evident that the UK should not proceed with legislation or give competencies to the European Commission where there is obvious ambiguity. The Committee found that there was ambiguity. Paragraph 40 on page 18 states:

"While production volume is a crude proxy for risk, it is a useful starting point."

What a strange statement. I agree with the first part, although production volume is not just a crude proxy—it is no proxy at all. The most dangerous substances are mostly in very small volumes, so volume is not a proxy for risk. I cannot agree with the second part of that statement, which is that volume is useful as a crude proxy, because it is incompatible with the first part of the statement. Risk should have been the criterion that was used.

Paragraph 50 on page 22 states:

"There is much to be gained from the promotion of one substance-one Registration."

I agree, although there must be a safer and easier way of achieving that than this 500,000-word piece of legislation.

Chapter 6 on page 30 addresses the testing requirements. We see that the Commission and the Government are very reluctant to reveal the number of animals that will be tested, in addition to those that

would otherwise be tested as a direct result of the REACH proposals. I can see why the Commission and the Government should be reluctant to give out that information, but what does that tell us about REACH objective 4, which is to increase transparency? The lack of honesty about the number of animals to be tested can give no confidence at all to anyone about REACH or about the intentions of those who are trying to drive it forward without properly revealing what the circumstances will be.

What are the Government doing to promote non-animal testing? The answer is not very much. They are doing little to develop new methodologies, to carry out research into non-animal testing techniques or to invest money in the sector. This is a very important area, but the Government are doing very little. The token approach is simply warm words, but that will not wash with the British public. We have assertion without foundation and warm words but no action, so there is no change there from this Government.

I am deeply worried that the regulators of the highly complex and contentious area of substitution—the new centralised and powerful agency—and REACH will make undue and very damaging demands on the industry. The Chemical Industries Association is also worried about the matter and has rightly called for a pragmatic approach to substitution. Whether it gets it is open to conjecture. We will see, but I raise that important issue now.

It would, of course, be wrong for the legislation to be affected by political self-interest or used as a bargaining counter, which is often the case in legislation and pan-European politics. We all know what happens then—we get an expensive, ineffective, nonsense solution, such as EU Parliaments sitting in Brussels for three weeks, moving to Strasbourg every fourth week and then going back to Brussels. Why has the REACH HQ been put in Helsinki, rather than where the centres of chemical engineering excellence are? That will affect its operation, costs and effectiveness. Paragraph 112 of the report says:

"Without the necessary skills and experience, the EU's new chemical regulation cannot be fully effective. It is also vital that the European Chemicals Agency attains the confidence of all stakeholders. To achieve this, it must operate in a transparent fashion and decisions must be consistent."

Dr. Gibson: What exactly do the hon. Gentleman's last remarks have to do with Helsinki?

Bob Spink: The decision to place the HQ in Helsinki will remove it from Europe's centres of excellence, which are mostly based around Ispra in Italy. If the hon. Gentleman reads the Committee's recommendation in paragraph 112 on page 40, he will find that it says exactly that.

There are many other issues. For example, the report's conclusion states:

"The Commission has made great strides in its openness".

Clearly, it has not made great strides in openness on costing, animal testing and many other issues—quite the opposite.

The Government's response is inconsistent and gutless. The people of this country want a Government who will stand up for their interests in Europe. They want to resist ambiguous, ineffective, politically motivated, politically correct and EU-driven legislation. The Government are simply rolling over on REACH, as they have done on so many other EU issues. I get the strong feeling that the Prime Minister, who personally promoted the REACH legislation in his trilateral letter, has a personal agenda on the issue, as on other European issues, and it has little to do with improving the safety of chemicals for this country.

The Committee's report is honest, and I thank the other members of the Committee for it. As hon. Members will have gathered by now, I was not in attendance when it was finally approved and passed through. I think that it bows too much to the Government and the Prime Minister's wider European political ambitions. It raises questions to which the Government have given no real answers. The Government should reject REACH as it is currently proposed and seek, on a wider front, to renegotiate the UK's position in Europe for the benefit of our people and our country. REACH will be to our chemicals industry what the common fisheries policy, which was much lauded at the time, ended up being to our fishing industry unless the Government get their act together and dramatically improve these half a million words of legislation.

3.39 pm

Dr. Brian Iddon (Bolton, South-East) (Lab): As a professional chemist, the chairman of the all-party group on the chemical industry and a member of the Select Committee, I regret to say that, in some quarters, the word "chemical" has almost become synonymous with nasty. Yet, as the Chairman of the Committee said, life would not function without chemicals. Whatever we eat, drink, touch or see is built of chemicals; indeed, we ourselves are built of chemicals. Fortunately, medicines are considered to be good on the whole, although they, too, are chemicals. As pharmaceutical products, they are not covered by the legislation, although the chemicals that go into them are.

In Europe today, approximately 100,000 chemicals are in circulation, but only about 30,000 of them are produced on a scale larger than 1 metric tonne. A relatively small number of those—as far as I know, about 140 so far—have been identified as requiring immediate attention since 2002, either because they possess carcinogenic, mutagenic or reprotoxic properties, or because they accumulate in the natural environment and cause environmental problems. Friends of the Earth, Greenpeace, WWF, other NGO and consumer groups and, in particular, the scientists working for those organisations have alerted us all to the problems for many years. However, those problems have persisted without Governments or industry taking the notice that our Committee believes that they should have taken.

Chemicals manufactured since 1981 are regulated by 67/548/EEC and those produced before that date are regulated by the EU existing substances regulation—793/93. As a result of the 1981 legislation, about 3,000 chemicals marketed since that date in volumes greater than 10 kg—a significant amount—have been assessed for possible risks to human health and/or the environment. Industry undoubtedly holds much unpublished data that it could share with society without compromising its intellectual property rights.

[Dr. Brian Iddon]

The United Kingdom Government brought the lack of effective legislation to the fore at an informal meeting of the European Union's Environment Ministers that was held during the last UK presidency in 1998 in Chester. That resulted in a White Paper entitled "Strategy for a future Chemicals Policy", which the Commission published in February 2001. It published its legislative proposals for the registration, evaluation and authorisation of chemicals on 29 October 2003. Those have, of course, become known as the REACH proposals.

The REACH proposals will enter EU law as a regulation rather than as a directive. That means that member states cannot, for any reason, be exempted from the regulations as they are from directives. That is the first difficulty that I want to flag up. It could cause problems for the accession countries that are not, for various reasons, at the same stage of technical development as other member states.

The key principles of REACH are to protect human health and the environment, to encourage innovation and to improve the European Union's industrial competitiveness. REACH also aims to remedy the accepted weaknesses in the regulatory framework and increase its focus on substances that are of real concern.

The original REACH proposals, which were subjected to an eight-week internet consultation in May 2003—probably the most extensive consultation ever carried out by the EU—met with much opposition from Governments and from the chemicals industry throughout the Union. As a result, modified proposals are to be put to the European Parliament in the spring of next year—had it not been for the elections on 10 June 2004, they would probably have been put by now. Implementation of the REACH proposals is planned for 2008–09.

The importance of the REACH proposals to the Union is reflected in the fact that not one but three Committees are dealing with them—the Environment, Public Health and Consumer Policy Committee, the Industry, External Trade, Research and Energy Committee and the Legal Affairs and Internal Market Committee.

One of the advantages of the REACH proposals is that they bring together 40 pieces of existing legislation. Governments and industry alike can only welcome that. However, 20 other pieces of relevant legislation have not been consolidated into the REACH proposals. I ask my right hon. Friend the Minister why that is. Indeed, our Committee has recommended that the REACH proposals should also cover the emission of hazardous substances.

Alun Michael: I am afraid that I will not be able to answer my hon. Friend's question, as I am not sure what he was referring to. Will he clarify what he is referring to by the consolidation of legislation?

Dr. Iddon: I cannot today give the Minister a list of the 20 items of legislation that are not consolidated. However, we took evidence and I have it in my office somewhere.

Alun Michael: In that case, I offer to answer the question when it is clarified. I shall be happy to follow it through with my hon. Friend.

Dr. Iddon: I thank the Minister for his offer, and I shall certainly pursue it with him.

The Committee recommended that the REACH proposals should cover also the emission of hazardous substances, currently provided for by one piece of legislation that is not consolidated—the EU integrated pollution prevention and control directive, the IPPC directive.

Clearly, a lot of problems remain to be dealt with, as hon. Members have said, and the new legislative proposals are not tough enough to satisfy the demands of the greener organisations. Indeed, striking a balance between the demands of the chemicals industry and the green organisations is creating tensions, and some compromise will have to be reached. As the hon. Member for Castle Point (Bob Spink) indicated, the UK chemicals industry is the sixth largest in the world and the third largest in Europe, with approximately 3 per cent. of global production. Its sales were worth £26.1 billion in 2000, or 1.2 per cent. of GDP. Many of its products end up in pharmaceuticals, the most successful of all United Kingdom industries. The UK chemicals industry employs 1.7 million people directly, and a further 3.3 million people are dependent on it. We must ensure that the industry's productivity and efficiency are not damaged.

The hon. Member for Castle Point pointed out that regulatory systems exist in the United States and Japan, the two main competitors of the European chemicals industry. They have adopted a risk-based approach that makes them cheaper to implement than REACH will be in the European Union, which is a worry. Their chemical testing is subsidised, which is a further worry. However, the United States high production volume system was criticised even by the United States General Audit Office in 1994 for providing ineffective protection to United States citizens.

It will be hard to devise a European system that allows us to remain competitive in the world market, and that is another major concern for our chemicals industry. To provide a level playing field, worldwide international agreements appear to be extremely necessary. The green organisations claim that Europe will gain an advantage in the worldwide market if we can prove to the rest of the world that the chemicals and chemical products that we are selling are the safest in the world and do not damage the natural environment. In my opinion, that is a worthwhile target, but my worry is that it will take some time and that the European chemicals industry could be put at a serious disadvantage as a result.

Although the European Union has carried out an extended impact assessment of the REACH proposals on the chemicals industry, it was based on the proposals originally put out to consultation. It is felt by many, including the Committee, that further impact assessments should be carried out before implementation. Implementing the proposals will give rise to considerable costs for the industry, but there will be offsetting benefits to society. According to the European Commission, some £50 billion might be saved over 30 years by reducing our exposure to chemicals that currently cause health problems.

I turn to the registration process—the R of REACH. A European Chemicals Agency is to be set up at Helsinki in Finland. Companies that produce or handle

chemicals will have to submit technical dossiers to the agency on the chemicals or the products containing those chemicals, including safety data obtained by testing. The REACH proposals will apply equally to all chemicals produced in the EU, as well as to those imported from outside the EU. The major concern is therefore that it will be difficult to police the imported chemicals. I am interested to know whether the Minister has considered that aspect.

Within three years of the implementation of the REACH regulations, all carcinogenic, mutagenic and reprotoxic chemicals will have to be registered with the European Chemicals Agency, along with high-volume chemicals produced in amounts of 1,000 tonnes or more. It is important to note that high-risk substances will have to be subjected to the authorisation process irrespective of the production volume. Within six years, chemicals produced in amounts of 100 tonnes to 1,000 tonnes will have to be registered. By the 11th year, all low-volume chemicals produced in amounts of 1 tonne to 100 tonnes will also have to be registered. However, there are exemptions for substances whose risks or properties are considered to be well known, such as vitamin C, sucrose, limestone and water—and water is a chemical.

There are also exemptions for some natural products, including minerals and ores, if they are not technically modified during their manufacture and are not classified as hazardous substances according to EU directive 67/548. Cement manufacturers are also pleading for exemption, although the properties of cement are so well known that it should not be difficult for that industry to submit a technical dossier.

There are exemptions for chemicals covered by other EU legislation, such as medicines, radioactive materials, pesticides and biocides. The non-isolated intermediates of chemical processes are also exempt from registration. It has recently been agreed by the Commission that polymers will be exempted, too. However, a fact that is not often quoted is that, in addition to 30,000 production chemicals, a large number of isolable intermediates produced in the chemical industry will also have to be included in the REACH proposals. The figure of 30,000 could even be doubled if the isolable intermediates are transported between one company and another.

Sue Doughty: Perhaps the hon. Gentleman, with his experience, has good ways of explaining such technical terms as "isolable" to non-scientific Members. Will he give a layman's description of what he is talking about?

Dr. Iddon: I will; it is a fair point. In the production of an end saleable chemical, there are various stages in the chemical process. The initial chemical is turned by one chemical reaction into another, then by another chemical reaction into another, and finally into the product that is sold. The intermediates are sometimes isolated and are therefore called isolable intermediates.

The Committee asked for clarification on the use of recycled materials. In the Government's response to our report, which was published on 12 July, they have made it clear that recycled materials will also be outside the scope of the REACH proposals, and will be regulated instead through the waste management legislation.

It makes sense to register first all chemicals, including endocrine-disrupting chemicals, with a known high risk to health and/or the environment. However, there is a lot of criticism of the prioritisation by registration of all other chemicals by their volume of production over the 11-year period.

Industry and some learned societies such as my own, the Royal Society of Chemistry, strongly believe that the registration process should be risk based. Other organisations, such as WWF and the royal commission on environmental pollution, are scathing about the risk-based processes. I believe, and it was the Committee's opinion, that a risk-based process would be preferable. Will the Minister explain why risk-based processes have been excluded from the REACH proposals?

The Committee expressed concern about the shift from the 10 kg production trigger that is applicable to new substances to a figure of 1 tonne for existing substances, although we understand why the shift was accepted after consultation with industry and others. In particular, the burden that might be imposed on some small and medium-sized enterprises was lifted by the change.

Some chemicals produced in low volumes are extremely hazardous, whereas others produced in large volumes are known to be benign. The Committee, as my hon. Friend the Member for Norwich, North (Dr. Gibson) mentioned, recommended a single pre-registration phase for all chemicals in commercial production, so that highly toxic low-volume chemicals can be dealt with quickly and high-volume low-risk chemicals can be left until the end of the process.

The Committee has some concern over the Government's insistence on a one substance-one registration process that would require companies to share their existing data. We understand the reasons for the requirement—in particular the minimisation of animal testing and the reduction of costs to industry—but the Committee believes that it is unworkable.

The Government are recommending the mandatory formation of consortiums of companies producing or using the same chemical, so that a single technical dossier can be submitted to the ECA. There are several problems with that apparently attractive proposition, which are detailed in our report, including the questions of commercial sensitivity and product purity and the problem caused by companies joining the consortiums after their initial formation—freeloaders, as they are often described. How much would such late joiners have to pay to join an already existing consortium? For all those reasons and others besides, the formation of consortiums might prove extremely unwieldy and therefore unworkable.

Although larger companies are expected to carry the costs of the REACH regulations relatively easily, there is a major concern about the impact of the proposals on downstream companies—small and medium-sized enterprises.

Alun Michael: I am a little concerned that my hon. Friend appears to suggest that some of his points challenge the basis of the one substance-one registration approach. They are genuine concerns and we have spent time talking about them with industry and other member states to try to ensure that we can overcome

[Alun Michael]

them. To take the example of late entrants, there clearly needs to be some means by which a fair contribution can be made. There may be alternatives to compulsory consortiums, such as a lead organisation, that would achieve the same ends. I hope that he will accept that those are challenges to getting an effective system into place and not fatal to the approach that the Government propose.

Dr. Iddon: I hope that I am making it clear that I am not against the REACH proposals; I am trying to flag up the difficulties. Clearly, I am aware that the Minister has discussed such issues with the industry and others, and I thank him for his remarks.

Under the REACH regulations, manufacturers or importers will have to provide downstream users with a safety data sheet for each chemical in the manufacturing process. Alternatives to the REACH proposals have been formulated by a number of organisations; I cite the royal commission on environmental pollution's report, the article by the Fund for the Replacement of Animals in Medical Experiments and the more recent report by the British Chemical Distributors and Traders Association. However, the sad thing is that those reports were produced after, rather than before, the event, which makes REACH the only act in town.

All member states will be expected to share the burden of the evaluation of the technical dossier submitted to the ECA in Helsinki. Each member state will check whether the dossier complies with the requirement of the REACH regulations and will evaluate the testing procedures proposed in the dossier to minimise the risk to animals. They will also be required to prioritise their evaluation timetable according to the principles of REACH. The main concern expressed by chemical companies about the evaluation of dossiers and substances by member states is that there should be a level playing field across all the member states in the Union. Our Committee has recommended that the ECA should monitor that process very closely.

An authorisation may be granted by the ECA in Helsinki even for chemicals with known risks if it is shown that the socio-economic benefits arising from the use of those substances outweigh their risk to human health and/or the environment, and if there is no suitable alternative technology available. However, authorisations for chemicals with a known risk will be time-limited and they will be subjected to review. A company submitting such substances for authorisation will be expected to take into account proposals for the substitution of that chemical with another of lesser or zero risk to human health and/or the environment.

The balance in the authorisation process between risks to health and/or the environment, and the benefits to be gained from the use of a chemical or substance will be very difficult to weigh in some cases. I will give an obvious example: DDT—dichlorodiphenyltrichloroethane—the well-known insecticide discovered decades ago. Undoubtedly, that substance has destroyed countless mosquitoes, not to mention other insects. Mosquitoes are the deadly malaria vectors that currently kill more than 4 million people worldwide. The other known fact about DDT is that it is very persistent and very bio-cumulative in the environment. How will the ECA and the REACH proposals be used to weigh factors such as those? It will be extremely difficult in such cases.

I am also concerned about flame retardants, about which, as a chemist, I have done some research. Those who understand anything about the technical process of a flame retardant quelling or killing a flame will know that an extremely limited number of chemicals are able to do that—I could explain the process, but it is too detailed to do so now. They are mainly polybrominated organic compounds and derivatives of phosphorus and antimony—just the sort of compounds the green organisations love to hate.

When coal fires were common in the United Kingdom, hundreds of children caught fire in front of them wearing various items of clothing, especially nightwear. Using the Consumer Safety Act 1978, the UK Nightwear (Safety) Regulations 1985 were introduced. They continue to save children's lives today, despite the reduced risk resulting from not having coal fires; we still have gas fires. The regulations require that textiles used in the manufacture of children's nightwear, but, ironically, not adult nightwear, are flame retardant.

On Tuesday 8 May 1979, a fire occurred at the Woolworth's department store in Piccadilly gardens, Manchester. It resulted in the deaths of 10 people and injured 48 others. It was caused by the introduction of polyurethane foam furniture. That was followed, on 13 September of the same year, by the M6 coach disaster, which resulted in a fire at Thelwall in Cheshire. It was caused by a collision, in fog, of 200 vehicles. It left 10 people dead and 60 others injured. Then, on 22 August 1985, the infamous Manchester airport disaster took place. A Boeing 737–236 bound for Corfu with 131 passengers and six crew on board caught fire on take off, with the loss of 55 lives.

Those of us who are old enough to remember those important and tragic incidents will also remember that there was a demand at the time for the introduction of flame-retardant materials in contact in domestic and travel situations. The connection between those three disasters is obvious: many of those people who lost their lives did not do so because, for example, of the collision, but because of the emission of toxic fumes resulting from the burning of synthetic materials, including plastics, polymers and textiles. I submit—and others have done so before me—that if those materials had been flame retardant, many of those lives could have saved.

Dr. Gibson: Casting my mind back, I seem to remember that the problem in relation to nightdresses and flame retardants was that young people tended to chew nightdresses and there was the implication that these nasty chemicals were causing cancers. That was the reason that Marks and Spencer had to withdraw them. Is that my hon. Friend's recollection?

Dr. Iddon: There is truth in that statement. This is a typical example of where substitution has played an important role.

In my opinion, the use of flame retardants has saved innumerable lives and if we carry on using them, they will continue to do so. Much could be done to save the environment. Better management of the end of life of

flame-retardant goods, such as computers, televisions and other electrical equipment, might reduce the accumulation of flame retardants in the environment. We need to do research to look for substitution products. I am very pleased to tell hon. Members that the university of Bolton, as it has become known this week, has an important research group working in that area. I speak to the people involved quite regularly.

Finally, I want to examine some of the impact of the REACH regulations.

Geraint Davies: My understanding is that nobody is arguing against flame retardants. People are simply arguing that, if safer substitutes exist, they should be used.

Mr. Deputy Speaker: Order. Can I advise hon. Members that, if they keep intervening, that is fine, but we are now in danger of not being able to fit everybody in?

Dr. Iddon: I take the hint, Mr. Deputy Speaker, and I accept the point that you have made.

Many of my constituents work for a firm called Leigh's Paints in Bolton. It makes intumescent paints, which protect steelwork in buildings, which is no longer protected by concrete blocking-in. Architects use exposed steelwork more and more in rather beautiful modern buildings. As well as intumescent paint, Leigh's Paints produces marine paints. The coatings industry is worried about the REACH proposals, as it is a downstream user of chemicals and uses 10,000 chemicals to make 500,000 different products, particularly paints. Leigh's Paints estimates that each of its many different products will require a risk assessment document of approximately 150 pages. The firm is medium-sized and producing such documents will be a particular burden for it as it fights for survival in a competitive world market.

Leigh's Paints also believes that REACH will result in the withdrawal from sale of many useful products that are made in small quantities. I cite the EU's biocidal products directive, which has been associated with a decrease in the number of biocides available to industry from 1,600 before its introduction to only 350 and declining today. The industry has warned me that it may suffer a similar rapid loss of products under the REACH proposals.

The Society of Motor Manufacturers and Traders Ltd. has pointed out that an average vehicle can be made up of 10,000 different substances containing chemicals that all require REACH documentation. One can imagine the burden placed on that industry by REACH. There are serious worries about the proposals, even among those of us who are chemists and who support them. I hope that in the end we can get them right.

I was going to say a lot about animal testing, but you will be pleased to hear that I will not, Mr. Deputy Speaker, and the hon. Member for Castle Point has already referred to the loss of jobs, so I will conclude.

Bob Spink: We all hope that we can make the REACH proposals better, but does the hon. Gentleman acknowledge that work needs to be done on them, that they should not be swallowed whole, that nowhere in the report does the Committee welcome them—I have just double checked that—and that the vast majority of the report's 34 conclusions and recommendations imply criticism of them?

Dr. Iddon: If I were beginning today, I would not start from this point, but it is now too late to go back over years of negotiations. As I said, the REACH proposals are the best act in town, but we must amend them to make them work. I understand that a lot of work is being done on that and I look forward to the Minister's reply.

In conclusion, the proposals are welcomed by all in principle, but there are so many uncertainties that we have to be careful. In an ideal world, the proposals would be adopted internationally and we would all play on a level playing field in chemical production. We have tried to achieve that through such agreements as the Kyoto protocol, and we know how difficult that has been. Fortunately, the Government's aim is that

> "REACH must be streamlined, workable and place the minimum regulatory burden on industry necessary to ensure the adequate protection of human health and the environment."

Fine words, and let us hope that the legislators can deliver. The British Chemical Distributors and Traders Association believes that those objectives cannot be reached by the current proposals, but I hope that it is wrong.

4.9 pm

Geraint Davies (Croydon, Central) (Lab): I, too, welcome the REACH proposals and the work of the Committee and the Government, but they do not go far enough.

We are at a crossroads. Chemical production globally is growing at 7 per cent. a year, the value of the global industry is some $2 trillion, and in 2000 production exceeded 400 million tonnes. However, the interesting point is that EU trade constitutes half of the global total and the EU is the world's biggest exporter and importer. The REACH proposals can influence the shape of the markets now emerging in places such as China and the rest of the developing world. At some point soon, we will no longer have the whip hand when it comes to determining the composition of production in new markets that rely on our imports to determine the safety standards that they will then employ.

For that reason alone, I urge the Government and the European Union to adopt a precautionary principle and a mandatory substitution approach rather than a hands-off approach, which in my view is more short-term. Industry is doing what it thinks is good for it, but it is not erring on the side of public health and the needs of our local and global environments. In essence, the idea of relying on adequate control of substances by industry has failed in many instances in the past—lead has been mentioned, as has asbestos. We now know that asbestos will claim the lives of 10,000 people a year by 2010. If a precautionary approach had been taken with asbestos on the known problems at the time, many fewer people would be dying now.

In May, I introduced my own small Bill, the Regulation of Hormone Disrupting Chemicals Bill. It was supported by some 50 Labour MPs, but did not go to an all-out consultation. I was calling for the phased

[Geraint Davies]

substitution of hazardous chemicals with known safe alternatives, based on a precautionary approach and mandatory substitution. The report does not go far enough. The reality is that those people who are producing chemicals and making money out of them and are told that it would be advisable to have a safer substitute, will not do that if the substitute is more expensive or is not more profitable, unless there is a legal requirement or market reason, such as consumer awareness. One cannot rely on consumer awareness of a sophisticated nature of the long-term damage of endocrine disruption, persistence or bioaccumulation. We cannot assume that the general public will know about that.

The key opportunity is to shape the future market that China and others will grow into, to be the first there with innovation, winning a place as the leader of the future. For example, when the Japanese introduced catalytic converters to their car manufacture, making it compulsory, while British manufacturers said, "Oh no, we don't want to do that," who won out in the long term? Obviously, it was the Japanese. There are many other similar examples that I will not use, but what might appear to be a short-term tough approach on the industry, given the state of the global market, may well end up in the interests of British manufacturers.

British manufacturers should move to safer alternatives where the balance of evidence points in that direction. If we do not move towards a more mandatory approach, liability lawsuits will be jumping up downstream. Following recent history, with BSE, GMOs and other areas of concern—some of which are more rooted in real scientific evidence than others—the consumer would have greater trust and confidence in the future.

The emerging evidence from many sources, including the World Health Organisation and WWF, about the accumulation of problems in human beings and various animals points towards a precautionary pre-emptive approach, rather than waiting for such time as we have concrete evidence and the damage has already been done. It is in the interests of our children, our children's children and their rights that we protect them with the environmental regime that we put in place for the future and with the duties that we put on Governments.

The reality is that there is more and more evidence of possible links with cancers, birth defects, genital deformities, reproductive problems, and effects on children's neurological and brain development and immune systems. Some of that evidence is from existing marketed products, about which there are deep and growing suspicions but which are not banned under the current legislative regime. We should be listening to the public and examining accumulated evidence. We all have concerns about the productive efficiency and competitive capabilities of European industry, but there is reason to think that stepping ahead of the marketplace with more visionary consumer protection and factoring in the needs of the environment is the right route for industry, as well as for public health.

If one studies the legal precedents for what has happened in Britain and the European Union, there are cases to be made for the rights of children to a safe environment, the use of the precautionary principle and mandatory substitution. The European convention on human rights and our own Human Rights Act 1998 obviously protect the health of the environment in which we operate and the rights of the family and private life. It is one of the reasons that we have seen various individual countries taking a stronger line than us on the rights of children and their environment.

We have seen action taken in the EU on a precautionary basis. In particular, there have been cases of banning animal antibiotics because public health had a priority over economic considerations. In the case of BSE, the European Court of Justice said that there is an uncertainty as to the existence or extent of risk to human health, and that institutions may take protective measures without having to wait until the reality and seriousness of risks become fully apparent. The European Court of Justice has therefore used the precautionary principle in the case of BSE.

In the case of genetically modified organisms, the European Court of Justice said that member states are not obliged to release GMOs if information is received that leads them consider that the products may—I emphasise "may"—constitute a risk to human health and the environment. In the UK, the Control of Substances Hazardous to Health Regulations 2002 have led to the substitution of less harmful products. In 2001, the UK High Court rejected on the precautionary basis a judicial review—a challenge against the Government—on a fly-control product. If one examines European and British case law and statute, there are reasons to support a precautionary mandatory substitution approach in REACH.

My simple intention today is to encourage the Committee, the Government and REACH to go one step further to make a safer regime for our children and our children's children. They must acknowledge the fact that despite the current dominance of the EU and the US our chemicals industry will soon become much smaller and our share of the market will inevitably go down. It is incumbent on us to take every precaution to shape the future of this massive industry for the safety of future populations and the environment of the world.

4.19 pm

Dr. Desmond Turner (Brighton, Kemptown) (Lab): Having heard the comprehensive contribution from my hon. Friend the Member for Bolton, South-East (Dr. Iddon), I am not going to try to cover the entire technical spectrum of this complex subject; I shall focus on just a few points.

It is clear that there is a need for legislation, and pan-European legislation at that, to regulate the chemical industry and the use of chemicals. There is no doubt about that. Neither is there any doubt that the proposals, as first put by the Commission in 2003, were over-burdensome and cumbersome and would involve massive numbers of animal experiments. There was a need to find a third way that would not create unnecessary burdens on industry but would protect the public and the environment. That was why the Committee undertook the investigation and made its recommendations.

I am happy to say that the Government largely agreed with the recommendations. I cannot remember any major point of disagreement between the Committee

and the Government on the approach to be taken in modifying the REACH proposals to get a workable compromise. We are quite happy on that score.

The Committee agreed with the Government that large-scale products, such as cement, that appear to be fairly innocuous should not be totally eliminated from the REACH proposals. The Government were quite right in resisting industry's calls for that—after all, we have before us the history of asbestos. If we had been developing REACH legislation 50 years ago, we would have said, "We use millions of tonnes of asbestos; no harm there." Now, of course, we know different. We know that it is causing thousands of deaths a year. Although cement, when standing in the form of a concrete building, cannot hurt anybody, I suspect that someone might one day find that the constant inhalation of cement dust is damaging to health and can be positively toxic.

Dr. Gibson: Does my hon. Friend agree that cement sometimes attracts radon into it? Together, they can be quite obnoxious and cause health problems.

Dr. Turner: That is a technical point of which I was not aware, but if true it is a very valid point. I am glad that I do not live in Cornwall and that we do not have radon problems in our houses.

I am happy that the Government are being cautious, are not going too far down the line and are leaving the door open to the possibility of things that seem safe being discovered to be not so safe under certain circumstances.

Another issue of concern that we never quite resolved was that of process impurities. I am very happy with the one substance-one registration principle, but a product is not necessarily produced by just one process, and different processes will result in different impurities, some of which may be toxic. In applying the principle, it may be important to take notice of the process that has been used to arrive at the product, as well as the product itself, just in case we overlook some highly toxic impurity that is present in small quantities and is sufficient to cause a great deal of harm.

Also, we did not quite resolve the matter of the treatment of imports. We are covering what happens in European industry, and that is fine, but what happens with finished imported products that contain chemicals that have not been through the REACH process? To the best of my knowledge, that is not covered by the REACH proposals, and I would like the Minister to reassure us that imports will be regulated, too.

I want to explore the other possibilities for which REACH could be a starting point. In our discussions of REACH, we have been talking in terms of direct toxicity to humans, to animal species or to plant species in the environment. We have not really discussed direct effects on the environment that may themselves then have deleterious effects on humans and other species. It is in this context that it is possible to build on REACH to address the climate change issues that we face.

I have in mind the example of refrigerant gases. As my hon. Friend the Member for Bolton, South-East mentioned, we long ago replaced ammonia with CFCs, and we then found that CFCs were destroying the ozone layer, and they in turn have largely been replaced with HFCs—hydrofluorocarbons. Unfortunately, there is now a problem with them.

I read with interest a report of some recent research showing that there was a very drastic climate change event in the eocene period—I cannot remember exactly when that was, but it was several tens of millions of years ago—which involved large-scale extinction of species and very considerable global warming. The researchers were able to analyse the atmospheric content at the time. The CO_2 levels were about the same as they are now, and we think that that is too high and rising. Whatever caused this event, it was not CO_2. They also found very high levels of nitrogen dioxide and methane. The explanation for the methane is simple, because wetlands produce methane. Non-CO_2 gases in the atmosphere could therefore be just as important as CO_2 when it comes to climate change.

Nowadays, we release a lot of nitrogen dioxide into the air, in addition to the natural production of oxides of nitrogen by thunderstorms and so forth. On top of the release of methane from wetlands, which is rapidly increasing with the melting of arctic tundras, we also release a lot of methane through the keeping of many more cows.

Dr. Gibson: And sheep.

Dr. Turner: Yes, and even a few MPs, I have to say.

We also use and permit the emission of gases, such as the refrigerant hydrofluorocarbons, that can absorb more than 3,000 times as much infrared radiation per mol as carbon dioxide. We are adding very potent greenhouse gases to the atmosphere, on top of the carbon dioxide. We spend a lot of time and effort developing policies to deal with CO_2 emissions, but we have not addressed non-CO_2 greenhouse gas emissions.

Richard Ottaway: What does the hon. Gentleman suggest we do about it?

Dr. Turner: I was coming to that. We could use REACH as a starting point for dealing with chemicals that are indirectly toxic because of their environmental effects. This is only a suggestion, but we could extend REACH to chemicals such as the hydrofluorocarbons; we might decide not to authorise them, or to limit their authorisation, or to set a time limit on it, so that they would cease to be authorised for use in these circumstances unless they could be rigorously controlled in terms of the destruction of refrigerating equipment and so forth. It is important to remember that we are using more and more refrigeration equipment. Nearly all of us have cars with air conditioning, which contains hydrofluorocarbons, and when those cars are scrapped it is more than likely that those gases will be released and accumulate. REACH has the potential to be used as an early stage in getting a fix on non-CO_2 greenhouse gases. I merely offer that as a proposition to which I would be interested to hear the Minister's response.

I welcome REACH, and the Government's intentions for the final negotiations on the form that REACH will take are sensible. Some angles must be dealt with, but I

[Dr Turner]

would be interested in the possibility of using it in a wider context than that of the direct toxicity of chemicals to organisms.

4.31 pm

Sue Doughty (Guildford) (LD): I congratulate the Committee on its examination of the REACH proposals, which was a very useful piece of work. I will not go through all its points, as they have been clearly set out already. This debate has provided a useful opportunity to examine the proposals.

REACH is an important proposal from Europe. It will improve the protection of human health and the environment, and provide more information on the developing risk from harmful and persistent chemicals, which is essential if that risk is to be managed. As the hon. Member for Bolton, South-East (Dr. Iddon) said, 100,000 chemicals in use have not been subjected to the testing processes required since 1981 for new chemicals. There are huge benefits to human health, but that is almost offset and dwarfed by the phasing out—one hopes—and the eventual elimination of exposure to the persistent and bioaccumulative chemicals of very high concern that are increasing throughout the environment. One extreme example is of polar bears absorbing endocrine disruptors that are so far away from where they were released into the environment.

It is important that we study and take a precautionary and protective view of the environment. The degradation of this planet over the past 100 years, as a result of ignorance and self-interest, has been enormous. At last, through a positive approach to learning more about the chemicals in use, we can start reducing man's impact on the environment. The hon. Member for Brighton, Kemptown (Dr. Turner) made some important points about the intricacies of climate change and of the interaction between naturally occurring processes and those initiated by man.

The Commission estimates industry costs for testing and registration, combined with its highest estimate for downstream users, to be €7.5 billion. That estimate is disputed, and we must know more about the size of the problem, but this project will further clarify those costs. There will be not only environmental but economic benefits, so although we cannot ignore those costs and we should minimise them as far as is sensible and practical, we must ensure that we receive benefits from the project.

REACH sends out an important message to countries outside the European Union about the high environmental standards that can and should be met. That approach is important, and we must also encourage the Government to continue their positive and leading approach. The Liberal Democrats are pleased to see a joint proposal with Hungary for the one substance-one registration approach. There is a lot of common sense in that approach. It has received support from environmental groups and from industry, and is an effective way of limiting the overall impact on businesses, and particularly small businesses.

It is especially exciting that the approach involves a partnership with central Europe, which has an industrial background that is different from ours, and where we need the cohesion that has to come with European enlargement. As the joint approach gets under way, I look forward to receiving updates from the Minister about how it is seen by other member states and whether they are working towards similar joint approaches.

The subject of animal testing has rightly had quite an airing today. We take the approach that we will reduce the amount of animal testing by using the one substance-one registration path, but much more needs to be done to decrease the amount of animal testing that will be associated with REACH. Hon. Members have referred to the irony of the fact that, in trying to reduce the harm done to animals, we are requiring more animal testing. It is understandable how we have got ourselves into this situation. This week we learned that animal testing went up by 2.2 per cent. at a time when we want to reduce it. I am concerned about what the Government have said about decreased use of animal testing. I have a number of thoughts on that.

Alun Michael *rose—*

Sue Doughty: I hope that the Minister will not jump up and down at this stage. I was going to welcome the comments that he made earlier in the debate and make some further comments.

Alun Michael: The hon. Lady is making some sensible points. I just wanted to suggest that the counting of procedures does not necessarily mean an increase in testing of the sort that is detrimental to animals. That point was made when the statistics were mentioned earlier this week. We ought to be a little careful about such statistics.

Sue Doughty: I am coming to that point. It is quite right that we consider that issue. I understand and accept the point that the Minister makes, but we must understand that the increase could be substantial as a result of REACH, and we must consider that.

In May, there was an announcement about the National Centre for Replacement, Refinement and Reduction of Animals in Research. We have concerns about the amount of money that will be going into that centre. It is important that we minimise the use of animals in research, while getting satisfactory outcomes from that research. Already we know that the spectrum of opinions on how much use we can make of animals ranges from zero to an awful lot.

We must get the best, most humane results in the context of the steps that we propose to take. We welcome the recommendation of the Select Committee that the Commission should provide an estimate of the amount of animal testing that will be needed. Hopefully, identifying that will provide a trigger to decrease use of animals in testing further. The sheer number of tests should be alerting us to the problems that we have. We want to ensure that REACH has public support. We do not want to lose the baby with the bathwater, as we might if we came out with unwelcome statistics. We do not want the numbers to be any higher than they should be.

Animal rights groups will give the worst-case-scenario result and numbers to the media, and we have to prevent the public from taking against REACH on

spurious grounds. It is essential that the public understand what is happening from the beginning, and that they are aware of the difference between the production of animals for testing, as one statistic, and the use of an animal during a test, as the Minister said. They need to be aware that animals are tested under very strict controls to eliminate suffering and that those controls can be monitored. The public want to know that, and, indeed, I am sure that each and every hon. Member here today wants to know that. We need to be transparent, because of the problems. We have extreme animal rights groups and we need clear information so that when the unacceptable element of those groups is making its protests, the public have clear and factual information and can lobby on behalf of animals without being seduced by that very attractive, but unpleasant, element. What that element has been doing and what it proposes to do is unacceptable. We must find all ways to counter such action, and information is one such way.

We must also ensure that we do not only say that transparency is essential. We must use methods that eliminate the use of animal testing, such as computer modelling. That is why investment in alternates by the Government and others is so important. Money can be made for that; there are patents for such activities. It is not only that we want the Government to seek them out; we want industry to do so and the universities to receive funding. We want spin-off companies to develop techniques. Given the many opportunities that exist, there should be business in the replacement of animals.

We should be considering techniques that use cell lines to express enzymes to test toxicity and other biotechnological solutions. We should always be examining tests in which animals have been specified and asking whether such a use will give the results that are expected. I draw attention to reproductive health, for example, and to the testing of feeding borates to rats. If borates are fed to rats, rats will experience damage to their reproductive organs. If borates are fed to humans, humans do not ingest them; they expel them and, thus, such damage does not occur. We must therefore eliminate tests on animals that do not even stand up to the test of logic and prove that a chemical is harmful to humans. So many such tests do not read across into the human situation. We must consider such matters. There must be rationale in the use of animals.

We want a timetable embedded into the legislation for the reduction of animal tests. The Committee called for a framework and a timetable, and I support that wish. I expressed concern about such matters on 16 June in European Standing Committee A when they were debated. When the Government say that we need to get on with something, I always respond by asking about the timetable, because it often comes far too late in the process. We now have an opportunity to take action and it is not too late for us to do so. It will mean that the sharing of tests will be reduced, because we know what is available under the timetable. Only good can come from that.

We are worried about substitution. Environmental organisations are not satisfied with the current wording of the proposals on substitution. The Committee and the Government agreed that a clear definition of adequate controls for dangerous chemicals is necessary to ensure the success of the legislation. Some campaigners are particularly worried about the issue and have suggested that it is not possible to guarantee the full control of substances that are of immediate concern. I am not qualified to make a blanket statement to the effect that there is a danger, but the matter needs investigating. The problem merits attention. We do not want loopholes to be caused because of wobbly wording. I am pleased that not only scientists but lawyers are examining such matters to make sure that we do not become hostages to fortune because of loose wording. We do not want a situation that prevents the legislation from achieving its ends or that falls short of the maximum benefits that could be gained. I welcome anything that the Government have to say about provision and the definition of adequate controls.

We must examine again using substitution the controlled use of substances, especially those for which there is not an adequate alternative straightaway. We must ensure that adequate provisions are in place to revisit the matter so that we do not have open-ended agreements to possibly harmful chemicals, when the matter has not been reassessed. The REACH proposal states that authorisations

"may be subject to conditions, including review periods and/or monitoring".

but I would much rather see the word "must" than "may". We must ensure that there are incentives to stop industry and business from delaying investment or failing to invest in alternatives.

I have spent quite some time on these matters and do not want to take up time that others want to use. My final point is that we must ensure that there is investment in the greener chemicals. We are talking about substitutions, which offer huge opportunities for business and the universities.

Dr. Iddon: Is it of as much concern to the hon. Lady as it is to me that one of the chemistry departments in one of the universities of this country—at University college Swansea—is facing closure?

Sue Doughty: I thank the hon. Gentleman for raising that matter. I was not aware of it. Certainly the points that were made earlier by the Chairman of the Select Committee about the threat to chemistry in this country—I also have a technology-based university in my constituency that has concerns—are deeply worrying. If we are to undertake tests, we need students and research. We need a structure in which we can do the tests but develop spin-off industries. We should take the opportunity to develop alternative products.

We really must take a radical view of the place of science in education and onwards, and we must take a much tougher line, not just in assessing the impact of closing a chemistry department but in determining what we can do to revitalise chemistry and the other sciences. We must take the opportunity to say to young people, "If you care about the environment, do not turn your back on chemistry. Do not say that chemicals are a polluting industry and that you do not want to know anything about them. Turn the industry around, change it from within." That is the message that we should be giving to students.

We must ensure that we get international agreements that recognise what is happening not only in Europe but in China and the developing countries so that we do not

[Sue Doughty]

have a Trojan horse and that one part of the world has standards that are different from our own. I welcome any comment from the Minister on that serious issue. We could take steps in Europe and close down our industries only to see them opening in other parts of the world that are not subject to the same conditions.

REACH is an example of the good work that can be done in Europe. This examination gives the lie to some of the criticisms that Parliament does not scrutinise European proposals efficiently. In this case, excellent and important contributions have been made to the debate.

4.48 pm

Richard Ottaway (Croydon, South) (Con): My party welcomes the Science and Technology Committee's report. It is a well researched and effective contribution to the debates, of which there have been several. The hon. Member for Guildford (Sue Doughty) reminded us of effective European scrutiny, and of course we debated the matter only a few weeks ago in European Standing Committee A. REACH is one of the more serious matters being considered by the Government, and this is an excellent opportunity to hear from the Minister how things are progressing.

Some of us do not have the back-up of either a Select Committee or officials. I would like to thank those who have given me support in preparing for these debates, particularly the Parliamentary Office of Science and Technology for its constructive note, the Library, various environmental groups including Greenpeace and WWF, and the European Commission, which provided me with information.

My party shares the view of the Select Committee that the current legislative framework for chemicals is inadequate. I found the report slightly curious in just one respect—the point was rather forcefully made by my hon. Friend the Member for Castle Point (Bob Spink)—in that the Select Committee does not actually welcome the set of proposals anywhere in its report. I do not know whether that is a drafting omission or whether it is intentional, but the best that we can do is the remark:

"We share the view that it is better than the current EU legislation."

I do not believe that anyone would quarrel with that.

Dr. Gibson: Does the hon. Gentleman agree that Select Committees have a reputation to maintain?

Richard Ottaway: Having spent many years on various Select Committees, I believe that that could be described as an ambiguous intervention, as it leaves me little wiser.

When one considers the remark that I cited, the phrase "damned by faint praise" comes to mind. All I can construe from the report is that the Select Committee does welcome the proposals, but most of us in this debate, particularly my hon. Friend the Member for Castle Point and, indeed, the hon. Member for Bolton, South-East (Dr. Iddon), have also had quite a lot of constructive criticism to make. The hon. Member for Bolton, South-East made a very effective contribution but not one that could be said wholly to support the proposals.

Bob Spink: Of the 34 recommendations, four were neutral and eight were broadly positive towards REACH, while 22 were broadly critical of it.

Richard Ottaway: That enhances the Committee's reputation of providing constructive criticism.

Alun Michael: It seems rather odd that we should indulge in critical exegesis of whether the Committee is for or against something. REACH constitutes a set of proposals that can be improved. The fact that the Committee focused on how the proposals could be improved, rather than being for or against a set of proposals at a particular stage in their development, has enhanced the Committee's reputation. The Committee has impressed me in that regard. I do think that the characterisation by the hon. Member for Castle Point is a dumbing down of assessments of Select Committee contributions.

Dr. Gibson: The hon. Gentleman is a sourpuss.

Mr. Deputy Speaker: Order. Hurling imprecations across the Chamber is not a good idea at the best of times, and that one should be withdrawn.

Richard Ottaway: I confess that I did not hear it.

Mr. Deputy Speaker: Order. I did.

Richard Ottaway: We are, of course, debating the Select Committee's report, not the Government's or the Commission's proposals. We shall come to the Government's position in a second.

As I was saying, the Opposition share the Committee's view that the current legislative framework is inadequate and has not produced sufficient information about the effects of chemicals on human health and the environment. Where risks are identified, it is slow to assess them and to introduce risk management measures. Those shortcomings could have put human health and the environment at risk. The current system has also hampered research and innovation, which has caused the EU chemicals industry to lag behind its counterparts in the United States and Japan in this regard. Although the proposed policy is, in principle, the right way to go, we agree with the Committee that constructive criticism is very necessary.

The new chemicals policy will create a single regulatory system for existing and new substances. We welcome that, and the Government have our support in achieving that objective. In principle, we also agree with the Government's three objectives to streamline the system, minimise animal testing and maintain or enhance the competitiveness of the sector. While we agree with the aims, however, the question is whether the Minister is achieving them. It would be fair to say that he has not been short on advice today. As the Government are still negotiating these very difficult aspects, however, we wish them well in their endeavours.

We shall examine the finished product with interest in due course, but today we will examine in some detail the progress made so far.

There has also been considerable concern that the Government have not made the protection of public health and the environment a priority or a key objective. Having heard the Minister on this subject before, however, I expect he would say that it was implied in his objectives. None the less, such concerns are at the heart of issues such as animal welfare and substitution.

The measure will clearly have a profound effect on the chemicals industry, which is not altogether unsurprising given that few, if any, environmental measures have no impact on business. However, it is significant that the uproar after the Commission's impact assessment was such that it felt that it had to have another one that included the impact on new member states—a Select Committee recommendation.

It is essential that business has a level playing field. Given that the proposals apply equally to all chemicals that are produced in the EU and—this relates to the point raised by the hon. Member for Brighton, Kemptown (Dr. Turner)—to those that are imported, the playing field is as level as the industry could hope for. The overriding principle for business is that it must be given adequate time to prepare for the new regime, which must be phased in in a way that it can cope with. It should also have certainty; the measures must be transparent, and it must be made clear to industry what is expected of it.

The cost of implementing the proposals, with their extra regulatory burden, must be dealt with under the "polluter pays" principle. In the downstream use of chemicals, it is a moot point as to precisely where the cost burden should fall. There is a difference between the chemicals in the final product and those used by the manufacturer in the process, without them appearing in the final product. Either way, the cost of the new chemicals regime should be included in the price of the finished product and it should be met by those who register, not by the taxpayer. That principle should apply at national and European levels. However, given that a further impact assessment is being conducted, the true cost to business remains to be evaluated. I would be interested to hear about any provisional conclusions that the Minister may have reached about the further impact assessment.

I turn now to the issue of bureaucracy, with which my hon. Friend the Member for Castle Point dealt in some depth. The current regime is covered by 40 pieces of legislation, and enforcement is the responsibility of several different organisations, so it should not be hard to achieve a more streamlined, efficient structure. Given the widespread European trade in chemicals, this is clearly one instance in which a pan-European approach is desirable. However, we have grave reservations about whether it is absolutely necessary to establish a separate European Chemicals Agency and an ombudsman. Clearly, a substantial amount of the registration, evaluation and authorisation can be done at a national level, with co-ordination carried out by the Commission, without the added bureaucracy of yet another independent agency.

I deal now with the Government's core proposals for one substance-one registration, which they are putting forward as their approach to the debate. Whether they will reduce costs remains to be seen, but, as they stand, they are hard to evaluate. It is not clear whether the finished product will result in effective registration, because the proposals seem incompatible with the registration of all chemicals and, more importantly, all users. As I have told the Minister before—he did not really respond then, although he might now—one substance-one registration looks suspiciously like an approved list of chemicals, rather than a register. There is merit in allowing registration by consortiums: it obviously makes sense. However, we find it hard to conceive of an effective way for late entrants to join an existing consortium, particularly if they are small or medium-sized enterprises—a point raised by several hon. Members.

On the issue of substitution, one of the goals of REACH is to ensure that chemicals that cause great concern are phased out and replaced with suitable alternatives. However, I have some sympathy with the submissions made by Greenpeace, the Royal Society for the Prevention of Cruelty to Animals and WWF to the effect that the proposals will not make it an obligation to replace a chemical concern with a safer alternative. That is the substitution principle, and I agree with the Select Committee that the proposal is not excessively onerous. The Government have had plenty of time to consider that, in response to the Select Committee's comments, and I find their response to the Committee vague and ambiguous.

As for animal welfare, it should come as no surprise that the proposals are of the gravest concern to all who are against the use of animals in the testing of chemicals. The inference that the proposals will result in an increase in the use of animals in testing has, unsurprisingly, caused alarm. To judge from a reading of the figures in the report, to which my hon. Friend the Member for Castle Point referred, there will clearly be a substantial increase in animal testing—a point that was acknowledged by the Minister in European Standing Committee A. That is one of the reasons that we are watching the Government's efforts on single-substance registration proposals with interest.

We believe that, wherever possible, existing data should be used, and we support the principle of dossier evaluation, which would minimise the need to use animals for testing. However, the truth of the matter is that animal testing will increase, and we agree with the Select Committee that the scale of animal testing has not been properly communicated or justified. Having acknowledged that there will be an increase in animal testing, the Government's response—passing the buck to the Commission—is, frankly, a cop-out. We agree with the proposals in paragraph 103, which calls upon the European Chemical Agency, once it is established, to play a role in driving forward change in animal testing.

One further point, which was raised by the European Standing Committee, is the distinction between the intrinsic hazard of a chemical and the risk-based approach. On close reading of the proposals, it seems that the Government are flip-flopping between those two approaches, and greater clarity from the Minister would be appreciated.

[Richard Ottaway]

In conclusion, the Government still have a long way to go in achieving their three objectives of streamlining the system, minimising animal testing and maintaining or enhancing competitiveness. Far from streamlining the system, bureaucracy is growing; animal testing will probably increase; and because another impact assessment is being carried out, they have no idea where they stand on the industry's competitiveness. In those circumstances, there is still a long way to go, and we look forward to hearing a progress report from the Minister.

5.4 pm

The Minister for Rural Affairs and Local Environmental Quality (Alun Michael): I was pleased to hear the official Opposition spokesman, the hon. Member for Croydon, South (Richard Ottaway), accurately summarising the Government's three prime objectives, although he gave less credit than is deserved to the way in which we have sought to pursue those objectives, not least because he is right to say that there is some way to go. This is a process, rather than a question of suddenly coming up with a new set of proposals in response to the European Commission proposals. It is a question of working through a complex process in order to get the best possible outcome, which will have serious implications for the long-term benefit of the European Community—for its people, its health, its environment and its industry.

I am most impressed by the thoughtfulness and expertise shown by many contributors to the debate. In many ways, it shows Parliament and a Select Committee at their best, seeking not to endorse or criticise a Government position but to engage constructively with the issues with which the Government are grappling, to make serious points, to set tests for the Government and to comment on the Government's process. To that extent, the Committee's report is impressive and most welcome, and I hope that the responses that the Government and I have given are as balanced and constructive as it is.

First, we must accept that these issues are complex—there is no quick fix. Secondly, I share the concern expressed by my hon. Friend the Member for Norwich, North (Dr. Gibson) in opening the debate, that we should understand what we are doing in expanding the number of chemicals in use. He referred to the dawning realisation of the impact of substances such as lead and of complex chemicals in a variety of ways, and colleagues have referred to the different impacts on air quality and human health. There has indeed been a massive expansion in the understanding of how chemicals can impact on human health, which has resulted in serious efforts to reduce pollution.

The example that was given, of flame retardants, is an excellent example of the difficulty of balancing different types of benefit and damage. There are no straight-line comparisons—things are not all good on one side and all bad on the other—so we must ensure that we have a balanced method of assessing and dealing with these issues.

The impact on industry also needs to be understood as complex. Reference was made to the chemicals industry, which is clearly directly affected, but so are many others. The retail industry has responded very positively in its contribution to our deliberations so far, and the motor manufacturing industry has also engaged with the process. I have met people from Ford and talked to various people at senior level in industry. One concern was the timing of impact. My hon. Friend the Member for Bolton, South-East (Dr. Iddon) was right to refer to the complexity of the manufacturing process in the motor industry. One of its concerns was that the timing of controls should be such that it can do things at the start of a new production process, rather than constantly having to stop processes in order to take things forward. We need to consider these important issues in deciding the timing of changes.

One simple point, which was made in the debate, is that anyone who portrays chemicals as evil or threatening is being criminally simplistic. Many chemicals are useful and even essential to life. Chemicals of concern need to be tackled in a way that is clear, decisive, proportionate, effective and precautionary. We must have an evidence-based approach that deserves public confidence. That is why REACH is arguably one of the most important proposals to emerge from the European Commission for a long time. We protect human health and the environment from hazardous chemicals, but we must also ensure that the chemicals industry and downstream users continue to be able to serve the public and to be competitive in the global marketplace. It must be remembered that the UK opened up the process during our presidency in 1998, and we will help to carry it forward during our presidency in 2005. That is leadership in action.

The Co-operative bank makes a good point in its latest advert. At first glance, the image of three polar bears sharing a cup of tea is a trifle odd, but it makes the point that some chemicals affect even the environment and wildlife of the Arctic, and that we cannot deal with chemicals of concern only by controlling what we buy in a local chemist or supermarket. Similarly, the WWF campaign on blood tests should not frighten us—I have had my blood tested—but encourage us in developing an intelligent understanding of these difficult issues and the time scale of impact on human health and the environment.

The Government have not been constrained by the idea that those involved come from the narrow perspective of vested interests. That has been encouraging to me in the relatively short time during which I have had responsibility for these issues.

Listened to separately, the chemical industry will express fears about bureaucracy and over-regulation, campaigners on the environment or health will have fears about limp under-regulation, manufacturers and retailers will pose practical issues and express concern about public confidence, and animal welfare organisations will fear an increase in animal testing. Taken together, those cease to be narrow interests and become serious issues to be reconciled and resolved.

All the groups to which I have referred have made a positive contribution to the debate and have joined us around the table at meetings and in conferences. However, more importantly than just engaging with the Government, they have listened to one another and taken part in a genuine debate. I have also valued the co-operation between my Department's officials, with a

focus on environment and health, and the officials of my noble Friend Lord Sainsbury, with a focus on industry and productivity.

More than any other country, we have tried to say that there should be a single approach, with integration of the different issues, rather than an argument between different interests. I am impressed by the way in which many of the organisations to which I have just referred have been willing to engage with one another. Indeed, when we held a major conference in Birmingham, to which all stakeholders were invited, it was significant that industrial contributors were speaking about concerns on areas such as animal testing, and the voluntary organisations—the NGOs that were involved—were speaking about industrial concerns. That is a healthy development, and reflects the inclusive way in which we have sought to pose the debate.

I echo the comments of the hon. Member for Guildford (Sue Doughty), who thanked the Committee for its report. I agree with her that it is a constructive report. She made a number of sensible points, including one about the need to get to grips with the meaning of the estimates on animal testing. Many of the estimates concern the downside if we are not able to undertake more intelligent approaches to the use of testing and information.

Reference was made to the problems of testing. I pay tribute to organisations such as the British Union for the Abolition of Vivisection and the Royal Society for the Prevention of Cruelty to Animals, which have been involved in the discussions and have made constructive contributions that were much wider than their particular organisational interests.

A number of contributors to the debate referred to the issue of substitution—the idea that the chemicals of most concern should be systematically replaced by safer alternatives. That concept is strongly supported by the UK. However, the point must be made that substitution is not a straightforward process. There are a number of examples of situations in which apparently safer substitutes were introduced in response to human health or environmental concerns only to turn out to have unintended effects of equal concern, albeit on a different front. We must therefore be careful, in encouraging substitution, that we are not too narrow in our approach.

REACH should be designed to create a framework to stimulate innovation in finding safer substitutes to complement, as far as possible, the commercial pressures that already exist within markets. We are considering the provisions relating to substitution to see whether they are likely to achieve the desired effect of acting as a sufficiently strong incentive for industry to innovate and to develop new and safer substitutes. We understand, and to some extent share, the concern of some who feel that they might not drive innovation sufficiently, and we are examining what can be done to strengthen them.

I understand that, following the stakeholder round table chaired by David Sainsbury and me, the Chemical Industries Association, the Confederation of British Industry and Greenpeace started to work together to develop a joint position on substitution. That is another example of the sort of constructive approach that has been encouraged, in the UK more than anywhere else. I pay tribute to those organisations for their responses.

A number of hon. Members have raised the issue of adequate control. We believe that the aim of the authorisation process should be to ensure both that the risks from substances of high concern are properly controlled and that those substances are eventually replaced by suitable alternative substances or technologies, with the aim of reducing the risk to human health and the environment. Given that authorisation will apply to chemicals of most concern, it will be essential that the definition of adequate control is clear and precise, and reflects commitments under existing occupational health, public health and environmental legislation. Otherwise, such authorisation decisions could be undermined. We are considering how time-limited reviews could be applied to authorisation. We welcome the Committee's comments on the issue and its support for the view that in such an approach a balance must be struck between incentives and costs.

Although some countries have seen the issues in terms of tensions between industry and the environment or health, we have seen them in terms of reconciling, balancing and interpreting genuine concerns in a most effective system. This week at the ad hoc working group established by the Council of Ministers we urged amendments for one substance-one registration. I am pleased to say that there was strong support from other member states. We are confident that we have made a workable proposal, with which we hope member states will agree, and we now seek continued development. I am confident that REACH can be developed in a workable and proportionate way to ensure that we achieve the desired level of protection without placing unnecessary burdens on industry.

I understand the concerns that have been expressed, but as I said earlier, we have been involved in a process and there have been improvements as a consequence of discussion. The Government will continue to work with member states, the Commission, the European Parliament and all our stakeholders to achieve the three key objectives. That reflects the opening comments of the hon. Member for Croydon, South. The first aim is to achieve a rapid, efficient system for collecting the necessary information on chemicals and for tackling those of most concern. That is easy to say, but we are trying to be as precise as possible in ensuring that the system will achieve that conclusion. The second aim is the minimisation of animal testing. The third is to maintain the competitiveness of the chemical industry and downstream users.

The hon. Member for Castle Point (Bob Spink) made a number of comments about the process and the Committee's report that were, depending on one's choice of word, trenchant or strident. I tell him gently that I am not sure what the point is of being a member of a Select Committee if one's views appear not to have contributed to the process of producing that Committee's report. The thing that I understand least about his contribution is why he seems to see no advantage in British industry being on a level playing field across Europe and on a wider international stage. That would result from our involvement in a process in which, together across Europe, we engage in protecting human health and the environment.

There is a need for REACH, but the hon. Gentleman seemed to question even that. We must remember that we lack basic information on the possible risks that

[Alun Michael]

continued use of the majority of the approximately 30,000 chemicals on the EU market may pose. It is therefore important to have a workable, efficient and streamlined system that focuses on the chemicals of most concern first. An enormous amount of duplication would be avoided if that were done collectively across Europe and if a system such as the one substance-one registration system were used, in order to share costs and information and to guarantee consistency across Europe.

A number of hon. Members asked about the risk basis of our judgments, which is important. REACH employs a risk-based approach. Industry is required to identify the hazards of the chemicals that it produces and to introduce appropriate risk management to protect health and the environment based on the risk assessment.

Prioritisation is also risk based. We agree that tonnage is a crude proxy for risk—"crude proxy" was the term used by the hon. Member for Croydon, South—but it is a useful starting point for the purpose of registration. It should also be remembered that risks to the environment are often closely linked to tonnage. We ought to bear it in mind that we are dealing with human health and the environment. There are points where the two run together and points where there are separate considerations.

We recognise the potential benefits of a prioritised approach to registration, but are concerned that it could introduce an additional layer of bureaucracy. We would not want a delay in registrations while substances were prioritised and the order of registration agreed. That could delay a great deal of work. We are open to considering further prioritisation tools if it can be demonstrated that they are workable and will not result in a delay in registration.

Although registration is limited to substances weighing more than 1 tonne, no threshold is proposed for substances subject to the authorisation procedure—the substances of high concern. We particularly welcome the recommendation that there be a process of spot checks and are giving further thought to how a workable system might be developed.

My hon. Friend the Member for Bolton, South-East raised a number of serious issues. I offered to answer some of his detailed points after the sitting. I will read the *Official Report* and, if I have failed to deal with all the points that hon. Members have raised, I will write to those who have contributed to the debate.

My hon. Friend referred to the imports issue. It is difficult to tackle and I suggest that it is impossible to tackle it other than on a Europe-wide basis. There are two separate elements—the import of chemicals and the import of products and the chemicals contained in them. It is vital to ensure that the new regulatory regime is compatible with World Trade Organisation and other EU international trade commitments. We intend to ensure that that is the case.

We agree that there is a strong case for tackling the issue of finished products and articles imported into the EU that, potentially, contain hazardous substances. However, we need to consider further whether the Commission proposal is workable. It is an important area.

On the issue of chemicals in products, the retail trade has made the point that its customers need assurance from the industry about the safety of what is on the shelves. I am pleased to see that some elements in industry are starting to work together to ensure that the requirements for products commissioned by that industry are specified. I recently heard from people in the co-operative movement that they sought to place some criteria and found that it was difficult because, if their expectations were met, there would have to be such disruption of production processes that costs would increase considerably.

Therefore, it needs industry as a whole, as it needs Governments as a whole, to improve. That is something for which Governments have a responsibility. EU regulation is important, but it is important to have co-operation in individual industries and, as I said, co-operation with organisations such as the Chemistry Industries Association, the British retail trade and others.

We agree that there are serious considerations about impact assessment and the impact on downstream users. We agree that the costs of REACH must be fully assessed. That is why we recently consulted on our partial impact assessment and why we are carrying out further work on the impact costs on downstream users such as the coatings industry, which was referred to. We hope to have the results of that work in January.

It is clear that several of the issues to which I have tried to respond are inter-related. That underlines the complexity of the issue that we are trying to deal with. I am sure that, as a result of its meetings, that information is not new to members of the Committee. The Commission is also carrying out a further study of supply chains involving the EU-wide federation of chemical industries and the employers federations. We welcome that further work. To some degree, work done by individual countries, including the UK, which has done as much as any other country, needs to be complementary. We need to share information across Europe.

Contributions were made by several hon. Members, to which I clearly will not have time to reply in detail. My hon. Friend the Member for Croydon, Central (Geraint Davies) introduced a Bill earlier in the year and has made clear his intention to keep a close eye on issues such as endocrine disruptors. Those are issues on which there is no simple and straightforward answer.

On the issue of the removal of substances from the market, we are concerned about the withdrawal of substances on cost grounds alone, but the European Commission's extended impact assessment suggested that a far smaller percentage of chemicals might be withdrawn from the market than earlier estimates—1 to 2 per cent. The Government's proposals for one substance-one registration will help to drive the cost of registration down by sharing the costs on a proportionate basis. We hope that that will increase registration and therefore the range of options available to industry. In addition, we are carrying out the further impact assessment to which I referred to assess the indirect impact on downstream users.

My hon. Friend the Member for Brighton, Kemptown (Dr. Turner) referred to impurities. I assure him that impurities are not overlooked under the one

substance-one registration approach. If different impurities lead to different toxicity, those substances will be treated separately, even if they have the same major component.

My hon. Friend asked whether global warming potential should be added as a test in REACH. Unfortunately, there are no ways of routinely undertaking tests that could be used to screen the 30,000 chemicals to which we have referred for global warming potential. In fact, once there is an identification of chemicals in relation to global warming, they can be regulated under the Montreal protocol and therefore it might be a duplication to seek to bring those into the REACH proposals.

Dr. Turner: The only information that is needed is the molar infrared absorption.

Alun Michael: I shall certainly look at that point if I have misunderstood the narrowness of what my hon. Friend was saying and I will respond to him again.

The hon. Member for Croydon, South said that we must avoid creating an agency that increases in size. We do not want to see an agency that is big and bureaucratic. We want an agency that is strong enough to hold the ring and to enforce consistency. Without that, there would not be the level playing field that is in the best interests of our industry. It would also ensure that there was effectiveness in the protection of human health and the environment.

Several hon. Members referred to the objective of reducing animal testing. There are some difficulties here because some of the assessments are crude in terms of the overall numbers to which they refer. We would welcome a view on the estimate of numbers of animals likely to be used under REACH. We recognise that that is not a straightforward task. The process of developing and validating alternatives to animal tests is inherently slow, partly because it needs to be robust enough to ensure the delivery of meaningful and reproducible data.

As a member of the interdepartmental group on the three Rs—replacement, refinement and reduction—DEFRA has a role in influencing activities on issues relating to the minimisation of the use of animals in experiments. We supported the setting up of the centre for the three Rs. We will be developing policy to influence that area and considering how research funding might best be channelled to meet environmental objectives. DEFRA will be looking into prioritising requirements for research in both the short and long-term goals for the three Rs—

It being half-past Five o'clock, the motion for the Adjournment of the sitting lapsed, without Question put.

Westminster Hall

Tuesday 14 September 2004

[MR. EDWARD O'HARA *in the Chair*]

People with Down's Syndrome (Education)

Motion made, and Question proposed, That the sitting be now adjourned.—*[Vernon Coaker.]*

9.30 am

Dr. Brian Iddon (Bolton, South-East) (Lab): Recently, the Down's Syndrome Association published a report entitled "Access to Education: a Report on the Barriers to Education for Children with Down's Syndrome". I want to draw it to the attention of the House and the Minister. We launched the report in Parliament on 26 May this year, and the Under-Secretary of State for Education and Skills, my hon. Friend the Member for Bury, South (Mr. Lewis), kindly attended that launch. I am pleased to see in the Chamber my right hon. Friend the Minister for Children, who also has responsibility for young people. I look forward to her response to what I say.

During this year's Down's syndrome awareness week, the education support pack for special schools was launched. It was produced, with the support of the Department for Education and Skills, in the wake of the DSA's education support pack for mainstream schools, which in 2003 won the "Books for Learning and Teaching" award, given by the National Association for Special Education Needs and *The Times Educational Supplement*, at the NASEN annual conference.

Two babies are born with Down's syndrome every day in the United Kingdom; that is roughly one in every 1,000 births. Today, there are 60,000 people in the UK with the condition, which is caused by an extra chromosome in a baby's cells. People with the syndrome have varying degrees of learning difficulty. I know some Down's syndrome people who have quite exceptional skills, for example in drama and music. At the other end of the spectrum, there are Down's syndrome children who will never cope with mainstream education, and who need a special school.

The DSA is the main UK charity carrying out initiatives to improve the life of people with Down's syndrome. It was originally set up as a parent-led organisation in 1970 to provide advice to its members, but it now also campaigns on behalf of people with Down's syndrome. I am pleased to say that it has moved from its previous headquarters at 155, Mitcham road to Dr. Langdon Down's house, where he carried out all his research. That is now known as the Langdon Down centre, and is in Langdon park, near Teddington. I look forward to visiting that fine, listed building in the not-too-distant future.

Over the past 50 years there has been a dramatic improvement in the life expectancy of people with Down's syndrome, and today that is beyond the age of 60, which is good news. However, that has brought its own problems. The DSA is challenging health and care professionals to stop discriminating against the 40 per cent. of people with Down's syndrome who develop Alzheimer's disease later in life. That is a debate for another day; suffice it to say that dementia presents itself much earlier in people with Down's syndrome. The DSA has a network of regional development officers, who are available to provide bespoke training on Down's syndrome and related matters such as dementia to groups of health and care professionals and others.

In 1999, the DSA produced a report entitled "He'll Never Join the Army" on access to the NHS for people with Down's syndrome. That report, too, was highlighted in the House, and I tabled early-day motions and parliamentary questions and arranged Adjournment debates and even a meeting with a Health Minister on the subject. Those with Down's syndrome were experiencing considerable discrimination in the NHS at the time. I am pleased to say that the culture in the NHS is slowly changing, and that is helped by awareness training in medical schools on people with Down's syndrome. However, the "Health Alert" campaign continues. At the moment, its focus is on the ageing of Down's syndrome people and, of course, dementia.

I seem to have become one of the unofficial spokespersons in this place for people with Down's syndrome—a role that has given me a lot of satisfaction. I have worked closely with the DSA since 1997. When I was elected to Parliament in that year, I was persuaded to campaign on behalf of people with Down's syndrome by one of my local Labour party members, Flo McBrien, who lives in Farnworth in my constituency—her daughter, Shelley, now in her 20s, was being discriminated against by the NHS—and by others, including Joanne Harris of Shrewsbury, whose parents and friends were raising money to send Jo to the USA for a heart-lung transplant operation. Right hon. and hon. Members may know that Joanne Harris was the young woman who received the first cheque when the winner of the first "Big Brother" programme came out of the house. She got a lot of publicity a few years ago at that time.

Down's syndrome is the most common form of single learning disability in this country. There are approximately 16,000 school-aged children who have the syndrome in the UK. It is important that they receive the appropriate level of support and training to ensure that they are able to have the highest possible quality of life.

A welcome move away from institutional care to semi-independent living for many Down's syndrome adults has highlighted the need for better training and education. In March, the DSA undertook a survey of 5,500 of its parent members with children aged between two and 19. It asked about their experiences of the British education system, and 1,500 of those invited to respond returned their survey forms. The survey covered both mainstream and special schools and collected evidence from all 120 postcode areas in the UK, thereby giving the fullest representation. I will deal with each of the major concerns in turn.

It is essential that Down's syndrome children's needs are assessed as early as possible. The vast majority of children with the syndrome are receiving a statement of their special educational needs from the local education authority, although one in three parents found that to be a very tedious process. Many of the statements were

[Dr. Brian Iddon]

considered unacceptable at first drafting and needed amending. Seven per cent. of parents encountered difficulties in getting their preferred school named in the child's statement. One family reported that

"The named school refused to accept our child unless full-time adult support was included in the statement. We appealed to a tribunal to get this but the LEA gave in a week before the tribunal hearing."

Obviously, that led to a lot of stress for the parents.

Another parent responded:

"The statement is tailored to resources".

Yet another stated:

"The statement was in place at the start of school but most of the items detailed did not happen until a term and a half, after a lot of discussion"

with the professionals.

Parents' comments received by the DSA showed that the statementing process can be unnecessarily protracted, causing avoidable stress and creating additional problems with provision at school. Although improvements have been made in that process, more needs to be done to make it simpler and easier for parents to follow. The DSA believes that efforts should be made by all LEAs to get the statements right at the first draft.

An important part of education for children with special educational needs is the amount of contact time with adult support workers—for example, in the classroom. Sixty-one per cent. of parents who took part in the DSA survey said that their child received 21 to 35 hours of support a week, although only 43 per cent. had that specified in the statement. Although 69 per cent. rated the work of the adult support workers as either excellent or very good, many were concerned about the level of training that the support workers had undertaken. One parent commented:

"I feel that the job of learning support assistant is a specialised position and yet the person is paid the minimum wage and expected to be dedicated and trained . . . it is very difficult to get dedicated staff under these circumstances."

Another parent reported:

"The Headteacher does not allow us as parents to have the names or access to any of our son's support staff".

Yet another one said:

"The one to one helper is very good, but . . . if she is ill then he cannot attend nursery because there is no cover".

The DSA is concerned that statements do not always give a clear enough indication of a child's level of need for adult support. In the short term, the DSA recommends that specialist training and information should be offered to teachers and support staff throughout the UK. In the longer term, the DSA believes that a nationally recognised qualification, with a dedicated unit on the specific learning profile of children with Down's syndrome, would resolve many of the issues surrounding learning support assistants.

Speech and language therapy can play a vital role in the development of children with Down's syndrome, although unfortunately that form of therapy is not as widely available as some would like. The service tends to fall in the gap between health and education provision. Most parents participating in the survey reported that a specified amount of speech and language therapy had not been included in their child's statement. Sixty-six per cent. of parents felt that the state provision of therapy did not meet their child's needs, and 35 per cent. felt that the quality of therapy delivered was poor.

The comments of many parents reflect the fact that they have to battle to get the therapy for their children, with long waits and poor service being the main problems. One parent commented:

"I am still fighting for my daughter to receive speech and language therapy as she is desperate for it. She has received one 30-minute session in three years."

Another parent told the DSA that the speech therapist had advised that, in her opinion, it is not, and would not be, prudent to teach speech production to their child as what came out of their daughter's mouth was a reflection of what she had in her brain—namely, not a lot.

The DSA feels that the provision of speech and language therapy falls far short of the needs of children with Down's syndrome. There should be a steep improvement in the quality of service, with an obligation for LEAs to buy in provision from the private sector, if necessary. One of the problems is a shortage of therapists, which the Government need to address fairly urgently.

On Down's syndrome children's pre-school provision, most children—about 80 per cent.—appear to be receiving adult support, although a third of parents reported difficulties in obtaining it. Only 58 per cent. of parents had applied for a statement of their child's pre-school special educational needs; 25 per cent. had not applied; and 13.5 per cent. had been told that a statement was not necessary at that level of education. Only 42 per cent. of initial statements for that age group specified the amount of support and therapy required by the child. Many parents were unsure of whether statements are appropriate or even applicable for children of that age. Parents of children in that age group need to be correctly informed by the LEA or other agencies of what exactly their Down's syndrome child is entitled to.

The confusion does not seem to be limited just to parents. One submission stated:

"We were unable to have an LEA nursery place as our child had no statement. The LEA said no statement was needed, the head said otherwise"—

total confusion. Another parent reported:

"We are currently awaiting a proposed statement from the LEA for pre-school support. This whole process has taken eighteen months, despite our insistence on starting the process early in order to avoid delays".

To ensure that adequate support is available from the beginning of a Down's syndrome child's life, LEAs should make a commitment to begin the statementing process as soon as the child enters pre-school provision. Also, parents should be encouraged to request a statement during or prior to pre-school provision, and should not have to wait until their child receives such provision. Would it not be a good idea if all the agencies came together and prepared a booklet to guide the parents of a Down's syndrome child from the minute that the child is born in all matters—health, education or otherwise—that affect their child?

I turn to post-16 education and transition planning for those with Down's syndrome. It is important to remember that education for people with Down's

syndrome—as with any other adult—should not be forced to end when they reach the age of 16. They are as entitled as any other student to continue their education, and it is important that support at the further education level is also in place. That is one of the most difficult areas across the education spectrum. Parents responding to that section of the DSA survey were carers of young people with Down's syndrome in the 15 to 19 age group. Some 17 per cent. of parents of that age group were not offered a transition planning meeting, and, of those who had had such a meeting with their LEA, only 69 per cent. were offered a meeting in the presence of the young person being talked about.

Provision of information prior to the meetings was poor; few options were presented by the LEA for consideration. Some 31.5 per cent. of parents were given no opportunity to comment on the draft plan for their young adult, and 28 per cent. of parents did not even receive a copy of the transition plan at any stage—prior, during or after the meeting. Some parents reported very welcome news of support and inclusion, but others mentioned problems: a lack of contact with the Connexions service in their area and a lack of support and understanding at further education establishments in general. One parent reported:

"Sixteen years of inclusive mainstream experience was disregarded by an archaic college system which segregates my son with others with learning difficulties, literally in the farthest corner of the building, away from mainstream typical students."

Another parent said:

"No review was conducted at sixteen when he left school. No information about college or training was provided over the last four years. There has been no contact with the Connexions service; they are useless."

I should add that the Connexions service is still bedding down; I see that in my own town of Bolton. Perhaps the service will get better; I hope so. The DSA believes that the range of alternative accreditation schemes in further education is not well used, and that that denies many students with Down's syndrome the wherewithal to measure their achievements. Further education establishments are less likely to be inclusive and integrated than any of the other educational establishments that I have mentioned: that needs attention. Employment and work-placement schemes for young people with Down's syndrome are also under-represented; that also needs attention.

Mainstream schools receive an extra £4,000 to £8,000 for most children with statements, in addition to the £2,800 received by primary schools or the £3,400 received by secondary schools to educate each pupil. Overall, 80 per cent. of parents are satisfied with their children's placement, and 68 per cent. reported that they had not faced a significant struggle to get their child into the facility of their choice. Fortunately, those figures are quite high.

Disturbingly, one in three parents felt that they had encountered prejudice or discrimination, including from other parents or carers. More than half of parents had encountered a lack of specialist knowledge and skills among teaching professionals. Some 11.6 per cent. of parents would prefer a special unit that is integrated into a mainstream school. I therefore welcome steps taken by Bolton LEA three years ago to co-locate Rumworth school as a special unit with the 11 to 16 Ladybridge secondary school. That has allowed children with Down's syndrome to receive the support that they require from dedicated adult helpers and to integrate with mainstream pupils wherever and whenever they can.

Bolton is developing a similar provision for all children of primary-school age with special needs, including those with Down's syndrome. A few weeks ago I had the pleasure of visiting Greenfold special school in Farnworth. On the day of my visit, a large number of the children were spending time in a local primary school; that was a regular occurrence. The plan is to attach special units to primary schools, for the better integration of all Bolton children with special needs and other children of the same age.

Parents across the UK who have experience of special units that are integrated into secondary schools have welcomed the results. One parent responding to the DSA survey commented:

"My daughter attends a special unit within a mainstream school. She is very happy and well adjusted and is equally happy when mixing with her friends in the unit and also in the mainstream part of the school."

I hope that my right hon. Friend the Minister will give careful consideration to that way of integrating children with special needs, including those with Down's syndrome, into mainstream schools, while ensuring that they do not miss out on the adult support that is so vital for their development. The Bolton LEA reminded me that resources for special educational needs have doubled during the past decade and that some 90 per cent. of funds now go directly to the schools.

In summary, children with special educational needs such as those with Down's syndrome benefit significantly from good mainstream educational placements. Their gains in speech, language and literacy put them several years ahead of those in special schools. I am proud of the progress that this Government have made in meeting the needs of all people with learning difficulties, including those with Down's syndrome, but there is much more to do. I hope that we can all work together across the political divides to do it.

I am pleased to have had this opportunity to draw the Minister's attention to the important report of the Down's Syndrome Association, and I look forward to her response. Perhaps she would be willing to meet officers of the Down's Syndrome Association and me in the near future to discuss the contents of that excellent report in far more detail than is possible this morning.

Finally, I draw the attention of right hon. and hon. Members to early-day motion 1278 on the report and its contents, which I tabled on 25 May. I am pleased that so far 119 parliamentary colleagues have signed it, and I urge all others who can do so to sign it before the end of the Session. I look forward to my right hon. Friend's response once other Members have made their contributions.

9.52 am

Bob Spink (Castle Point) (Con): This morning, we see this Chamber at its very best: caring, compassionate and trying to help people in society to fulfil their potential. I congratulate the hon. Member for Bolton, South-East (Dr. Iddon), who is a friend of mine. He is right to bring this important debate to the House and to praise the

[Bob Spink]

Down's Syndrome Association for its excellent report. I do not recall exactly but would guess that mine was one of the first signatures to his early-day motion.

I shall make a short speech and discuss the need for common sense. There is no political edge to what I have to say. I thank the Government for continuing to increase resources for care for special needs pupils. Generally, the Government are moving in the right direction, but I shall make some suggestions about balance in the inclusivity that they are pushing.

I praise our special schools. I have been the chairman and a governor of a special school. Such schools are a great joy. I often find that it is much nicer to go to them than to ordinary schools, and the best schools in my constituency are the special schools, which have special, very caring staff. The schools are sustained by wonderful groups of volunteers who help in many ways, whether that be through fundraising, organising social events or just helping children by listening to them, reading and so on.

Perhaps my most important point this morning is a cry on behalf of the moderate learning difficulties schools, which seem to be squeezed between the severe learning difficulties schools, which must be provided and do a wonderful job, and inclusivity in the mainstream. The MLD schools felt that they were being squeezed out somewhat. Heaped on to that, they were starting to be used as a place for children with emotional and behavioural difficulties. Such children were not really suited to a special school environment but could not easily be placed anywhere else, so it became a soft option to stick them in the MLD school. In some cases, that began to change the nature of those schools. Staff time began to be spent on dealing with emotional and behavioural difficulties rather than with the slightly different difficulties of straightforward special needs children, and the change caused disruption and distress to special needs children who suddenly saw different faces in their school. We must be careful not to put too many inappropriate EBD children into moderate learning difficulties schools.

Essex has several—four, five or six—moderate learning difficulties schools. The one in my constituency is Cedar Hall. It is a wonderful school; it does a fantastic job. I want it to go from strength to strength. I want it to be there to provide choice for parents, because some parents want their children to go into the mainstream and others think that their children are better off in such a special environment—I think in particular of Down's syndrome children. Parents often know best. They deserve a choice in education; that is my policy, as the Minister knows. For there to be a choice, there must be options. We need to ensure that we keep moderate learning difficulties schools. They must be available, and we must not disrupt them by putting emotional and behavioural difficulties children into them.

There is nothing wrong with inclusion; it is a great thing. Cedar Hall does what the hon. Member for Bolton, South-East was talking about: it has outreach into a mainstream school where it has some special classes. Its children go into the mainstream school sometimes for a Friday morning, and at other times for the whole day. Those who benefit most from that are probably the mainstream children, who learn to understand the range of physical and mental abilities among people. Therefore, there is a payback for both sides, and I very much welcome that.

The arrangement works extremely well in Castle Point. Cedar Hall goes into King John school, and The Deanes school—a boarding school—does sporting activities in the special school. It sends its physical education master to that special school to give its football team some rigour and discipline. That is fantastic; I want there to be much more of that.

I share some of the concerns of the hon. Member for Bolton, South-East on the statementing process. It is too long, it is too expensive, it starts too late, and it is a little hidebound by too much political correctness and too little common sense. I want it to be more flexible. I want it to be used as an instrument to benefit the child rather than to protect the professionals. I do not want the defensive approach that has crept into it in the past decade to continue; I want that to be relaxed.

I turn to the issue of speech therapy. When I go back to Keighley where I was born, they say, "Bobby, here, couldn't speak until he was 10—hasn't stopped since." I did not speak at all until I was six, and I went to speech therapy until I was 10 or 12. I left not because I had learned how to speak—as hon. Members know, I am not very good at that—but because it became too embarrassing for me to sit at the desk as a big boy with all the other little boys and to be given a sweet. They say that when they mended me they wished that they had put a switch in.

Speech therapy is very important. It is much more important to send kids from school with the ability to speak and communicate than it is with the ability to read and write. If somebody cannot read and write, they will get by and have a reasonable quality of life; they might get cheated or short-changed occasionally in shops, although they probably will not. However, if someone cannot talk—if they cannot make themselves understood because they cannot enunciate correctly—people will not understand them, and that becomes very embarrassing for both sides and people will turn away and avoid them. That truly affects quality of life and ability to perform in society. It is most important to put money into speech therapy, because sufferers will not be able to move forward until they can speak properly and make themselves understood. I want more effort put into speech therapy.

Speech therapy was withdrawn from Cedar Hall school for about three or four months from January 2003. I kicked up a stink and raised questions in the House, and now speech therapy has returned and there is better provision in that school. Cedar Hall had to divert some of its own money to pay for that, and it was right to do so because speech therapy is a great priority, but it should not have had to do so. So, like the hon. Member for Bolton, South-East, I ask the Minister to consider the issue of speech therapy carefully.

I want briefly to advertise Business Opportunities for the Physically Handicapped, which is in Canvey Island. I am going there at noon on Friday to meet Joan Lithcoe, who set up the establishment in 1993–94. Her family includes a special needs child. She set up BOPH to provide opportunities in business for people with special needs. It works extremely well and pulls together our community. Everybody loves a place on Canvey;

everybody knows that 17 or 20 children, young adults and older adults go there. We know what a great joy it is for them to do something useful and get a small wage.

However, there are funding issues. It would cost much more to take those people out of BOPH and put them in county council-run day centres—it would cost society a fortune—yet the council cannot help by providing a few pounds a week of pump-priming funding to help support the young adults and adults in that establishment. We need some common sense and balance in supporting, funding and making sure that places such as BOPH can continue to provide more work and social opportunities for people with Down's syndrome and others with special needs.

I will hang my next comments on the term "education for life" because otherwise you may call me out of order, Mr. Deputy Speaker. I believe that, in a way, youth clubs provide education. For someone with Down's syndrome at least they provide education in social graces, contact with other people and speech, game-playing—building confidence by giving someone a place to go rather than sitting at home in front of the box.

An arbitrary rule has been brought in that hoiks people out of youth clubs at 25 years old. Someone with special needs, such as a Down's syndrome person who has gone to a youth club all their life and for whom it is part of their life and family and who does not understand the wider picture, is told, "Sorry, you've reached 25. You can't go any more." No questions are asked about whether it is appropriate for the person to go to the club. It would not be appropriate for some people at 20 years old, but for others it might be appropriate and right at the age of 35. There is no common sense, just an arbitrary line drawn at 25. They are told, "You will lose a part of your life." We cannot do that to vulnerable people in our society. The rule is a politically correct response, but the matter requires simple common sense. I ask the Minister to consider that policy. I have raised the issue in the House before, and I will raise it again because I think that it is nonsense.

I thank hon. Members for listening to my points. I hope that they did not find them too idiosyncratic. I thank you, Mr. Deputy Speaker, for calling me.

10.4 am

Jim Dobbin (Heywood and Middleton) (Lab/Co-op): I congratulate my hon. Friend the Member for Bolton, South-East (Dr. Iddon) on introducing a debate on such an important topic. He has an excellent record at supporting issues such as this. As I understand it, the education of children with Down's syndrome is covered by education law and is not distinguished from the education of children with special educational needs. The Minister can correct me if that is not true. That is a sound basis, because it means that all children's special educational needs are individual and that each child should be treated in a way that ensures the best provision to develop their talents.

I have a special interest in education for children with disabilities as my two youngest grandchildren—they are brothers aged eight and four—both have a rare neuromuscular disorder and exceptionally complex educational needs. I know from personal experience that the laudable aims that I have described are not put into practice universally. Sadly, some children still come up against discrimination not from other children but from local education authorities, which for whatever reason are not providing equality of opportunity to equal access.

Having witnessed at first hand my daughter's struggle to obtain suitable education support for my grandsons and the difficulties that she has encountered in her dealings with the local educational authority, I certainly have sympathy and a soft spot for all parents of children with special educational needs, who must provide care and support. They face the added difficulties of finding out what the law says on such issues, finding the time to attend numerous hospital appointments, clinics and meetings, and finding the courage and confidence to speak out and demand the same rights that other children receive in education.

My daughter is a qualified educational psychologist, so she understands the statementing of children, the process, the appeals procedures and tribunals. At such tribunals, she has represented others in similar circumstances to herself. Officialdom always tells us what we cannot do, and very seldom explains how to achieve something. Looking round the Chamber, I see a few nods, because we have all received negative letters as a result of the bureaucratic system.

In my family's circumstances, the request was for a chair lift to ease the mobility of my grandson at school. The decision that was taken, after going through the whole process, including tribunal and appeals, was to move him to a school several miles away on the other side of the city, which put another hour and a half to two hours on his day's travelling. The cost of that was six times the amount that it would have cost to install a chair lift. The travelling involved and the support that he needs getting to and from school was extremely costly. Anyhow, the decision was taken and my daughter's family had to move house.

Parents have to advise schools and doctors. No one knows more about children than their parents, who find themselves in a serious situation. They have to advise all professionals on best practice and often have to engage the local education authority in a battle to obtain a full and supportive education that will give their children the opportunity that all parents want for their children: the right to an environment to develop their skills and talents to the full. Too many parents have to attend tribunals in order to obtain the education that their child needs.

Discrimination exists not only in schools but in many playgroups, nurseries, after-school clubs and holiday play schemes, which are restrictive and discriminatory in their admissions. Sometimes, the only holiday schemes that take children with special needs are those catering only for children with complex and exceptional requirements. That is perhaps because they are anxious about their responsibilities and their ability to meet those exceptional needs, and they may not have the skills and resources to meet the level of support that some individuals require.

Another problem is that education authorities, in order to meet their legal requirements, sometimes designate certain schools to provide for children with specific needs. In my experience, however, that deprives children of access to schools in their locality. Even when

[Jim Dobbin]

schools are willing to accept the children, the local authority can override that and make provision in another area where it has designated provision. Often, that designation is based purely on cost. For example, schools that need little adjustment and therefore less expenditure are often chosen, with little regard to the locality of the children, who then have to travel a considerable distance to school. That means that such pupils have a longer school day and a longer school journey than others. That was our experience. Such designations also mean that parents are excluded from the local community, as they have little contact with local parents. I believe that all parents and children should be given the same opportunity to choose a school in their locality.

Local education authorities need to be open about what they are doing with their special educational needs budgets. Schools should be open about how their budgets are spent. More accountability to parents is important; parents should be aware of why money is spent in certain areas. Formulae for the allocation of such budgets should be explained to avoid total confusion. At present, LEA support provision seems to be in the hands of officers who do not necessarily meet the relevant parents or children. The system for providing resources often leads to delays in provision and too much bureaucracy. Many professionals, such as teachers and educational psychologists, see the child and the parents and gather information to design an accurate programme, based on the child's strengths, weaknesses and areas of need, and that is sent for a decision by officers. Unfortunately, the officers are driven in some cases by policy based on formula and cost, and the resulting statement fits the policy and not the child. All children with special educational needs deserve a fast, efficient statement, to give them the best possible education. We often receive representations from constituents asking us to speed up that process.

Another form of exclusion exists in the way that services are provided for special educational needs. Medical, social and educational needs are provided for separately, but a seamless approach would surely be more beneficial to all. Why should it be necessary to take time out of school to attend speech therapy? Why can physiotherapy not be provided in school? Why are occupational therapists not working in schools to provide advice on seating, desk arrangements, lifting children and trying out equipment? A multi-agency approach would be of immense benefit to all in the classroom. Teachers and learning support assistants would learn from others; they would feel empowered by their new knowledge and feel less threatened. Children would spend more time in school, and all pupils would be aware of the benefits of such interventions. The practical help readily available on site would mean that more time would be spent on educational tasks.

I realise that I have spent time discussing special educational needs in a general way, but I feel that the same principles underlie education for all. I agree with my hon. Friend the Member for Bolton, South-East about the desperate need for parents of children with Down's syndrome and other disabilities to have as much information as possible, which should be given to them in a clearly understood format. That does not seem to happen at present. That information should be upgraded as the children grow and their differing needs become apparent, and should be made available to schools and other agencies. It should also be explained to all teaching and non-teaching staff and to the children's classmates, to foster empathy and understanding. It is our experience that children learn faster than adults; they always make children with Down's syndrome and other needs feel more comfortable in their environment. The information should be explained in a positive way, emphasising the talents and strengths involved as well as the difficulties.

People often talk about the advantages that inclusion will give pupils with special educational needs, but there is another side to the coin. There are huge benefits for the teachers, parents and pupils of all schools in which the policy is inclusive. Discrimination is based on fear, and daily contact will help to promote the understanding of each individual's strengths and weaknesses.

In my constituency I have the pleasure of knowing a young man with Down's syndrome, who is now in his 30s. He did not go to school with my children, but attended the same youth club, the same church—in which he served as an altar boy—and a gymnastics class in the locality. He learned to ski, and represented the United Kingdom at the Paralympics. He brought back a medal and was rightly proud of his achievement, which was recognised by the local authority. Like many other children in his situation, he received very little provision for further education, which should be extended so that access to education can be lifelong. At present, some areas of provision seem better than others. My friend has a great love of life. He is a karaoke enthusiast, and a very good salsa dancer. His mother, who has worked hard to help him develop his talents, has supported him in all his achievements.

Most parents of children with special needs would like to feel that they have given their children the best opportunity they could to achieve independence. Access to further education and job training is a vital component, but that is not always available. I was glad to hear the Minister for Disabled People stating that the Government want every disabled person to have the chance to play his or her full part in society, and I was glad to hear her commitment to providing support and opportunity for those who want to work. I hope that further education and training for jobs is encouraged, and that employers are made aware of their responsibilities in including those with special needs in their employment recruitment processes.

My friend who has Down's syndrome has made considerable achievements in his life. He deserves the support of society and a change of attitude that recognises his contribution to the local environment and that includes education and other services. He should be treated by service providers with the dignity that he deserves.

10.16 am

Dr. John Pugh (Southport) (LD): May I begin with a grovelling apology for having arrived a minute or two late for the debate? I will have to get a better watch.

I congratulate the hon. Member for Bolton, South-East (Dr. Iddon) on initiating the debate, and on all his hard work in Parliament on behalf of Down's syndrome

children. I congratulate all Members present on what they have taught me, as I do not claim to be an expert on the subject. Congratulations are also in order to the host of professionals, teachers and parents who, over decades, have significantly improved the education available to Down's syndrome children. Considerable progress has been made, and a lot of innovation and genuine skill has been shown in developing educational resources relevant to Down's syndrome children. I have seen some excellent IT resources recently that emulate what is available under mainstream provision.

Talking of innovation and skill, I should like to mention a project initiated in a special school in my constituency, Merefield school in Southport. A film was made that featured a number of Down's syndrome children. I will happily make that film available to any hon. Member present who wishes to see it. The film was premiered, and the children, who are not normally made a great deal of fuss of, arrived in limousines as the stars of the film, walked on a red carpet and thoroughly enjoyed the experience. It was not only emotionally good for them but a great learning experience. What impressed me when watching the film and looking at the reaction to it was how much it reinforced the bonds of emotional solidarity and support among those children. It was heartening to see, and not something that one would automatically see in a mainstream school.

Much is now agreed about Down's syndrome education. One crucial aspect agreed on is that learning and progress is a family matter. The relationship between parents and schools is even more critical than it is in a mainstream situation. The support given by parents of Down's syndrome children to their local special school, or to special school provision in general, is exemplary. A second idea that is clearly admitted is that a successful outcome of Down's syndrome education requires an early start, and a very early start if possible, because Down's syndrome children often have hearing problems that are not readily picked up.

Down's syndrome children need intensive early training in order to cope with reading, and need particular training to cope with linguistic structures and the kind of ordinary language expression that other children take for granted. That is crucial if they are to develop an expressive use of language—something that everyone needs if they are to convey and deal with their emotions and relate to the people around them. That is well understood, and I pay tribute again to the various organisations in and beyond the Department for Education and Skills, including voluntary bodies such as the Down's Syndrome Association, that have done an awful lot of work in getting that understood.

A body of research appears to show that the inclusion of Down's syndrome children not only works but is wanted by the great majority of their parents. The improvement of Down's syndrome children in mainstream schools with regard to language, behaviour, reading skills and general academic skills has been well monitored. Equally well monitored is the fact that the existence of Down's syndrome children in a mainstream school is normally good for that school. It is good for mainstream pupils, and Down's syndrome children are often popular in the mainstream school. The hon. Member for Bolton, South-East argued that they are not always very well catered for, but they are a net benefit to most schools that manage to absorb them successfully. Inclusion has got to be a good thing, because the long-term outlook for Down's syndrome children is that they must establish a degree of personal independence. They must develop as individuals in their own right rather than be solely in a dependency relationship throughout their life.

However, the one area where the research is a bit greyer concerns the emotional needs of the Down's syndrome child. The Portsmouth research that looked into inclusion versus special school provision established that many of the conversations that began in mainstream education were, unusually for children, possibly initiated by an adult, and that a lot of the peer-group conversation was not personal-related but work-related. Like all children, Down's syndrome children need and wish to talk about their personal life as well as what they are doing at one specific time. I accept—and I think that my party and people in general accept—that there is a genuine case for special schools for the more severe cases. A sensible pragmatic approach must be the right one, and one would hope to see that reflected in whatever statements are made.

There is a case for choice, but choice is inevitably accompanied by the fact that as more people opt for inclusion there will be less demand for special schools. Because the provision of special schools is very expensive and such resources are not easily found, all of us have from time to time been confronted in our constituencies by the spectre, or the occurrence, of the closure of a well loved resource. That means in addition a long journey for many children who previously might have been educated in a more local establishment. That is an agonising problem that cannot easily be solved. The Government have to face up to it on a fairly regular basis, as do local authorities.

The hon. Member for Bolton, South-East mapped out not that dilemma but the problem that inclusion might not be properly, thoroughly or effectively delivered. Inclusion half delivered falls between two stools. I do not disagree with his analysis. He highlighted a number of specific problems to which I hope the Government and the Minister will respond. One is a problem related to statement delay, and another is the shortage of appropriately trained staff, which must be known to everybody present. Other hon. Members have specifically mentioned speech therapists. I cannot remember a decade of the past three when people have not been complaining about a genuine shortage of speech therapists across the educational spectrum.

A new and appreciable problem is coming up on the rails. In some sense it follows from the success of educational provision in the early years. It is the problem of continuing that education and of how the education system for Down's syndrome children connects with Connexions. The hon. Gentleman suggested that it does not connect very well at the moment.

Finally, there is the fact that facilities are not yet up to scratch in mainstream school provision. There is a definite demand in the mainstream for training for dealing with Down's syndrome children. Mainstream schools would like to know better how to do their job. They are not relaxed or indifferent about how their job is done; they recognise that when they take in a Down's syndrome child or a group of Down's syndrome

[Dr John Pugh]

children they are taking on a serious responsibility and they wish to be properly trained so that they can discharge it.

There is much to be done, and as ever there is a shortage of funding. There is also something of a learning curve, as always when educational progress is made. However, I want to finish on an optimistic note. It is an exciting prospect that mainstream school provision and society as a whole is coming to terms not only with the needs of Down's syndrome children but, as anyone who has anything to do with those children will recognise, with the contribution that they can make to the life of society and the school community.

10.25 am

Angela Watkinson (Upminster) (Con): I add my congratulations to those paid to the hon. Member for Bolton, South-East (Dr. Iddon) on securing this debate—it is a very important subject. His reputation as a champion for the Down's Syndrome Association and for children with Down's syndrome is well deserved.

As expected, this morning's debate has been a consensual one. Members of all parties wish the best possible educational opportunities for children with Down's syndrome. I worked in a special school for many years, and one of the first things that I learned was that it is impossible to generalise about children with special needs—they are all individuals. Children with Down's syndrome demonstrate that well, because they span the spectrum of ability.

Improvements in health care over recent years have increased the life expectancy of people with Down's syndrome. Given that many of them are born towards the end of their mother's child-bearing years, their long-term future after elderly parents predecease them is becoming an increasing problem. It follows that acquiring as much independence as possible prepares them best for adult life and that education is the key to that independence.

The first educational hurdle facing parents is obtaining that essential statement of educational needs as early as possible. There is evidence that some parents, particularly those who are less determined or articulate, experience difficulties in obtaining a statement. We have all had letters from constituents about that. It is as well to realise that people usually contact their Member of Parliament only as a last resort: when they have tried everything else—all the normal channels—and they have not succeeded. Therefore, when they come to us they are fairly desperate.

Local education authorities have to bear the cost of the statementing process, which is considerable. They often have insufficient staff to cope with the level of demand and the consequential delays often result in tribunals, which cause additional stress to the parents, and, more seriously, a delay in the pupil accessing proper education.

Most, if not all, statements will include a need for speech therapy. As we have heard this morning, good communication is an essential life skill and is particularly important to somebody with Down's syndrome. As all hon. Members present will be aware, there has been a chronic shortage of speech and language therapists for decades. Even when primary care trusts are able to fund additional therapists, they find it almost impossible to recruit them. The Government face a real challenge to find out why that underprovision has proved so intractable.

I was told that 180 speech and language therapy students graduated last year. The mystery is where they went. What career paths did they choose? Apparently, they did not choose special education. I know from discussions with the very dedicated team of speech and language professionals in Havering that they suffer frustration at being unable to meet the level of local demand, and I know that that is not peculiar to Havering.

Interestingly, some children attending our Sure Start programme are presenting with speech and language problems. Although identifying problems at that stage is highly beneficial to those children, speech and language therapy resources are finite and that early intervention is leaching resources from other areas of provision, such as schools.

I noticed a question that the hon. Member for Bolton, South-East put to the Minister on 13 July on the subject of availability and competencies of speech and language therapists. In her reply the Minister said:

"With the extra investment announced in the 2002 Budget, we expect the NHS to have net increases of at least 30,000 therapists and scientists, including speech and language therapists by 2008." —[*Official Report*, 13 July 2004; Vol. 423, c. 1117W.]

I know that is a global total. How many of that 30,000 does the Minister anticipate will be speech and language therapists, and what progress has been made since 2002 towards increasing the total available?

Access to pre-school and nursery provision is an important building block in the development of a child with Down's syndrome. Learning social and interpersonal skills and gaining self-confidence through play, music, painting and games at nursery school makes those children ready to benefit from the next stage of a more formal learning experience at school.

The next dilemma for any parent whose child has Down's syndrome is whether to opt for mainstream or special school placement. Some families find coping with disability harder than others, and supporting those families is something that special schools are particularly good at. Because they are smaller, it is possible for the staff to get to know the whole family—siblings and parents—and to understand their problems, lend a sympathetic ear and offer a word of support in a way that the demands of a busy mainstream school would make difficult.

The Special Educational Needs and Disability Act 2001 gave all pupils the right to be educated in a mainstream school if that is the choice of their parents. Sensibly, the learning and safety of others must not be jeopardised by the placement of a child with special needs in a mainstream setting, and so the success of the placements depends heavily on the provision of special learning assistants who are properly trained and available for enough hours to meet the child's needs. The special relationship between the SLA and the pupil is essential in understanding the child's difficulties, recognising triggers for difficult behaviour and establishing workable strategies to avert crises in the school day. That support can make the difference between success and failure for the pupil, but the cost is high and can cause severe pressure on school budgets.

The Down's Syndrome Association's survey of parents this year revealed among other things that both types of school have had widespread success in educating pupils with Down's syndrome. The report on the survey contains many supporting statements from parents, many of which we have heard this morning from the hon. Member for Bolton, South-East, but the satisfaction level is not universally high. Some experiences have not been happy and it follows that LEAs need a flexible arrangement whereby mainstream pupils who do not thrive are able to transfer to a special school, and vice versa. In that way, the two types of school can be mutually supportive and offer the best possible opportunities for pupils.

The process must, of course, continue post-16 in local sixth-form and further education colleges, and offer Down's syndrome students a range of opportunities to continue to establish basic skills, and to learn new workplace skills to maximise their employment chances. The London borough of Havering is particularly good at that. Our aim should be that every LEA supports students with Down's syndrome who wish to continue to improve and develop to their full potential.

We heard from my hon. Friend the Member for Castle Point (Bob Spink) about an establishment on Canvey Island that offers business opportunities to physically handicapped people. We need more of such establishments for those people with Down's syndrome who cannot quite cope with the standard employment environment. Having said that, a young man with Down's syndrome who works at my local Tesco has an instinctive idea of customer care. Nothing is too much trouble for him when he is asked for help. He is an asset to the organisation, and others would do well to learn from that. People with Down's syndrome, who often have a charming and helpful side to their nature, would be a great asset to a shop floor or in other workplaces.

Bob Spink: Is my hon. Friend aware of the great benefits to society at large of such business opportunities for physically handicapped people or those with special learning needs? The BOPH on Canvey Island provides printing, T-shirt printing and packing goods for other firms. It provides a very reasonable, high-quality service to the businesses and people for whom it works. It is a two-way process, and we congratulate those people on making use of such an establishment. Does my hon. Friend agree?

Angela Watkinson: I thank my hon. Friend for that intervention. It is a very good example of how Down's syndrome people contribute to the rest of society. It is not always their needs but their contributions that are overlooked, and they have an enormous amount to offer.

The good work being done in some areas must be built on, so that all children with Down's syndrome, wherever they live, can access education without having to fight for it, beginning with that "open sesame"—the statement. That means finding a nursery place with properly trained staff and a school place where they will not be patronised, sidelined or even just tolerated, but welcomed and accepted for themselves and where they will receive learning opportunities suited to their specific needs. There must be a levelling up to the standards set in the good practice that we all know.

If the Minister would like to visit any of the three splendid special schools in Upminster—Corbets Tey and Dycourts, which are for children with moderate learning difficulties, and Ravensbourne, which is for children with severe learning difficulties—or any of the mainstream schools where pupils with Down's syndrome are doing very well, she would be very welcome.

Mr. Deputy Speaker (Mr. Edward O'Hara): Order. Before I call the Minister, may I draw attention to the message on the Annunciator? There will be one minute's silence at 11 o'clock. If the debate proceeds to 11 o'clock, I ask hon. Members not to depart before the observation of the one minute's silence.

10.37 am

The Minister for Children (Margaret Hodge): Like others, I congratulate my hon. Friend the Member for Bolton, South-East (Dr. Iddon) on securing the debate and on the work that he has done on behalf of children with Down's syndrome and the Down's Syndrome Association, and recognise his huge dedication. I am sure that you will agree, Mr. Deputy Speaker, that the quality of the debate has been first class. It reflects well on Parliament when, in a serious debate on a less contentious issue, people try to consider solutions to complex problems that require a lot of innovative ideas, in order to improve the quality of life for any group of people, particularly those with Down's syndrome. I always enjoy debates in Westminster Hall, and this one has been high quality.

I pay tribute to the Down's Syndrome Association. We in the Department for Education and Skills worked with it to produce the support packs for mainstream and special schools, and all professionals who have used them have warmly welcomed them as a valuable resource. I am delighted that, with funding from our special educational needs small funding programme, we were able to contribute to the production of that pack. I am also pleased that we were able to join my hon. Friend when he launched the pack.

My hon. Friend asked whether we would be willing to meet him, and I am sure that Ministers in the Department would be. He will be interested to know that Lord Filkin is taking over day-to-day responsibility for these issues. I shall be speaking to Lord Filkin later today to remind him of my contribution in this debate and the commitment of his time that I have given.

The report that the Down's Syndrome Association put together, entitled "Access to Education", which I read last night, is a good piece of work. It is based on the experiences of 1,500 parents of children with Down's syndrome and how they have been affected throughout the school system. All too often we do not undertake such a wide survey, but good voluntary organisations and interest groups can do very important groundwork on which we can build.

The report mirrors the findings of the Audit Commission report that was published in 2002, which I am sure hon. Members have read and highlights many of the problems that need to be tackled. Statementing is a battle. It takes far too long and is a struggle for far too many parents unless, as hon. Members have said, they are articulate and persistent. We ought to support

[Margaret Hodge]

parents when their children move into the education system, as they try to think through what is best for their child with special education needs. The last thing that they need is a battle with professionals in the local education authority. They need support at just that point, which is why we are trying to do more work around such issues.

My hon. Friend the Member for Heywood and Middleton (Jim Dobbin) and the hon. Member for Southport (Dr. Pugh) discussed the importance of supporting parents, and I could not agree with them more. That area of public policy is greatly under-developed. Interestingly enough, it is contentious; we are all too often accused of running a nannying state when we think about what support we can give to parents in all sorts of situations. However, I have absolutely no doubt, given the wide body of research that I have seen, that the state in all its forms, whether central Government, local government or the third arm—the non-statutory sector—must think more about appropriate support to parents in that most difficult task of bringing up children, particularly children with special educational needs such as those with Down's syndrome. The education process, particularly the transition periods that have been talked about a lot this morning, is very important and something with which parents need special support.

Another issue that has been highlighted is that of children who should be taught in mainstream settings sometimes being turned away. I was somewhat shocked by the assertion of my hon. Friend the Member for Heywood and Middleton that LEAs designate certain mainstream schools as appropriate for catering for children with special educational needs and others as not appropriate. That was a worrying statement. With his permission, I shall come back to him to discuss where we are on policy. Clearly, it is appropriate that particular units are attached to mainstream schools for children with, for example, hearing difficulties—partially or totally deaf children—but it cannot be the intent of Ministers that an LEA should designate some schools as not appropriate for catering for children with moderate learning difficulties. We must examine that, particularly the situation in his authority.

Members also said that many staff, particularly teaching assistants, feel ill-equipped to meet the wide range of pupils' needs in today's classrooms. Training is very much at the heart of what the Government are doing. The work force reform agenda around the whole of the team who work in a school is about providing better training, better support and routes to progression for individuals who may come into a school as a teaching assistant and who could move up the hierarchy to other jobs in the school. I take the matter seriously. If we are to be successful in our work force reform, we must focus on the training that we give to all school staff—not just the teachers but others who play a key role, particularly with children with special educational needs.

Much has been said about speech and language therapists. We all have experience in our constituencies of problems with getting enough speech and language therapists. I agree entirely with the Opposition spokesman, the hon. Member for Upminster (Angela Watkinson), about early intervention through speech and language therapy. If we can support children's communication skills at an early stage, it can make all the difference not just to their educational outcome but to their independence and social and emotional development. There is a problem. I have just been talking to my health authority—the primary care trust—which recently withdrew the funding for speech and language therapy in schools. I am battling with them to bring it back.

We are investing a lot more—both in training and through the NHS and education budgets—to ensure that we grow the body of speech and language therapy support. I do not have the precise split in the 30,000 figure that the hon. Lady quoted and which I gave in response to a question from my hon. Friend the Member for Bolton, South-East about how many are speech and language therapists and how many are other professionals. I will try to get that figure and will write to the hon. Lady about it.

Coincidentally rather than deliberately, I am meeting representatives of the Royal College of Speech and Language Therapists later this week to talk about how we can grow that cohort of people. We think that there are more than 1,000 extra speech and language therapists in our schools than there were when we came into government, but there is still a vacancy rate and the problem of training remains.

I have seen some innovative work on speech and language therapy provision. Interestingly enough, it has occurred particularly in Sure Start programmes in which, to tackle the shortage, professional speech and language therapists are used to cascade some competences and training to untrained people so that they can provide much of the routine support that children require. If we can build that cascading process in as a much stronger presence in many more of our institutions, authorities or health authorities, we can grow that competence more quickly than we have done in the past.

A number of Members raised the issue of special schools. We all know that what we are attempting to do is to ensure that inclusion, where appropriate, must be on offer to individual children, especially those with Down's syndrome. I agree with what many hon. Members have said about the benefit that children with Down's syndrome can gain from being integrated into a mainstream environment as long as they are properly supported in that environment. Equally, we wish to provide choice to parents and children and, therefore, to maintain our special schools focus.

Bob Spink: I am not going to ask the question that the Minister thinks that I am going to ask. Does she acknowledge the great benefit that children with special needs can provide for children in mainstream schools?

Margaret Hodge: I do indeed. I have seen that in my own children's education. Their primary school had a good link with a neighbouring school that had children with severe and multiple physical and cognitive learning difficulties. My children benefited hugely from the integration of the two schools, because of their increased understanding of the diversity of the population and their sensitivity in dealing with children who did not have all the benefits that they had. I completely and utterly concur with that point.

In fact, I was proud to take through the House much of the disability legislation when I had responsibility for those issues. I was particularly proud to get on to the statute book provisions about discrimination in education based on disability. I am sure that hon. Members of all parties now agree that those provisions should have been in the Disability Discrimination Act 1995, which the previous Government passed.

A number of Members have said that the one-size approach does not fit all. That is as true of Down's syndrome children as it is of everyone. We are attempting to reflect that, both in legislation and policies. We have a strong legislative background and the discrimination that has been described is unacceptable. However, getting legislation on to the statute book and then changing the practice in LEAs, health authorities and schools is a long-term process. The legislation has only recently reached the statute book and we need to do more.

Let me talk about the strands of our strategy, which the Department was proud to publish. Early intervention is one strand; everybody has talked about how important that is. The hon. Member for Southport built on some important research, and the hon. Member for Castle Point (Bob Spink) also mentioned the matter. I want to say one thing: if we get the early intervention right, we may not have to go down the bureaucratic route of always going for a statement. Much energy is lost in the bureaucracy of the statementing processes. However we have tried to arrange things so that there is a partnership effort, there still tends to be an adversarial element, because local authorities are always worried about resources while individuals want the most for their children. The more that we can move away from formal statementing to agreement between professionals, the better it will be for children, and the earlier the intervention, the better still it will be. I am proud of our early support pilot programme. We are spending £4 million this year and £6 million next year. We want to learn from what works through that pilot programme and to try to evolve that as we develop our early years infrastructure.

As hon. Members probably know, we are also developing the national early intervention centre of excellence. A feasibility study is under way, and we want to work with voluntary organisations including the Down's Syndrome Association to get that right. We are encouraging the delegation of SEN resources to schools so the sort of conflict with the local education authority that my hon. Friend the Member for Heywood and Middleton met could be got rid of. We believe that schools are best at determining how they should use their SEN resources.

The second strand is considering how we can remove barriers to learning. We want to develop inclusive practice so there is no conflict between special schools and mainstream education—although the trend is to try to support as many children as possible in the mainstream system. My hon. Friend the Member for Bolton, South-East mentioned that Rumworth school in his constituency is attached to a secondary school, and the hon. Member for Castle Point talked about Cedar Hall and its relationship to mainstream education. That sort of arrangement is the way forward. That is how we can develop inclusive practice; it meets the needs of individual children.

We are developing a new inclusion development programme. We are trying to bring together all the professionals across education, care, social care and the voluntary sector in order to develop much more effective approaches to children with special educational needs. We are looking first at autistic spectrum disorder syndrome. Having learned from that, we shall look at other particular special educational needs; I have no doubt that my hon. Friend will be pressing me on the subject of Down's syndrome.

We are also looking at how we can develop practical tools and practical material, which we want to publish in 2005. We are looking at proposals for how we can improve the quality of education for children with more severe behavioural and emotional difficulties; we have a group of people working on that. We are looking at how we can improve regional planning of provision, so that we make best use of our special school infrastructure, and then we are looking at how we establish minimum standards for SEN advisory and support services. We are doing some work around that issue with Ofsted in particular.

The third strand of our work is to do with expectations and achievement—a five-year plan about the personalisation of learning and the importance of considering individual needs and determining the educational offer. That concerns my new role, bringing together education and all other children's services around the needs of the child. There is the development of children's trusts, too. All that will lead to improvements.

I shall never forget that one of the first things that I did as Minister for Children was visit an eight-year-old child in her home. She was being educated, but had hugely difficult physical disabilities and needed 24-hour care. She was receiving education in a mainstream school, but had undergone 18 assessments during the previous 18 months from different professionals who were trying to support her. It was completely mad and totally wore her out. Her mother had become the manager of all the different professionals who were supporting the child. Ensuring that those professionals—or the lead professional—work around the needs of the child will make things better for everyone. As we try to raise the quality of achievement and aspirations for children with special educational needs, we are consulting on how best to measure progress—a very difficult area—and on matters such as whether we continue the P scales, to determine whether there are better value-added measures that we can introduce.

A number of hon. Members have talked about transition. That is utterly central, and we have a group of people considering the matter. Some authorities deal with it better than others, but we all have experience from our constituencies of people with learning disabilities or other needs falling through the net as they move from the education system into adulthood. I hope that the youth Green Paper, which we aim to publish in the autumn, will tackle some of the issues relating to children with additional needs and special needs as they move into adulthood, and the services that we provide for them. I was a little puzzled by the issues raised by the hon. Member for Castle Point about people being pushed out of provision at the age of 25. That shows the need for sensitivity at local level.

[Margaret Hodge]

The only area that I have not talked about is partnership. Underpinning everything that we have done is the desire to strengthen partnership between all the players involved, so that it all makes sense to children and places children and parents at the heart of what we do. We will know whether our strategy has been successful when we cease to rely so much on separate structures and processes for children with special educational needs, such as children with Down's syndrome; when all children with special educational needs have their needs met as soon as they become apparent and can feel valued members of the school community; when the barriers that divide mainstream and special schools have disappeared; when all schools work together in partnership and with other services in their locality to meet the needs of local children; and when there is much greater quality and consistency of provision for children with special educational needs, not just across the needs and schools, but right across the country.

Her Majesty's chief inspector of schools will evaluate our progress towards those aims, and we shall constantly reflect and reconsider as we learn from what has worked to establish whether we need to make any further changes to remove the barriers to learning that can prevent children with special educational needs, including children with Down's syndrome, from achieving their potential and contributing to society.

Mr. Deputy Speaker: Before I call Mr. David Kidney, I draw attention to the announcement on the Annunciator. We shall commence the next debate, but we shall suspend for one minute's silence soon after commencement.

Parliamentary Scrutiny of European Legislation

10.59 am

Mr. David Kidney (Stafford) (Lab): Perhaps I should begin by explaining the two incidents during the summer recess that provoked me to request a debate on the scrutiny of European legislation. The first occurred on what was obviously a slow news day, when Digby Jones, the director-general of the CBI, got a lot of publicity for saying that Parliament was asleep on the job of scrutinising European legislation. The second was a Conservative call for the European Scrutiny Committee to sit in public when it holds its deliberations. I should like to deal with both of those issues later in my contribution, but first I shall address the much bigger issue of why this debate is important—but perhaps it would be appropriate to do so after the minute's silence.

The House observed one minute's silence in memory of those killed in Beslan in Russia.

11.1 am

Mr. Kidney: I praise the Speaker's decision to observe a minute's silence, and the way in which you observed it in this Chamber, Mr. Deputy Speaker. It fills us all with great sadness and anger that so many civilians, particularly children, had their lives taken away in the Beslan siege in Russia. Our sympathies must be with the relatives of all who lost loved ones, and our solidarity must be with the Russian people in resisting terrorist activity.

To return to the scrutiny of European legislation, the big difficulty that we face in making our scrutiny in this place successful and effective can be seen in the climate surrounding all things European on the streets of our great country. Let us consider the recent European elections and the again disappointing turnout. Why are people in this country not engaging with the activities of the European Union as a whole? Is it down to disinterest, dislike, or ignorance? Those are problems that we need to explore and overcome.

A second issue is the commentary on the draft constitutional treaty, which is due to be considered not only by the House, but by the public at large in a referendum. Most public commentators treat the constitutional treaty with a degree of hostility and disregard that is most unhealthy for our future relations with the rest of the European Union. Parliament has an important role to play in making our scrutiny of the EU institutions—for which, after all, we are accountable to the UK public—effective. If debates such as this one and the scrutiny work that we do in Parliament add to people's understanding of the European Union and its institutions, so much the better.

It is worth reminding ourselves what European legislation is. Loosely, it fits into two categories—although it is worth pointing out that the draft treaty would make changes to the categories of and the names given to European legislation. At the moment the two loose categories are directives and regulations. Directives are largely frameworks, and national Parliaments are left with the role of legislating in order to transpose the effects of directives into domestic law. Regulations, on the other hand, apply directly in all member states. It follows that different approaches to scrutiny are needed for the two types of legislation.

In respect of both, we ought to ask ourselves how we can influence the final form that will be settled on in the European Union before the legislation comes to this country. In addition, in the case of directives, if domestic legislation is required to give effect to the legislation, we should scrutinise the domestic legislation. It is on that point that we are most open to an accusation that has long been made, that we over-elaborate and overfill our domestic legislation when carrying out our responsibility to implement European directives—so-called gold-plating.

If we are to influence the European Union stages, it is important that we understand how the legislation is formed in the first place. I hope that it is understood in this place—it is certainly not among the public—that the Council of Ministers, not the Commission that sits in Brussels, is the legislature. Largely, the Commission proposes actions and the Council of Ministers legislates—although these days, under the arrangements for co-decision with the European Parliament, something like eight in 10 cases involve both the Council of Ministers and the European Parliament. There is a complex procedure to conciliate any disagreements between them before the final form of the legislation is established.

When we talk about our scrutiny of what goes on in the Council of Ministers, in which our national representative is the appropriate Minister from our Parliament, it is crucial to bear in mind that the Council's proceedings are secret and that we do not know what our representative says and does during those proceedings. Those of us who support the improvement of the European Union and—by and large—the draft treaty for constitutional change, see that the draft treaty would make the proceedings of the Council of Ministers public and accessible to us, which would improve our scrutiny of what goes on there and our ability to hold Ministers in this place to account for the decisions that they make and the votes that they cast.

That is the state of legislation in the European Union; we should next consider our system of scrutiny for that legislation. We have two Houses of Parliament, which have two separate, although complementary, Committee systems for carrying out that scrutiny on our behalf. The two systems may be separate, but there are excellent relations between Committee members in both Houses.

In this House, the European Scrutiny Committee does an extraordinarily diligent job on our behalf in sifting through thousands of documents. I am not a member of that Committee, so I am an objective observer, and I honestly believe that it does a magnificent job. It sifts through documents at the earliest possible stage, sorts out those of particular significance to this country's or to Members' interests, and draws attention to the documents when necessary. An important part of its work has been to uphold the scrutiny reserve when, as they sometimes have in the past, Ministers have gone ahead and negotiated before scrutiny in this place has been completed.

The House of Commons' and the House of Lords' systems have a high reputation, including across the European Union, for the thoroughness of their scrutiny. If anything, the reputation of the House of Lords system is slightly ahead, and that is an additional spur to those of us who want to give attention to improving the scrutiny system in the House of Commons.

The system in this country tends to be document-based. We receive the documents at an early stage and sift through them as I have explained. However, not every national Parliament adopts the same approach. Some prefer what is called a pre-scrutiny model or, in some areas, a mandating model. Our system focuses on the early stages of legislation, when the Commission proposal is first adopted, but the pre-scrutiny model tends to focus on the conclusion of the negotiations in the Council. Perhaps the best-known examples of system are the so-called Nordic models of Denmark, Sweden and Finland. Documents are available about how the Nordic region conducts its scrutiny of European affairs, and my first impression of reading about their systems was that Members of their Parliaments are willing to give up a considerable number of their Fridays to the scrutiny of their Ministers' activities in Council negotiations.

In those countries, there is a very strong tradition of parliamentary control over Governments, and they are willing to allow a Committee to act on behalf of their Parliament in establishing what line they think their Minister should take in European negotiations. Of course, they only have one Chamber, not two, so there is no danger of a conflict of mandates. In the best Nordic systems, the word "mandate" is a bit overstated: Ministers are not sent to Brussels to negotiate with a strict set of rules about what they must come back with. They are allowed some flexibility to negotiate and make compromises. If it were otherwise, it would be difficult for them to have an influence on debate in the Council of Ministers.

Perhaps an obvious question to ask when we talk about improvements to scrutiny is whether if there are two systems—a document-based one and a pre-scrutiny one—it is possible to combine the two. I have heard that some of the new member states, such as Lithuania, are considering developing a traffic light scrutiny system so that, on receipt of the documents, they are sifted through and placed in one of three categories. A red traffic light would mean that Parliament is required to produce a mandate to the Minister about the measure. An amber light would require the Minister to consult Parliament before going to negotiate. A green light would mean that the matter is of little interest to the Parliament and that the Minister should get on with the job.

Why do I have such a keen interest in the subject at present? I am pleased to be a member of the House of Commons Modernisation Committee, which is conducting an inquiry on the future scrutiny of European legislation by the House. I am hopeful that the inquiry and the resulting report will provide a catalyst for changes that improve the scrutiny of European legislation. As part of our inquiry, I know that the Leader of the House has produced a memorandum on his proposals for improvements to the system of scrutiny. It is available for all Members to read. There have been a number of responses to that memorandum: a particularly important one is from the European Scrutiny Committee; others have come from many other parts of both Houses and from outside

[Mr. Kidney]

bodies, including the Corporation of London, the British Bankers Association and the Confederation of British Industry.

That is a useful way of bringing me back to why I took an interest in the subject of today's debate—the story during the summer recess that Digby Jones of the CBI was complaining to the media that Parliament is asleep on the job of scrutiny of European legislation. That accusation is insulting and false, and it should be firmly rejected, but it is fair to say that there is merit in calling on us to bring some of the scrutiny of European legislation in to the mainstream of the work that we do in Parliament, and by so doing into the public's consciousness. It is valuable for us to be stirred into action to prevent the gold-plating of domestic legislation implementing European laws.

The second incident of the summer that stirred me into action was the call of the Conservative party for the European Scrutiny Committee to meet in public when it is carrying out its consideration of European documents. It is fair to say that the European Scrutiny Committee is, as ever, in the lead. In December last year, the Committee wrote to the Leader of the House asking for an amendment to Standing Orders to permit the Committee to meet in public when it is deliberating. What the Conservatives are doing is drawing to our attention that the Leader of the House is yet to make a decision on that request.

The Leader of the House's memorandum has some important proposals in it, which require a good deal of consideration by the House of Commons. The first and most important one is a new forum building on the Standing Committees on the Convention and on the Intergovernmental Conference. The forum would provide for Members of both Houses to meet Government Ministers, and perhaps members of the European Commission and the European Parliament, to deal with questions and debates on matters of importance to the European Union and its relations with this country at a more general level. Some of the subjects that could be considered at such a forum are the White Papers that our Government produce, usually twice a year, about their position on negotiations in the Council and with European Ministers, and the Commission's annual legislative and work programme. Those are, I think, suitable subjects where there is much to be discussed and enough for individual Members' interests to be captured. Such an event would attract a lot of attention from parliamentarians, from the media and, I hope, from the public.

The question of who controls the agenda would be important if we were to set up such meetings. Should arranging a meeting and establishing an agenda be in the gift of the Government or of the House of Commons? I favour the latter. More generally, I would like to see a business management committee that controls the agenda of Parliament itself. Failing that, the European Scrutiny Committee asked that it be able at least to propose subjects for meetings of the new forum, and I support its request.

The other matter in the memorandum from the Leader of the House to which I would like to draw attention is the subsidiarity early warning mechanism. For those who complain that the draft treaty for the European constitution is bad news, that is one of the best pieces of good news in the document. One of the protocols to the treaty—I found it on page 111 of the Government's provisional text of the constitutional treaty for the European Union, Cmnd. 6289—sets out the arrangements whereby each national Parliament has a period of six weeks from the date of transmission of a draft European legislative Act to send to the Presidents of the European Parliament, the Council and the Commission a reasoned opinion why the draft in question does not comply with the principle of subsidiarity. If one third of the national Parliaments' votes on an issue raise a similar objection about an offence against subsidiarity, the Commission must take back the proposal and consider whether to scrap it, amend it or try to force it through. Sceptics will say, "All it need do is wait and send it back out," but the protocol allows the European Court to adjudicate whether the reasoned objection was right or wrong.

That new and important process would enhance our scrutiny, but we would have only a six-week period in which to make our reasoned objection. The Leader of the House makes some comments about how we can effectively use those six weeks to come up with our reasoned objection, and the European Scrutiny Committee has also commented on how that can be done. If we get the process right, we will see an improvement in scrutiny—as long as we ratify the treaty and the new constitution comes into effect, of course.

I do not want to eat into the Minister's time, but I have my own suggestions for improving scrutiny. First, with a pre-scrutiny model, we must give more attention to making Ministers appear before MPs before they attend Council meetings in Brussels. Secondly, and importantly, we must enhance our scrutiny of the measures that we take to implement European legislation in order to prevent gold-plating. Thirdly, as a minor procedural point but an important one for winning hearts and minds, the European Scrutiny Committee should meet in public when it deliberates documents. Fourthly, we should improve relations with Members of the European Parliament and build on the work of the European Scrutiny Committee. The UK's representatives in that Parliament have a great wealth of knowledge, and they can assist us in our work and vice versa. Fifthly, we should treat European legislation not as a part of foreign policy but as domestic policy.

If we were to get the culture right, European legislation would simply be a matter of domestic legislation: the rest would fall into place. MPs would be enthusiastic and discharge their responsibility for proper and effective scrutiny well, the media would report on European laws more consistently and more accurately, and the public would have far less to fear from laws from Brussels. I hope that my suggestions are helpful to the Minister. I will now shut up so that he can respond.

11.19 am

The Deputy Leader of the House of Commons (Mr. Phil Woolas): I congratulate my hon. Friend the Member for Stafford (Mr. Kidney) on securing this debate and raising important issues. People who follow the way in which scrutiny is carried out and the relationship between the legislative and the executive in the United Kingdom and throughout Europe will read

the points that he raised in this debate. In future years they will look back and see that his speech contained a lot of common sense and ask why we did we not see that before. I genuinely congratulate him on raising the issue. He spoke with knowledge, clarity and foresight.

For the record, my hon. Friend is, as he said, a member of the Modernisation Committee, which is holding an inquiry into this issue. His points will be well noted by my right hon. Friend the Leader of the House and will form part of his deliberations and those of the Committee.

I shall explain the big picture of Government policy, then move on to some of the details. My right hon. Friend the Leader of the House and the Government are keen to enhance the way in which Parliament engages with European matters and hope that the Modernisation Committee will find consensus. My right hon. Friends the Foreign Secretary and the Leader of the House have made statements to the House about the issue in recent months. We believe that greater scrutiny of European legislation by this House and the other place is the main way in which to engage the British public with the European Union institutions in a more productive and informed fashion. That requires us to get scrutiny right.

My right hon. Friend the Leader of the House submitted a memorandum to the Modernisation Committee in March—it is available on the website—and strongly argued the case for change. It would be wrong of me to respond in detail to some of the points that have been made, because they are for the deliberation of the Committee, but I shall try to cover some today.

The memorandum acknowledges, as did my hon. Friend the Member for Stafford, that there is much good in what we already do: the European Scrutiny Committee's efficient sifting of the large number of European documents coming before it and alerting the House to those of significance; the corresponding detailed scrutiny carried out by the European Union Committee in the House of Lords; and the work done by the Foreign Affairs Committee and the other departmental Select Committees on European matters. We should be proud of the scrutiny reserve, whereby the Government have undertaken in all but special cases not to agree to European proposals until the House has completed its scrutiny.

However, it must be admitted that the commendable work that is done does not attract widespread interest in the House and beyond. European scrutiny is, sadly, something of a minority interest, even in Parliament, despite the importance of the legislation that is scrutinised. In addition, the work that is done fails to attract the interest of the media or engage the public. As the Government's memorandum to the Modernisation Committee states,

> "There is a worrying and widening gap between our citizens and the institutions of the European Union; and this is not good for our democracy."

We must take steps to engage the public in debate on European matters. European issues should be in the mainstream of our political life—as my hon. Friend said, they are not foreign policies and foreign affairs. The often-heard phrase "When I'm in Europe", ignores the fact that we in the United Kingdom are in Europe all the time.

We must take steps to ensure that Parliament's scrutiny work is done to better effect, and we must respond to the new challenges that arise from the new constitutional treaty. The treaty greatly strengthens the role of national Parliaments—that is one of its main purposes. The Government negotiated hard for that at the Convention and at the intergovernmental conference. The subsidiarity early warning mechanism—the yellow card—is also a substantial advance, and we are grateful to the European Scrutiny Committee and to the European Union Committee for their detailed consideration of how that mechanism can best be implemented. We hope that the Modernisation Committee will take into account the views of those Committees.

The memorandum also sets out in detail the Government's proposals for a joint European grand committee as a successor to the Standing Committees on the Convention and on the intergovernmental conference. I acknowledge that some Members, particularly those of the other House, were not immediately persuaded that a new Committee would add value to our existing structures. The Government believe that it would be of considerable benefit to have a forum in which both Houses could come together to debate European matters and to question Ministers. We also hope that ways will be found to allow European Commissioners to make statements and answer questions before the new body, and perhaps for UK MEPs to attend. I suspect that if that were the case, it would attract widespread interest from the media.

We recognise that those last proposals would require some procedural innovation. If the proposals find favour with the Modernisation Committee, it will be for the House to decide whether to pursue them. In researching the matter, my hon. Friend might have read about the precedent of the Joint Committee on Indian Constitutional Reform, which adopted such procedures in 1933. Once again we learn that in this place there is nothing new.

The memorandum considers the time that is currently allocated to European matters on the Floor of the House and asks the Modernisation Committee to consider whether it continues to be appropriate. It also considers the potential for cross-cutting questions on European matters in Westminster Hall, and sets out several options for reform of the European scrutiny system, which range from abolishing the European Standing Committee system and replacing it with scrutiny by Select Committees, to more modest reform. In large part, the memorandum was intended to provoke debate, and it has succeeded in doing so. Again, let me say that I am very grateful to my hon. Friend for raising the matter. From the evidence that the Modernisation Committee has published to date, it seems that there may be more support for more modest reform, but we await the Committee's conclusions.

The Government's memorandum also invites the Modernisation Committee to consider whether more should be done to encourage Members to engage more fully in the European policy debate. We welcome the increasing joint working between Committees of this House and those of the European Parliament and other national Parliaments. The Modernisation Committee's inquiry naturally focuses on scrutiny of European matters in this House, but we should not forget the role

[Mr. Phil Woolas]

of the House of Lords. As has been said, its European Union Committee is highly respected—perhaps more so than the House of Commons' Committee—for its expertise and detailed scrutiny work. It is essential that any changes that we make in this House complement, rather than duplicate, its work.

Meeting and deliberating in public is a matter on which the Government have yet to take a view. It would be a significant change to our procedures. As everyone knows, my right hon. Friend the Leader of the House is sympathetic to the principle of greater accessibility and has sought the views of the Liaison Committee and the Procedure Committee on such matters. We hope that the Modernisation Committee will be able to come to a conclusion on them.

My hon. Friend the Member for Stafford also discussed control of the agenda, subsidiarity early warning and how we deal with that, and pre-scrutiny and enhanced scrutiny designed to prevent gold-plating. Those suggestions and the others that he made are very strong, and I welcome his contribution to the debate. In conclusion, I thank him for initiating this discussion. The Government and my right hon. Friend the Leader of the House in particular attach considerable importance to parliamentary scrutiny of European matters, and I have no doubt that my hon. Friend will make a very positive contribution to future debate.

11.30 am

Sitting suspended until Two o'clock.

Welfare Entitlement

2 pm

Dr. Vincent Cable (Twickenham) (LD): I am grateful for the opportunity to introduce this debate. I apologise to the Under-Secretary of State for Work and Pensions, the hon. Member for Gravesham (Mr. Pond), and to other hon. Members for the late change in debate title, which may account for the rather low interest in it.

I was driven by three sets of considerations. The first is constituency matters, as is often the case. I have been struck by the large and growing numbers of people caught up in the complexities and practical difficulties of the benefits and entitlements system, and that is the case on a much greater scale than ever before. I do not mean issues of benefits policy, although they do arise; I brought up a case in the main Chamber when the Minister was present a few moments ago, and he dealt with it efficiently and graciously as a policy matter. The kinds of issues that I will describe now, however, are enormous problems and hardships caused simply by administrative difficulties. We, as MPs, essentially deal with the agency concerned rather than the Minister when problems are administrative, but there is clearly a pattern behind the problems.

Secondly, aside from the worm's-eye view of the benefit recipient and the practical problems there, there is what one might call a bird's-eye-view problem of the growing evidence of difficulties of delivery, particularly associated with information technology systems. Just as Parliament broke for the recess, there was a report from the Select Committee on Work and Pensions, and it would be useful to have some feedback about the Government's response to it. That is one of a succession of points that could be made on similar themes.

The third, related point can be approached not necessarily from the side of the Department or the client but from that of employees and is about growing difficulties and stresses within the benefit system. One example, which I will refer to again, involves a lady in my constituency who is close to retirement and who has described events in her local jobcentre to do with jobseeker's allowance. A new system has been introduced, and calls have to be routed through Makerfield in the north of England. The problem is not only that none of the clients can get through to Makerfield, but that none of the staff at the centre can get through either. Large numbers of people are being left without their allowance and are becoming increasingly agitated. My constituent describes fighting breaking out in the local centre because of the considerable administrative difficulties. Such problems are widespread, as I am sure the Minister is aware.

I will start by giving a few concrete examples, which are the primary reason why I wanted this debate. There is a human element to these issues, and I want to bring to the surface some individual cases. The first relates to different aspects of the benefits and entitlements system—not to one pocket of that but all over the place. With regard to jobseeker's allowance, a lady came to me only a few weeks ago. Very many people are in the position of being temporary workers who are able to work for a while and who then lose employment and are normally considered for jobseeker's allowance. The lady in question had never had a problem in previous years,

and she came along this time with a virtually identical set of circumstances but was refused and was given the extraordinary advice that whether she qualifies for jobseeker's allowance depends on who makes the decision. She has now tried to survive for several years on a growing loan.

Another example involves a very conscientious gentleman who had not been out of work before. He applied for jobseeker's allowance and meticulously followed the instructions given by the officials helping him. A slight error was made, entirely on the advice of the departmental officials in the centre that he attended, and he was overpaid by a large sum. He is unable to pay it back and is being pursued very aggressively on the assumption that he is acting fraudulently.

With regard to income support, there are other cases from the past few days. A very elderly lady—she is 88—has been trying to receive income support for the past year with the help of her daughter who lives overseas. She is unable to get replies to telephone calls and correspondence. Like the others, she has had to come to her Member of Parliament to resolve what is essentially an administrative problem.

Another gentleman who has been on income support for some time was cut off six months ago for reasons that were not explained or, perhaps, inexplicable. Despite my repeated intervention with the head of the agency concerned, nothing has been done and no explanation has been given. The gentleman survives on cash provided by his family.

Two cases are connected with different parts of the agency, but illustrate the kind of problem that I describe. They relate to pensions. One gentleman who qualified for his pension last December was not paid and repeatedly sought an explanation. In August, the Department acknowledged that the matter needed to be investigated, but it has still not been resolved. Letters have been going backwards and forwards to Alexis Cleveland, but, as far as I am aware, the issue is still as it was.

An even worse case involves a gentleman who qualified for his pension last December. Again, he was not paid. Eventually, through my intervention, it was acknowledged that there had been an administrative error and that he should be paid. However, that decision was made eight months after the start of the delay, and he was told that only three months' payments could be backdated.

There are hundreds of such cases; we all have them. My concern is that they are, perhaps, multiplying and that there is some systemic, underlying problem. That systemic problem comes under several headings: the information technology systems operated by the Department; the growing complexity of the system of application for benefits and their processing; and the system for dealing with errors, which is becoming a major issue. How does one deal scientifically and fairly with large numbers of errors? The fourth heading would involve consumer service: points of contact through call centres and by correspondence. How is that monitored, and how does one deal with what, patently, are failures?

First, I shall say a little about information technology deficiencies. I recognise that the Department for Work and Pensions has a massive information technology task. It does not deal with simple problems; they are inherently big and difficult. It has been said—this may or may not be true—that the Department's IT system is the largest in the world. I understand that 35 different systems are in operation. As the Minister knows, they have been subject to frequent scrutiny in Parliament and frequent criticism. There have been the reports by the Comptroller and Auditor General and the Public Accounts Committee on the Child Support Agency and its three operating systems, the errors with the state earnings-related pension scheme and the general problems of benefit data being scattered between lots of different computing systems.

There have been some more recent disasters, notably involving the national insurance recording system, two or three of which have occurred in the past few months and are causing real hardship and difficulty. The first disaster relates to the Child Support Agency entitlement system. The report produced just before the summer by the Select Committee on Work and Pensions concludes:

"Despite some signs that aspects of the service are improving, the performance of CSA's IT programme and new telephone system remains unacceptable."

Many of us have seen that in practice, and it is two years since the system was supposed to be operating fully and efficiently. I know that my hon. Friend the Member for Northavon (Mr. Webb) has done serious research on that issue. I believe that something of the order of 95,000 people have been missing their payments, many of whom are single parents and in considerable difficulty. Will the Minister say whether, as the former Secretary of State, the right hon. Member for Oxford, East (Mr. Smith), hinted a few weeks ago, the system is now so bad that it will be scrapped? Is that the intention, or is the intention to try to make the system better? If so, what will be the time frame and the specific targets?

Unlike the Treasury, and the Paymaster General in particular, the Minister is not directly responsible for the second system that is working extremely badly: the child credit and the working families credit. I was given a good insight into how that system is operating when an official who works for the agencies wrote to my right hon. and learned Friend the Member for North-East Fife (Sir Menzies Campbell) about their experience as a recipient of child tax credit but from the standpoint of someone who had dealt originally with national assistance for the best part of 20 years. The official stated:

"I am driven to writing to you because my experience as a recipient of Child Tax Credits leads me to believe that a poorly designed scheme has produced a third rate service to the public, a demoralised work force, and is costing a large and probably unquantified sum on sorting out a high error rate."

The system was explicitly and rather brutally criticised in the recent report of the Public Accounts Committee. For example, paragraph 6 states:

"The Department and EDS"—

the computer operator—

"had not foreseen that the new tax credit systems would prove unstable and not fit for purpose."

That case is already well made and well recognised.

Another instance of IT systems failing dismally and causing enormous problems for our constituents occurred a few weeks ago. I am sure that the Minister is well aware of the difficulties with Post Office card accounts. Many pensioners who took up the offer of a

[Dr. Vincent Cable]

Post Office card account found that they could not receive cash through the post office or that they received excessive amounts. The system had to be closed down. Again, I am sure that the Minister will give us a report on that incident, but it would be useful to know how he proposes to deal with the residual problems associated with it, making sure that that does not happen again. It also leaves a legacy: will the pensioners or benefit recipients who have already received their money be required to pay some back, and under what circumstances will that happen?

Mr. Steve Webb (Northavon) (LD): My hon. Friend refers to specific incidents. Did he come across the problem that postmasters who wanted to use the emergency mechanism available to them when faced with a member of the public desperate for cash could not get through on the emergency helpline?

Dr. Cable: No, I had not encountered that problem, but it adds further grist to the mill. It is clear that the whole system is surrounded with enormous practical difficulties, many of them originating in the fact that the software and the system are not functioning properly.

The Department and the Minister will have to digest the Work and Pensions Committee's conclusions on how the Department's IT projects are working, but it might be useful if the Minister gave us some preliminary indication of how he judges the matter. One general conclusion in the unanimous report of that Select Committee is particularly worrying. It states:

"We heard evidence that DWP is growing into an 'intelligent customer'. However, despite the undoubted progress, a number of witnesses were not optimistic that major IT failures were a thing of the past."

There is a large number of recommendations in the report, and I do not propose to go through them all. However, it might be useful to have a preliminary indication from the Minister as to how he would deal with them.

The problems that I and others have encountered could fall under a second general heading of complexity. The complexity in the benefits and associated entitlements system is staggering. With his background, the Minister will understand the difficulties that such complexity poses. Two years ago, the National Audit Office reported on the problem. At that time, there were 23 different substantial benefits, 16 of which were connected to each other in 30 different ways. There are now 35 basic benefits, as opposed to 23, and of course the complexity has multiplied exponentially.

The complexity is not simply in the sheer number of benefits and their connection to each other but in the way that our constituents have to apply for them. As I understand it, the new pension credit application form has 12 pages and there are 16 pages of explanatory notes. Many elderly people are totally unable to handle that, so they have been offered a helpline; but under helpline procedure, a considerable amount of quite sophisticated information must be collected before any help can meaningfully be offered. For many other key benefits, applying is extremely complex. For example, attendance allowance has a 19-page application form. It is not surprising that the Child Poverty Action Group's current chief executive says:

"The system is very complicated and it is far from easy to make a claim".

I became heavily involved in the issue of Post Office card accounts as a result of recent changes in the Post Office and because I spoke on Post Office matters until recently. The problem with the Post Office card account operationally—as opposed to in principle—was that there were eight separate steps before a benefit recipient or pensioner could get a card. As a result of intervention from the Deputy Prime Minister, action was taken to reduce the number of steps from eight to seven, but the process is still causing enormous problems.

My hon. Friend the Member for Northavon has done some work on that, and he established through the Library that a significant number of people, particularly pensioners, were getting trapped between the invitation stage and the next step in the application. Many have simply not been able to proceed with their card applications, and large numbers of applications are missing. It would be useful to hear how Post Office card accounts are proceeding. Are there are any blockages, and how do the Government propose to deal with them? What happens to people who have got to the invitation stage but do not proceed any further? Do they come under the default mechanism, whereby people are sent a cheque through the post, rather than being required to use a bank? There are many uncertainties about that process, and it would be useful to have help on them.

Some of the letters to which I referred earlier deal with what might be called error management. Any system will generate error; that is understandable, and in a big and complicated system, there will be many and various errors, but it is important that there is a good, speedy, courteous and efficient system for dealing with them. The problems are considerable, particularly in relation to the tax credit system, under which there have been large overpayments. There is a history of people being aggressively pursued for repayment of very large sums that were acquired through no fault of their own, and people find it exceedingly difficult to pay. It would be useful to hear how the Minister, who clearly is not directly responsible for the matter, views the interaction between benefits payment and tax credits where errors have occurred.

Some constituents have told me that their benefit payments are being cut because an overpayment error has been made in the tax credit system. There is a danger that they will be faced with a double demand for repayment through the Inland Revenue. Perhaps the Minister could explain how error management is being looked after. What is the degree of co-ordination between his Department and the Inland Revenue in ensuring that there will be no escalation of the problem of excessive demands being made of people who have been overpaid?

There is a particular problem with the Child Support Agency; as the Select Committee report produced just before summer points out, the error rate is between 10 and 14 per cent. The report's most optimistic prediction is that the error rate will be halved to 5 to 8 per cent. My understanding is that the National Audit Office figure for an acceptable error rate in an efficient Department is about 1 per cent. What is the time path for getting the system to approach some level of acceptability?

My final general point is about consumer service. There is little doubt that most employees of the Department do their best under difficult circumstances to be helpful and courteous. Many are outstanding individuals, and in many cases I give them credit for working under difficult conditions. However, there are clearly areas where customer service does not work. I shall highlight just one case, that of call centres. People make many calls and are unable to get replies or, in many cases, cannot even get through. Is there such a thing as a protocol governing what is expected of call centres and the way in which call centres relate to clients? It has been suggested to me that people who work in call centres on behalf of the Benefits Agency are specifically told not to make outgoing calls, which makes it difficult to deal with people who have left messages and made genuine inquiries.

One big change that will affect the Department for Work and Pensions in the coming months is the large cut in manpower, which we understand to be of the order of 40,000. It is perfectly possible to reduce manpower in that Department without a reduction in efficiency of service. I am not totally committed to the idea of jobs for life and of preserving jobs the way they are. None the less, it is difficult to see how the stress on the Department, including the management of the IT systems and the high error rates, can possibly be overcome in an environment where there is a large reduction in the numbers of staff.

It is said that staff cuts will not take place on the front line, but if they take place in back-office services, does that not imply a reduction in the support for IT systems and the efficiency of call centres? I have no idea how the reduction will be managed, but it would be helpful if the Government explained where the cuts will take place, in terms of occupation and geography, how they will be managed, who will be involved and the time frame in which the process of staff contraction will take place.

2.22 pm

Mr. Steve Webb (Northavon) (LD): My hon. Friend the Member for Twickenham (Dr. Cable) is noted for the calm and analytical way in which he carries out his work in the House, and we have all benefited from the way in which he has brought to the House's attention just a sample of the large number of constituents who encounter problems with the welfare system, broadly defined. His analysis of IT issues, the system's complexities, the response to errors, and consumer service provides a structure that we might follow through the debate to ensure that the Minister provides us with a response on each area.

The Child Support Agency as an organisation has gone from bad to worse. It had a very unhappy birth, having been set targets that were unattainable from day one. From the beginning, therefore, it pursued the easy cases, the people who were already paying, in order to get them to pay more. It was much easier to meet targets not by doing what it was supposed to do, which was to chase the people who did not pay at all, but by chasing those who were paying in order to try to get more money out of them. The CSA alienated many people, and it has not recovered from that.

Several pieces of child support legislation have changed the way in which the CSA operates and how maintenance is calculated and collected. Yet, well over a decade after its introduction, it is as shambolic as it was in the beginning.

Many constituents, represented by Members from all parties, find their dealings with the Child Support Agency among the most maddening things that they do. My hon. Friend the Member for Colchester (Bob Russell) remarked in a debate in this Chamber that the CSA is not exactly part of the healing process. It is anything but, and it often makes matters worse.

My hon. Friend the Member for Twickenham raised the issue of administration of child support. All hon. Members who want to provide a quality service to their constituents are perfectly happy to contact the CSA on their behalf, but we would far rather be redundant in that role and see a mechanism whereby people received quality of service first time round, at least in the 99 per cent. of cases to which my hon. Friend referred, and see a similarly effective mechanism for resolving their problems in the remaining 1 per cent.

Only this lunchtime, as I checked my incoming e-mails, I received one about the CSA from a constituent I had been trying to help and who had been on to the CSA's hotline. I appreciate and pay tribute to the knowledgeable and thorough staff who respond on the MPs' hotline. I was in touch with them some months ago about the case, but because I had stopped pushing, the situation had been put on hold. My constituent said that it was six weeks since anything had happened. She was told six weeks ago that her case was urgent, but when she rang yesterday she was told that nothing had happened in those six weeks, that it was on someone's desk and that, if she was lucky, it might be dealt with next week. There is no sense that the agency has got a grip on what it is meant to be doing. It simply does not seem able to cope.

We talked about the new computer system. I bring to the Minister's attention the feedback that I get when I ring the MPs' hotline for the Child Support Agency. The first question is whether the case is a new or an old one. In other words, is it on the new, multi-million pound flash computer or on the off-the-shelf, rubbishy one from the 1970s? If I say that it is a new case, they groan. They say, "We are sorry but we can't tell you much because we don't have much information. The new system doesn't enable us to tell you what you want to know. If it were an old case, we'd have a notepad and could give you information for your constituents, but the new computer system is not as good."

I find that extraordinary, because when the Government said to the House that they wanted hundreds of millions of pounds for a flash, new computer system and that they wanted to reform the entire child support system, the reason they gave was that the system was running on a rubbishy old computer that had been borrowed from the Americans in the 1970s, which was not fit for purpose. They said that all would be better when we got the new computer. However, here we are, and I guarantee one thing: the Minister will not today give us a date or tell us when the new computer will be working properly. I do not know whether it will ever be working properly, but people want to know.

[Mr. Steve Webb]

My hon. Friend the Member for Twickenham referred to the fact that the date at which we switch to a new computer system is not just an administrative point but one that makes a substantive difference. People on the new system would be allowed by law to retain some of their maintenance—£10 a week—but under the old system, they cannot get that money. How much longer should parents and children have to suffer financially because of the incompetence of EDS, the Child Support Agency and the Government when it comes to managing IT projects? It is children in poorer families, living on income support, who are affected by that. In the perhaps insufficient number of cases in which some maintenance can be got out of the former partner, is it not outrageous that, because of the Government's incompetence at managing computer projects, the children do not get the £10? For every extra week that the Government delay and that the system does not work, the children will not get £10. That seems to me totally unacceptable, and I think that the Minister owes the House an explanation about when it will come to an end. All we get is bland assurances: "We do not want to change to the new system until we're sure that it's working". Of course we do not, but when will that be? Does not the House deserve to know that? Perhaps the Minister can break with tradition and tell us.

My hon. Friend mentioned something else: the other side of the coin. We have the customer—the member of the public—who deals with the agencies, but we also have the poor souls who work for those agencies. They often have to deal with wholly inadequate IT systems and with irate members of the public. While I would not defend aggression towards, or abusive treatment of, public servants—that is totally unacceptable—I see the flipside, which is that people who work for the agencies have to put up with a lot of angry people.

It is no coincidence that, as the House may be aware, the Department for Work and Pensions consistently fails to meet its targets for staff sickness. The Department set targets to cut staff sickness, yet sickness has gone up. Within the Department, the Child Support Agency has one of the worst records for staff sickness, because at times it is a horrible place to work, because workers have to deal with rubbishy computers and members of the public who are given a rubbish service. I wonder when the Department will become a better employer so that members of staff want to turn up to work in the morning and do not have to deal with the wholly inadequate structure that the Government have put in place.

It would be nice to think that the Child Support Agency, which has been a source of dissension for a decade or more, was the only example of that problem, but the Government have contrived to invent new ones. As my hon. Friend said, the tax credits system is perhaps the classic example. I liken the experience of members of the public who receive tax credits to that of being on a rollercoaster. One month they are quids in, the next month they are down, then they get a claw-back, and then an overpayment, and they never know where they stand from one month to the next. They do not know whether the call or the knock on the door will come that says, "Sorry, but you were never entitled to that money that we gave you and we want it back." Ministers give us assurances that that will be done terribly humanely and that discretion will be shown and some of it written off, but the Inland Revenue does not seem to know that.

I had a case recently where someone had had a substantial overpayment and it looked odd. He could not understand how he could be entitled to all that money—given the rhetoric of Ministers, though, he thought that maybe it was that generous, as he had certainly been told how generous it would be. He rang up the Revenue and said, "Are you sure this is right?" He was told, "Yes, that's right." He double-checked that the figure was right, and thought, "Fine. I don't understand how the thing works." The credit is, of course, fiendishly complicated. I served on the Standing Committee that considered the relevant Bill, and I do not quite understand how tax credits are worked out. Members of the public are given a figure, and if they ring and check it is correct, they have a right to assume that they can rely on that money.

The gentleman in question paid his father back money he had owed him for years, which he had been given for an emergency. He said, "I thought at long last I could clear my debts. We went on a holiday. It's been brilliant." But I think the whole House knows what is coming next. The Revenue said, "Terribly sorry. We set your income at zero, so we have given you far too much money." Now, the Treasury made that assumption in relation to something called the working tax credit, and I hope that the Minister will explain to me how someone can receive the "working" tax credit but not have any earnings. I find that rather confusing.

The Revenue is now after the money, which runs into thousands of pounds. The Revenue's letter says that it accepts that the mistake was its fault, but that my constituent should have realised he was getting the wrong amount. He did smell a rat, it did look wrong, so he rang up and checked, and the benefits people said, "No, it's fine." How much more does a member of the public have to do? How far do people have to understand these fiendishly complicated systems? This comes back to the important point mentioned by my hon. Friend the Member for Twickenham: errors will be made in the best of systems, but how do we respond to them? His comment is quite right: we need proper protocols for responding to errors. The gap between the rhetoric that we hear in this House about the tax credit system and the reality for our constituents is a gulf.

What can we do about this rollercoaster? When errors are made by a Department and members of the public could not realistically be expected to understand what is going on, they should be written off. It is unacceptable to claw that money back, especially when it has already been spent. The tax credits fiasco has been CSA mark 2. A big Government IT project par excellence has messed up the lives of thousands of people.

It is interesting that with the exception of the new pensioners mentioned by my hon. Friend, all the other cases he referred to related to the means-tested benefits system in one way or another. It tends to be the case that the more complicated the system and the more involved it is, the easier it is for officials and the public to get things wrong, and the more difficult it is to put things right.

If we are to deliver financial support to people on the basis of their annual circumstances, which is what the tax credit system does, we are asking for trouble. We are

expecting a household—these are household means tests—to report every change in circumstances during the course of an entire year. I have sat down with constituents who have got depressed, stressed and angry trying to explain every change in their circumstances to the people on the helpline, which is not always appropriately named. It was literally a case of explaining, "Last week, my wife did overtime, and this week she wasn't well so she was on sick pay for half the week, and I did some extra hours, which took me over this threshold." The system must look good to the whiz kids in the Treasury and the Department for Work and Pensions on their microcomputers, screens and charts, but it does not fit the complicated lives of real people.

Government policy must surely be directed towards simpler systems with a minimum of bureaucracy, which do not need to be changed every time someone's life changes and do not require the state constantly to keep track of people's individual circumstances. The Government have gone in precisely the opposite direction.

On delivering the money, my hon. Friend mentioned payment through the post office and, again, the infamous IT problem. As I understand it, we are talking about the Monday before the August bank holiday, and, for historical reasons, people with order books expected a double payment. The computer—I am not sure that computers just do things; I think someone probably tells them to—dished out double payments to about 190,000 people, mainly pensioners but not exclusively so. The story I have been told—the Minister may have a better version—is that someone realised that this was happening and metaphorically pulled the plug. However, that someone was in America. He pulled the plug and then went home. So when British customers started trying to get money out of their Post Office card accounts in Britain, the system was not working, but the people in America were tucked up in their beds. That may be a myth, but I do not understand why systems have to be transatlantic. One hears about such systems being subcontracted to low-wage call centres in Asia, but I am bewildered that the banking aspects of the Post Office card account have to be run from America. That is certainly not designed to provide a better quality of service, because it adds another dimension of complexity.

The ultimate irony was that the people whom the Government bullied into giving up their pension books and going over to the Post Office card account could not get their money. However, people who had hung on to their pension books were able to hand them over and get their money, because they still worked perfectly well. Is that not a parable for our age? The Government drive people into systems that, in many cases, they do not want to be part of, but fail to deliver or to keep their promises.

The Government spin is that the system is an anti-fraud measure, but they cannot even do the basics right and deliver people's money. Even when the postmasters rang the emergency helpline, they could not get through. What kind of a farce is that? One wonders what the Government can run if they cannot run an emergency helpline.

Pensioners were not the only ones affected that day. I encountered a mother with her children. She had run out of cash. She goes to one of the post offices in my constituency on a Monday to pick up her income support, then takes the cash to the supermarket down the road to do the week's food shopping for the children. I understand that she literally had pennies left in her purse when she turned up to be told, "Come back tomorrow." That is unacceptable. The Minister is smiling but I do not think that it is funny. It is totally unacceptable that people should have to put up with that quality of service—if that is even the right phrase.

My hon. Friend also referred to the Department's plans to shed tens of thousands of staff. The principal reason given is that the IT is so wonderful that people can be moved from the back office, and some will go to the front office to provide customer service, but the rest will no longer be needed. It beggars belief that the current system can be regarded as so good and efficient that there is surplus capacity and that the priority for that surplus is to get rid of staff. If all those people are sitting around doing nothing all day, which I find it hard to believe, why do we not get them to sort out the backlog at the Child Support Agency or answer the phones for the tax credits system? Why not use them to improve quality of service rather than sacking them? We have heard many examples of poor customer service, and I am sure that we will hear more from the hon. Member for Wycombe (Mr. Goodman). However, the Department will have fewer people processing claims and dealing with applications, so it is hard to understand how what we see on the ground fits with the rhetoric about how the IT will sort the problems out.

Where do we go from here? Clearly, the direction of the Government's policy and strategy has been wrong. We all accept that there will always be a case for a residual means test. There will always be people whose circumstances are extreme or unusual and do not fit, so there must be a safety net or a catch-all to ensure that nobody falls through. However, that should be for the few, not the many, and I do not apologise for using that phrase again. It should be a way of catching those who fall through or for whom there is no alternative approach. What we get instead is mass means-testing of our elderly or of the working-age population, which forces vast numbers of people through immensely bureaucratic systems. Money that could be spent on helping people is being spent on bureaucracy.

The typical pension credit claim costs about £4 a week—£200 a year. Tens of thousands of people do not even receive that much from the system. I accept that there are teething problems in getting people on to the correct retirement pension. My hon. Friend gave some examples, and I have also found some, of people hitting pension age and not always getting their correct pension from day one. The NIRS2 computer, which my hon. Friend mentioned, is another legendary fiasco of the Department. Getting people on to the correct pension is sometimes tricky, but once they are on it, it is—widowhood and similar factors apart—basically straightforward for the rest of their lives. However, the vast majority of pensioners are in a system whereby they are means-tested for the rest of their lives, and changes in their circumstances mean reassessment. Huge amounts of money are devoted to the bureaucracy of administration—not always high-quality administration—and not enough is devoted to getting money to people.

[Mr. Steve Webb]

I thank my hon. Friend for raising this broad topic, because those of us who spend all our time in this subject area often get bogged down in the minutiae. Today, he has stepped back and said that there are common threads running across different Departments and Select Committees. He described a Government who simply cannot get the IT right and who generate problems for themselves by making the system more and more complex and dependent on means-testing. They are completely out of touch with what our constituents find week in, week out, which is that the quality of service that they have a right to expect is not being delivered for them.

2.41 pm

Mr. Paul Goodman (Wycombe) (Con): I congratulate the hon. Member for Twickenham (Dr. Cable) on securing the debate and on putting at the heart of it what he called the human element when he raised, quite rightly, a series of constituency cases. The human element applies to the person who finds the amount of form-filling required excessive, the person who cannot get through to where they need to on the telephone, the person who is not sure what official has the right to set their benefit at whatever level and, above all—the hon. Gentleman rightly stressed this—the person who believes that there must be a more systematic way to address the increasing number of errors that appear to be creeping into the system.

I hear similar stories from my local citizens advice bureau in High Wycombe and from my constituents in High Wycombe and Marlow. Indeed, all hon. Members will have heard the same stories. That is why the hon. Gentleman should be congratulated. I also congratulate him on his timing. When he secured the debate, he may not have thought that his timing was all that good, given that it clashes with two debates that his party is having in the main Chamber. However, I think that on reflection he will agree that the timing was extremely apposite, because this is the first opportunity that we have had since the appointment of the new Secretary of State for Work and Pensions to debate the operation of the benefits system.

Before moving on, I would like to pay tribute, as I have not yet had the chance to do so, to the former Secretary of State, the right hon. Member for Oxford, East (Mr. Smith), simply by saying that whenever I had dealings with him, which were in fact few, I was always struck by his great courtesy and decency in debate.

The reshuffle has made it clear that the complaints that the hon. Member for Twickenham aired, and the difficulties to which he referred, have crept up, so to speak, to the ears of Downing street. It now appears to believe that there is a connection between the complexity of the system that he described and the strategic direction being taken by the Department, to which the hon. Member for Northavon (Mr. Webb) referred at the end of his remarks. A considerable debate is clearly going on between Downing street and the Department about where social policy will go now.

Will the problems and difficulties to which the hon. Member for Twickenham referred be satisfactorily addressed? We read over the weekend in *The Sunday Telegraph* that Downing street now wants to scrap the disability premium and, in other papers then and since, that it wants in effect to scrap the entire pension settlement that Conservative and, I think, Liberal Democrat Members believe is the creation of the Chancellor of the Exchequer. We read that Downing street wants to do so by variously scrapping or reducing means-testing—I shall return to that in a moment—which is the foundation stone of present pensions policy, and possibly by introducing compulsion and hiking national insurance by 1.5 pence in the pound.

There is a direct connection between the chaos and confusion that now appear to be engulfing the Department's policy and today's debate. As the hon. Member for Twickenham effectively conceded, any country with a welfare system that in theory covers 60 million people will also have one that in practice does not work perfectly. The key to having a system in which benefits and tax credits are paid in full and on time, and in which people receive payments to which they are entitled and do not experience the sort of problems that the hon. Gentleman referred to, is for the system to be as simple as possible. Instead, it is now as complex as possible.

We warned the Government when they originally introduced the tax credit system that there was a great problem at the heart of it: the Inland Revenue and the Department for Work and Pensions—formerly the Department of Social Security—exist for different purposes. The hon. Member for Northavon referred to that. He referred to the difficulty that has come about from trying to turn the Inland Revenue, which is used to examining what people do annually, into a Department, which, like the Department for Work and Pensions, is used to trying to find out what people have been doing each week. Traditionally it has not been the Inland Revenue's purpose to try to establish where one was last week, where one might have lived, what one's income was and whom one might have been with. Great problems have come about as a result of meshing those two systems together.

It is worth running through the record. In the space of four years between 1999 and 2003—we are not even talking about between 1997 and 2003—the Chancellor abolished family credit; introduced the working families tax credit; introduced the disabled person's tax credit; introduced a child care credit; introduced an employment credit; introduced the children's tax credit; introduced the baby tax credit; abolished the working families tax credit; abolished the disabled person's tax credit; abolished the children's tax credit; abolished the baby tax credit; introduced a child tax credit; abolished the employment credit; and introduced a working tax credit. I could not remember all that without notes, and I doubt whether the Minister or the hon. Member for Northavon could either. I am certain that scarcely one, if any, of my 74,000-odd constituents could.

In a system that complex, two main structural problems will arise that will affect the administration and delivery of benefits—besides the attack on independence, privacy and dignity that most pensioners, and such interest groups as Age Concern and the National Pensioners Convention, believe means-testing represents.

The hon. Member for Northavon alluded to the first such problem, which is the scandalously low take-up rates that arise from systems that are that complex. The take-up for the minimum income guarantee was 66 per cent. before it was taken up into the pension credit. That means that the non-take-up rate was 34 per cent. In other words, one third of the most vulnerable pensioners did not receive a penny from the MIG.

According to the latest figures, take-up for the pension credit is 3.1 million pensioners out of 5.1 million. In other words, almost 2 million pensioners are not receiving the pension credit to which they are entitled. The non-take-up rate of pension credit is almost 40 per cent. and, therefore, almost two out of five of the most vulnerable pensioners are not receiving a penny from the pension credit. It is worth pointing out that that is not because the Government want low take-up but because of the massive complexity of the systems involved, the difficulties of getting through on the helpline, the form-filling, and the fact that the pensioners concerned may come to believe that they will not get enough back from the pension credit to make it worth their while dealing with the administration.

Even if the Government hit their own target for 3 million households to receive pension credit by April 2006, that still means, according to the Government's own projections, that 1.4 million of our most vulnerable pensioners will not be receiving it. Even under the Government's own plans, for which Ministers budget, it is assumed that one in five pensioners will not benefit from the pension credit, and they are almost always the very poorest pensioners in our society. That is why *The Guardian* reported this morning that the Government's social exclusion unit has found that the pensioners and those who claim benefit who are hardest to help—such as, I suspect, some of my ethnic minority constituents in High Wycombe—are not being helped by such systems.

Such take-up problems were shown in their most extreme form earlier this year by the debacle to which the hon. Members for Northavon and for Twickenham referred and which accompanied the launch of the child tax credit. At one point, approximately 800,000 families who had made a claim were not receiving the money to which they were entitled and some children were missing out on free school meals and milk tokens.

That story neatly illustrates the other main structural problem—the first being the expansion of means-testing—that affects the administration and delivery of welfare entitlement. The serious problems with the computer system used by the Department to deliver that entitlement have been referred to several times already this afternoon. I want to visit the crash on 24 August of the computer system that administers direct payments and which affected so many of our constituents so badly, to which the hon. Members for Northavon and for Twickenham referred. On 24 August, my hon. Friend the Member for Havant (Mr. Willetts) wrote to the then Secretary of State posing a series of questions. He has not yet received a reply, and I suspect that he will not receive one from that Secretary of State. Will the Minister tell me whether the American story related by the hon. Member for Northavon was correct? How many pensioners were affected? When did the computer system stop authorising payments? At what time was normal service resumed? Was the breakdown triggered by the bank holiday the following week, as was claimed? Can the Minister assure pensioners that the new system will be able to handle holidays in future? Did the system crash after some pensioners received four weeks' money instead of two and, if so, how many pensioners fell into that category and what was the total value of overpaid benefits? Can he give categorical assurance that those problems will not be repeated? If he cannot do so, can he say whether the Department has any plans to introduce a back-up system and, again, if he cannot, will he suspend the plan to withdraw pension books by March next year? I note in passing that the contract to run the Inland Revenue's IT services during the next 10 years has been taken away from EDS, of whom we have heard so much, and given to Cap Gemini.

Then there is the Child Support Agency. At present, 74 per cent. of cases are still on the old system waiting to be transferred to the new system. There is no date on which those cases will be transferred, which means that, as the hon. Member for Northavon said, single parents have missed out on £45 million a year in benefits. Meanwhile, one in three customer calls are apparently abandoned because of the failings of the new system and £2 billion of uncollected child maintenance has been written off by the Department. The hon. Gentleman said that staff sickness rates are among the highest—when I last looked they were the highest—of any section in the Department.

As the Minister knows, there is now consensus that the Government's computer strategy is not working in many respects. The report of the Select Committee on Work and Pensions, on which I serve, to which both hon. Members who have spoken in this debate have referred and on which the Government have, of course, a majority, said in its recent report that Whitehall was hiding "an appalling waste" of public money behind a "cloak of commercial confidentiality".

That is one consensus, but there is also consensus that the Chancellor of the Exchequer-driven mania for means-testing is also not working and that we need a simpler pensions and social security system. That is agreed by organisations ranging from the National Pensioners Convention to the Association of British Insurers.

Either the Minister is as baffled as the rest of us by the reports in the media, which clearly emanate from Downing street, that the Government's pensions policy should be reversed and the welfare system thus simplified, or he is in Downing street's confidence and knows how the apparent struggle between the Prime Minister and the Chancellor is going to be resolved, in which case it would be useful if he were to reply to the points that have been raised in this debate and to tell us what the Department's plans are to make the system simpler. He should also make it clear whether the major step of making the system simpler by retreating from means-testing in pensions and adopting a policy that is nearer to that of my party—linking the basic state pension with earnings—is on the desk of any Minister or about to go to any Minister.

2.6 pm

The Parliamentary Under-Secretary of State for Work and Pensions (Mr. Chris Pond): I congratulate the hon. Member for Twickenham (Dr. Cable) on securing the debate and on raising important issues about the

[Mr. Chris Pond]

complexity of what he describes as the benefit system and the difficulties of delivery, as well as about some of the stresses in the system. While he raised in a thoughtful way some of the issues his constituents have brought to him, I would not like him or other hon. Members to lose sight of how people's lives have changed in recent years as a result of some of the changes that we have made. That was highlighted in yesterday's "Opportunities for All" report. It showed that more than 1.9 million more people were in work than in 1997, that around 2.1 million fewer children and 1.8 million fewer pensioners were living in the absolute poverty they experienced just seven years ago, and that half as many people experienced fuel poverty.

There have been real and considerable improvements in the circumstances of the people we have been discussing—the very poorest who depend on the benefit system—and we are well on the way to meeting our targets. They are ambitious targets, which have never before been established by any Government. They are to halve and then eliminate child poverty.

I want to deal with some of the issues addressed by the hon. Member for Twickenham and raised in the contributions of the hon. Members for Northavon (Mr. Webb) and for Wycombe (Mr. Goodman). The first of them is complexity. The hon. Member for Twickenham is right to draw attention to the fact that the benefit system is complex. It seeks to meet the needs of people in very varying circumstances who often have very different needs. It is a system that has developed over the years. It not only draws on our post-war welfare settlement; that itself draws on many of the provisions of the period 1909–11. Therefore, by definition we have a system that is complex.

Wherever possible and bearing in mind the need to ensure that simplification does not compromise fairness, the Government are determined to ensure that the system is as simple as possible and that it delivers to our customers in a way that is as easily understandable to them as possible. Therefore, in areas such as council tax benefit and disability living allowance, we have made significant moves to simplify the forms. In the local housing alliance this morning, I launched a new phase in our reforms of housing benefit, which replace a very complex system of housing support with a simple standard local housing allowance for each locality that varies only according to the size of household. We are piloting it in a number of pathfinder areas.

In the Pension Service we have devised a new mechanism by which people can claim pension credit. They can do so from the comfort of their own home over the telephone—one of our staff will fill out the form for them—or through a home visit from the local service.

We have heard much about the failures of IT and telephony in the Child Support Agency system, but hon. Members are aware that we are seeking to replace a complex system of assessing maintenance liability, under which up to 100 different pieces of information were needed to make the assessment, with a much simpler, straightforward system. The new system will help parents with care and non-resident parents to understand how much should be transferred from one parent to the other.

We have invested heavily in delivery; over the past two spending reviews, some £2.8 billion has been invested in modern IT infrastructure, Jobcentre Plus and the Pension Service to enable us to operate more efficiently while delivering a high level of service for our customers. For example, as I have said, pensioners can now easily apply for pension credit by telephone or through a visit at home by the local service, instead of being required, as in the past, to visit a drab benefit office. In most cases, once they have made that telephone call and their claim has been verified, pensioners over 65 need not be troubled further for up to five years.

I have to tell the hon. Member for Wycombe, who referred to the take-up of pension credit, that we are proud of what we have achieved in getting 3 million people in receipt of it already. I can confirm that there are no plans at all to allow one in five pensioners not to benefit from the credit in the longer term. We now have a more stringent target, which is to ensure that 3.2 million people receive pension credit, but we will not rest until all pensioners entitled to that help get it.

A recent Age Concern report showed that for most applicants—70 per cent.—the application process was considered easy, and simpler than that for the minimum income guarantee. Some 85 per cent. said that they would recommend to others applying for pension credit. I do not think that that reflects the picture painted by hon. Members of the complexity of claiming pension credit. I must tell the hon. Member for Wycombe that the credit is a targeted benefit because we needed to make sure that we got help to those who needed it most, after many years in which pensions were badly eroded under the previous Government, and in which there had been a substantial increase in pensioner poverty.

We are also improving the processing of benefits, so that more of our operations are automated and more staff can be released to focus on front-line work. Jobcentre Plus will increase the number of customer-facing staff by 15 per cent. We have also been able to reduce the number of offices we use by combining the old Benefits Agency with Employment Service networks to make new customer-focused agencies—Jobcentre Plus and the Pension Service. By centralising processing work in Jobcentre Plus and the Pension Service and making bespoke larger centres, we can achieve further economies of scale.

The reality of all of that is that we need fewer staff to continue to deliver a high level of service to customers, thanks to improved services and more efficient ways of working. The hon. Member for Northavon asks why we do not simply move those staff to the CSA or to work on tax credits to improve the quality of customer service, but I can tell him that customer service is improving. Although we are able to reduce the overall number of staff as a result of the investment that we have made, particularly in DWP, we have given a commitment, and our emphasis is on front-line staff and quality of service.

All hon. Members have referred to difficulties with the CSA as illustrations of what they wish the House to believe are failures of IT systems. As I have said previously, I am as frustrated as other hon. Members that we are not yet able to deliver that new and simpler system of assessment. Hon. Members are aware that we

have had considerable problems with the IT and telephony in the CSA. We have worked closely with EDS, our IT suppliers, to try to overcome those problems. Over recent periods, as the Select Committee knows, we have withheld 15 to 20 per cent. of payments to EDS, to take account of the failures of delivery on IT and telephony.

Things are improving. Some 25,000 parents with care now receive the child maintenance premium. The hon. Members for Northavon and for Wycombe said that they would like to see all parents who are entitled to that premium receiving it, and I concur with that. The reality is, however, that that premium is a feature of the new system and not of the old, and until we can transfer the old cases to the new system, we cannot pay that premium across the board. I am afraid that I cannot make a commitment to a date when that transfer will be made. I repeat that we will not and cannot make the transfer of old cases to the new system until we are convinced that the IT is working effectively. It would be irresponsible to do otherwise.

The hon. Member for Northavon also referred to the tax credits system; he described it as a fiasco. At that point in his address he was becoming increasingly theatrical—he talked about it messing up the lives of thousands of people. Neither I nor most of my constituents would recognise that as reality.

The tax credit system, which represented a transfer of some 6 million people to a new and more generous form of family support, was perhaps the biggest change in family support since Beveridge. Inevitably, in the early stages of making a transfer of that size there were stresses on the system. However, the system is now working much more effectively than it was in the early stages, and I am sure that the hon. Gentleman will acknowledge that many of the problems have been overcome. The tax credit system is an essential part of our programme, which aims to halve child poverty by 2010 and to eliminate it by 2020.

I shall now address the points made by hon. Members about the Post Office card account system and direct payment. The hon. Members for Twickenham and for Northavon made the allegation that we are bullying people into giving up their order books and moving to direct payment, whether to the Post Office card account or a form of bank account. I reassure the House that no bullying is going on. We are ensuring that people understand their options and can make a real choice about the way in which they wish to receive their benefits or pensions. The aim is to overcome the financial exclusion that blights so many people's lives and to offer a more secure and flexible method by which people can receive their payments. Moreover, more than 90 per cent. of pensioners already have a bank account, and we should be wary of being patronising towards pensioners by assuming that, for some reason, they cannot operate a bank account.

Mr. Webb: The Minister used the word "patronising"—the right word for him to use. If, faced with an informed choice about those two options—direct payment into a Post Office card account or a bank account—a pensioner says, "No, I know my circumstances and my preferences, and I prefer the present method of payment", is it not patronising to tell them that that is the one choice they cannot have?

Mr. Pond: No, that is not patronising. It is a reality that we have decided to phase out the order books. They were introduced at the same time as ration books and would have been abolished in 1998, if the previous Government had remained in office and their plans had come to fruition. As the hon. Gentleman knows, 100 pensioners have their pension books stolen every week, and there was an understanding that it is a very expensive method of transferring funds to pensioners. The funds should go into the pension, not the method of delivery. Most pensioners already operate bank accounts; I do not think it at all patronising to assume that the rest, in time, will wish to do so. Some will be unable to operate those accounts, and that is why we have announced a system of cheque-based payments for those who really are unable and unwilling to operate any form of bank account.

The hon. Member for Twickenham suggested that we were making it difficult for people to take out Post Office card accounts. More than 3.8 million people have requested POCAs and more than 3 million have opened such accounts—that does not suggest that people are finding that overly difficult. Independent research commissioned by the Department for Work and Pensions suggests that there are high levels of satisfaction among customers who have transferred to direct payment. Some 91 per cent. of customers stated that they were satisfied with the process of making the arrangements to receive their benefit by direct payment; 93 per cent. were satisfied with the process of having payments made into their accounts. We recognise that some people, including many pensioners, find the final stage of opening a Post Office card account difficult—the stage of returning their account details to the Department for Work and Pensions. We understand that people find it difficult to see any distinction between the Post Office and a Government Department. We are talking to the Post Office and to postmasters to establish whether there is a way of making that simpler.

A number of Members mentioned the events in August—I should say to the hon. Member for Wycombe that 23 August was the date. Having spoken to the chief executive and other senior Post Office managers to get a clear understanding of exactly what happened, I should like to clarify what appears to have happened on that occasion. The hon. Member for Northavon was right in saying that somebody from JP Morgan, the Post Office's subcontractor, apparently turned the system off, having found that multiple payments had been made to certain people. That person did so without the authority of the Post Office, and certainly with no authority from the Department for Work and Pensions. The Post Office card account is a Post Office, not a DWP, product. It was not a system or IT failure, but a management failure—a failure as a result of human error.

We have sought the Post Office's assurances that that will never happen again. There must be safeguards to ensure that, and to ensure that, if it does happen again, the fall-back mechanisms will not fail and people will be able to find out exactly where their payments are. It is unacceptable that pensioners should have been left—

[Mr. Pond]

even for three hours and 53 minutes, as was the case on 23 August—without any means of accessing their money. I have made that point clearly to the Post Office and I know that it accepts that. I have also asked it to pass the message on to JP Morgan.

The hon. Member for Northavon raised the question of whether pensioners and others will be pursued for any overpayments that occurred as a result of that error by JP Morgan. I have made it clear to the Post Office, and asked it to make it clear to its suppliers, that we do not expect any pensioner or any other of our customers to be pursued for the repayment of an overpayment that was no fault of their own. In response to the hon. Member for Wycombe, we are in receipt of the list of questions sent in a letter by the hon. Member for Havant (Mr. Willetts). We delayed responding to the detailed points until after we had received clear responses from the Post Office about exactly what happened, but we will shortly issue a response to the specific points along the lines that I have just outlined.

The hon. Member for Twickenham raised a serious point about some of his constituents who had been pursued for overpaid benefits in a way that he considered unacceptable. As background, fraud and error overall cost the Department and the taxpayer some £2 billion a year, or £80 for every family in the country. We are making considerable progress in reducing the amount of fraud and error. The reduction of 29 per cent. for income support and jobseeker's allowance, which are the main working-age benefits, is well on the way to meeting our public service agreement target of an overall reduction of 33 per cent.

The hon. Gentleman will recognise that we have a responsibility to recover overpayments, even if they are the result of official error. If payment is made over and above the amount that has been authorised—for example, someone may be paid twice for the same period—the Department may invite repayment. In exceptional circumstances, a person's failure to respond to the invitation to repay could lead the Department to consider recovery through civil action, but we are very sensitive on such issues. If the hon. Gentleman will let me have details of the particular cases to which he referred, I will happily pursue them on his behalf and determine whether they have been dealt with properly.

Finally, I wish to address some of the points about pensions, which are of vital concern to all our constituents. In a short time, we will have an opportunity to debate the matter on the Floor of the House on a Liberal motion. The Pension Service has been operational for two years, and it is clear from customer and partner feedback that it is making a difference. Some 81 per cent. of respondents to customer surveys said that they were satisfied with the service that they received. The quality of the staff and information, and the professionalism of the service were commonly identified as the best things about the service. More than nine out of 10 respondents agreed that staff in the Pension Service were polite, treated customers with respect, were easy to talk to and were patient. A network of pension centres provides a primarily telephone-based service for more than 11 million pensioners. It is supported by locally based services that are delivered in partnership with other organisations, offering face to face contact with customers who need it through home visits and at outreach locations.

The new approach to the delivery of benefits and services to our customers means that we have to be smarter about our business processes. As I said, we have increased investment in our IT systems and in our processes overall, and our target for paying pension credit has been increased to at least 3.2 million pensioner households by 2008. That demonstrates our continuing focus on tackling poverty and our confidence in meeting challenging targets.

The substantial investment has meant a transformation of the DWP into an organisation that is focused around the needs of customers. Investment and reform are transforming the welfare state into an efficient system that is tightly focused on actively supporting and empowering people so that they can achieve their potential and get the help to which they are entitled. Modern IT and improved processes mean that we can now get more resources to the front line so that we can continue to deliver a high-quality service with increasing efficiency.

I understand that for our staff this is an unsettling time. That investment, those extra efficiencies and the way in which with fewer staff we are able to provide a higher quality of provision to our customers means that many people who work in the organisation will not be needed in the long term. Although any job losses are regrettable, by improving efficiency we will release resources to make further progress on child and pensioner poverty and get even closer to full employment.

I pay tribute to our staff. The achievements that I outlined at the beginning, from our report, "Opportunities for All", are a tribute to them and something that I much appreciate. I know that other hon. Members of the House will want to join me in paying that tribute.

2.20 pm

Sitting suspended until half-past Three o'clock.

Oversight of IMF and World Bank Policies

3.30 pm

Ann McKechin (Glasgow, Maryhill) (Lab): This year marks an important anniversary for our multilateral organisations, as it is 60 years since the International Monetary Fund and the World Bank were created at the Bretton Woods conference. They were set up with the noble and worthwhile aims of providing global financial stability and growth to avoid the economic disasters that had scarred the first half of the 20th century and had, at least in part, led to world war two. Our world has, of course, changed a great deal during those 60 years and the role and influence of those bodies has altered significantly from the original ideals. Gradually, both organisations have adopted objectives based on an unswerving belief in the benefits of capital market liberalisation, which has certainly benefited the financial markets but has, in many cases, failed to secure the original aims of world stability and growth.

Today, IMF and World Bank activities directly affect the lives and livelihoods of billions of people throughout the developing world. Over the years there have been many criticisms of their policies, and of their policies' consequences, from a wide variety of sources. Despite the talk in western nations of the need for democracy and good governance, however, in many ways those institutions still appear remote and unaccountable to any form of democratic mandate.

At the end of the month, Ministers will attend the annual general meeting of the World Bank and the IMF, but despite the huge power of both those institutions, there has been no opportunity for a debate in the main Chamber of this House or in the other place on how this country's representatives propose to conduct negotiations, or on their voting patterns during the last year. That is the norm, for there has been remarkably little debate or scrutiny of the Government's record in either institution, despite the fact that we hold a permanent directorship on the boards of both and are viewed as a key world player.

Sadly, the United Kingdom is not unique in its lack of parliamentary scrutiny and I argue that that is one of the fundamental reasons why multilateral institutions have failed to address the true needs of the people whom they were ultimately designed to serve. Although they are public institutions, there is no direct accountability to the public. That is understandable, given their global nature; however, that lack could be balanced by ensuring that the operations of the organisations are open and transparent. In reality, they fail to be transparent, with a culture of secrecy ingrained in the institutional framework, and key economic and loan decisions still being taken in closed-door discussions. Some—the IMF and World Bank among them, no doubt—will argue that that provides flexibility, but it also precludes timely debate and criticism in national Parliaments and allows special interests full sway. Probably just as importantly, it creates suspicions that, even when groundless, can feed the forces that can undermine the political sustainability of such policies.

Joseph Stiglitz, a former chief economist at the World Bank, argues in his book, "Globalization and its Discontents":

> "The most fundamental change that is required to make globalization work in the way that it should is a change in governance. This entails, at the IMF and World Bank, a change in voting rights . . . to ensure that it is not just the voices of . . . finance ministries and treasuries that are heard."

At present, voting rights are determined largely on the basis of economic weight, giving the industrialised nations of the world, who are also the leading nations in the financial community, an effective veto on IMF and World Bank decisions. However, as Stiglitz argues effectively in his book, the premise that the creditor nations should hold the real power is fundamentally false, as the IMF almost always gets paid. It is not the same as a commercial bank. The money ultimately comes from the workers and other taxpayers in the developing nations.

That imbalance has led to IMF and World Bank policies being concentrated on the priorities of the financial community; rather than on those of the poor. Two weeks ago, I had the opportunity to visit Zambia as part of an exchange scheme for women parliamentarians organised through the offices of the British Council. For more than 20 years, the Zambian Government have been dependent on support from the IMF and the World Bank. Unlike many of its neighbours, Zambia has enjoyed relative stability and lack of conflict for a long period, and it has a proud record of caring for substantial numbers of refugees from war-afflicted zones in countries on its borders. Despite this record, however, Zambia has become increasingly poorer during that period. It now has the lowest life expectancy of any country in the world: a mere 33.4 years in 2001. In 1990 it was ranked 130 on the UN human development index, but it had fallen to 163 in 2001.

Over the years, the multilateral organisations have imposed a whole raft of conditions on the way in which Zambia's economy should operate, but for much of that time those conditionalities did not lead to better policies, faster growth or better outcomes for the Zambian people. Zambia liberalised many of its domestic industries before neighbouring countries in the region, but owing to the failure to consider the proper sequencing of these measures, the record post-privatisation has been very mixed. Many companies have collapsed, jobs have been lost and, welfare programmes originally carried out through a state organisation have not been continued by private companies.

In the past 10 years, Zambia has sold 257 out of 280 state firms. Unlike the economies of east Asia, which opened their markets slowly to the outside world and in a sequenced way, Zambia was totally unable to compete with international competition, and privatisation has not led to employment growth. Formal manufacturing employment almost halved, falling from 75,400 in 1991 to 43,320, in 1998. In addition, the Government have been required to lower tariffs on a wide range of products to levels far lower than the limits set under World Trade Organisation agreements. The IMF and World Bank have taken an exceptionally long time to admit that historical evidence shows that to develop, exporting countries need protection for a

[Ann McKechin]

period of time from the world's markets, and most if not all of today's industrialised and newly industrialised nations—including our own in the west—have used a wide variety of what would now be considered trade-distorting policy interventions to protect their economies before they liberalised.

Sadly that lesson was not learned soon enough to save Zambia's textile industry—one of the indicators of its transition from a developing country into a more industrialised state. The lowering of tariffs on textile products, and particularly the removal of all tariffs on used clothes, led to large increases in imports of cheap, second-hand clothing from industrialised nations. There were more than 140 textile firms in 1991 but their number had fallen to just 8 by 2002, and employment in textiles fell from 34,000 to only 4,000 in that period. Sadly, textiles is not the only industry in which such consequences have been felt.

The liberalisation of trade also had an adverse impact on Government revenues. During the 1990s, total income from tariffs, which formed a significant part of Zambia's revenue, fell by more than 50 per cent., and with declining gross domestic product overall, Government revenue fell by more than 30 per cent. in real terms between 1990 and 1998. At the same time, however, the IMF and World Bank were calling for fiscal stringency, so spending on important economic infrastructure was heavily cut. During my visit, I met communities who had to wait upwards of 30 years for the most basic health care and school provision—in fact health care and school provision now is similar to that provided prior to independence in 1964. In one area, the local community had built its own school with materials supplied by a US charity, but only had resources to appoint an unqualified teacher. Their literally incredible efforts to give their children a very rudimentary education were truly humbling, yet at the same time there are approximately 5,000 qualified teachers in the country whom the Government cannot afford to employ.

Despite that record, in the very week of my visit, the World Bank representative in Zambia stated, astonishingly, that Zambians should stop complaining about the multilateral institutions of the IMF and World Bank. Apparently, he was under the strange impression that his own organisation was an invincible force for good. As the Zambian authorities grapple with the challenge of reaching the completion point in the heavily indebted poor countries process, they may feel that they are not in a strong position to argue against such arrogance. Despite the recognised efforts of the Government this year to achieve a balanced budget, Zambia will reach the completion date, probably by January next year, with an unsustainable level of debt and will be far from ever reaching the millennium development goals. Any progress that has been made in the past couple of years is agonisingly small, while Zambian people continue to suffer from crushing poverty. Such complacency on the part of the IMF and the World Bank works against good governance and democratic decision making and involvement.

I appreciate that our Government, together with the IMF and World Bank, have placed much store in recent years on the poverty reduction strategy papers process, which is linked to the debt relief programme, as being much more participatory and constituting a genuine dialogue between north and south. However, the incorporation of civil society viewpoints in the final PRSP in HIPC countries does not extend to the macro-economic policies that are underpinned by the poverty reduction growth facility, because that is subject to complete control by the IMF. A poverty reduction growth facility letter of agreement is required before a country can reach the decision point on the PRSP. The involvement of parliamentarians, as opposed to Ministers, in the PRSP process is at best minimal, and in many HIPC nations is almost non-existent.

There is no doubt that there are other contributory factors to Zambia's economic decline, such as corruption and lack of good governance. Nevertheless, the IMF and World Bank have had 20 years of significant influence in the country and its economy but have failed to deliver. If, like a Government's, their policies were truly subject to democratic scrutiny, changes in direction and scope would have happened far quicker.

Last week, in my role as co-chair of the all-party heavily indebted poor countries group, I hosted a meeting to launch a global petition calling for both institutions to recognise the right of national Parliaments to have the right and obligation to be fully involved in the development and scrutiny of their proposals and to hold the final power of ratification. The organisers of the petition, which is supported by the Parliamentary Network on the World Bank, hope to gain support in at least 60 Parliaments and Assemblies from both the north and south of the globe.

Even though we have been back in session for only just over a week, more than 125 parliamentarians from both Houses have already signed the petition, and the response from other Parliaments has been encouraging. The petition has struck a strong chord with elected representatives, who often feel powerless to influence decisions that have such an impact on their electorate. The aims of the petition are relatively modest but can go a long way to establish better governance both in our multilateral institutions and in individual nation states.

I appreciate that no single member of the institutions can effect widespread change. However, I hope that the Economic Secretary to the Treasury will agree that in the spirit of open government engendered by our Freedom of Information Act 2000, it is not unreasonable to ask the Government to disclose their detailed voting patterns as an executive director, together with policy positions and statements made to the board. That would be a good start and act as a catalyst to reform of the way in which the House examines Government policy on those matters.

The Treasury Committee, in its report in April 2001 on the IMF, stated that the actions of the IMF's

"executive board as a whole remain opaque. Most notably neither the votes, nor the minutes, of the executive board are published. We believe that . . . withholding this information limits our ability to hold the Government to account for their actions at the Fund."

Does the Minister accept that such information should be made available as a matter of course?

I know that our Government have in the past supported greater involvement by African nations on the boards of directors, and that is welcome. However,

although the UK, France and Germany have one seat each, the entire African continent has only two. That makes it very hard for parliamentarians in poor countries to contact, let alone influence, their executive director. I hope that my hon. Friend will support moves to give developing nations more say in the IMF and the World Bank, which in turn would make it easier for their parliamentarians to hold their representatives on the board to account.

Given that 70 per cent. of the world's poorest people are women, my hon. Friend will agree that the fact that the boards of both institutions are overwhelmingly male—in 2002, the IMF board was entirely male—is totally unacceptable in this day and age. Have our Government requested a better gender balance on those boards, or do they have any proposals?

If policies are to succeed and gain support from those who will bear the consequences, it is important that the IMF and the World Bank engage genuinely with national Parliaments. The same is true for any policy that we as politicians try to present to our electorate. I hope that our Government will accept that if the PRSP process is to be a genuine step towards better governance, macro-economic changes and loan decisions must be subject to parliamentary scrutiny and approval, just as we would expect if the House were to enter into significant economic agreements with any multilateral institution.

I know that in order to focus policy direction on poverty reduction, the Chancellor has been at the forefront of policy changes in the IMF, but I urge my hon. Friend and his colleagues to ensure that parliamentary democracy and scrutiny are an integral part of future decision making. We all want the IMF and the World Bank to succeed in tackling poverty around the globe, and that would be a significant way of achieving that objective.

3.46 pm

The Economic Secretary to the Treasury (John Healey): I begin by congratulating my hon. Friend the Member for Glasgow, Maryhill (Ann McKechin) on securing the debate, on the clear and well argued way in which she pressed her arguments for reforming the international financial institutions, and on the way in which she brought into play her particular concerns about Zambia. In paying tribute to my hon. Friend, I acknowledge the work that she puts into the all-party groups in which she is an office holder. That all-party view has been a feature of debate about such issues in this House, backed by the commitment of community groups, faith groups and campaign groups beyond Westminster. In the past few years, that campaign has made an important contribution to our pressure on international institutions for the reforms that she and I want to secure. I am aware of the parliamentarians' petition that my hon. Friend launched last week. If 125 Members of both Houses of the UK Parliament have signed it, we already have more than double the worldwide target of 60 parliamentarians per petition that the exercise set.

I welcome the opportunity to discuss the issues, and it is important that we do so in the context of our overall approach to development. The leadership and influence that the Chancellor of the Exchequer has displayed since 1997, to which my hon. Friend paid tribute, reflects the UK Government's firm commitment to support developing countries, strengthen their economies, reduce poverty and improve the provision of basic public services for their citizens. It is a moral imperative to improve people's lives in developing countries, but it is a practical imperative to support more general global growth—a point to which my hon. Friend alluded. She paid tribute to the Chancellor and our support of key measures such as the HIPC initiative, which will bring all countries to a sustainable level of debt. However, much more is needed to ensure that no country that is genuinely committed to reform is denied the opportunities to meet the millennium development goals.

Development will be a defining feature of the G7 and G8 presidencies that the UK is due to take on next year. One priority will be to progress the UK proposal for an international finance facility and to support the WTO's Doha development agenda to increase opportunities for freer and fairer trade. However, for developing countries to be able to make most use of debt relief, aid and more open trade, they must have the economic conditions necessary for growth. Without an economic system to ensure that growth benefits more than just a few in society, the millennium development goals, which will be at the heart of our vision and effort over the next decade, will be missed, even if there is greater international support. The international financial institutions have a crucial role to play in supporting Governments who have embarked on economic reform programmes, poverty reduction and tackling corruption.

To assist the reform efforts, the IMF and the World Bank provide a range of advice and support, but it is fair to say, as my hon. Friend did, that in the past too great a degree of direction has been applied to programmes that those institutions are prepared to support, so that it becomes a case more of directing than of supporting. That is why, as my hon. Friend recognised, the UK fully supported the introduction of the poverty reduction strategy papers process in 1999. That was a major step forward, providing the basis on which donor support to low-income countries can be built around the country's own development priorities. These issues are complex and will take time and effort to get right. We still have not made the progress that we want. The UK Government therefore welcome the recent reviews of the PRSP process by the IMF's independent evaluation office and the World Bank's operations evaluation department. Those reviews made a number of recommendations aimed at strengthening country ownership and improving the capacity of developing countries to reduce poverty. I say to my hon. Friend that we will continue to work to ensure that those recommendations are implemented.

It is correct to say, as my hon. Friend argues and as the parliamentarians' petition asserts, that parliamentarians must play their part in the development of poverty reduction strategies in order to underline and reinforce the ownership of development priorities in the countries involved. It is also fair to say that in many cases parliamentary involvement in that process has been weak. That is due sometimes to a lack of capacity, and sometimes to constitutional arrangements within the countries in question. However, over the last two years,

[John Healey]

the Department for International Development has been working in-country with some of them to support greater involvement of their parliamentarians. The World Bank is now doing the same in the design and implementation of its lending programmes. Ultimately, however, it is for developing countries to decide how engagement with parliamentarians should happen. Donors and international institutions cannot and should not impose that.

The Government recognise the concerns that non-governmental organisations and others, including my hon. Friend, express about the effect that conditions attached to loans and aid programmes can have on the sense of local ownership of reform. My hon. Friend cited the example of Zambia, based on the fact-finding visit that she conducted over the summer. To complement the PRSP process, the IMF has already undertaken a considerable streamlining of its conditionality and is due to review its guidelines again this year. The World Bank has also embarked on a streamlining process. The UK is strongly behind that work to ensure that the international financial institution guidelines support country ownership and are implemented in practice. To develop further the UK's approach to conditionality, the Government—the Treasury, DFID and the Foreign Office working jointly—have prepared a consultation document for discussion with key donor and developing country partners and with NGOs. A first draft of that has been circulated to NGOs, and today sees the first consultation discussion with some of those interests. If my hon. Friend is interested, I will ensure that she gets a copy of the draft. It will be formally published in full a little later. The document sets out where and how the UK believes conditionality should be used by multilateral agencies and by itself as a bilateral donor.

The document argues that conditionality can support but cannot buy reform, that countries should have the space to develop policy options and debate them, that donors need to improve the harmonisation and predictability of aid. However, it also states that conditionality is important for justifying aid spending to parliamentarians and to the public in donor countries—I think that my hon. Friend will probably accept that point. After the period of consultation, the Government aim to publish a final document on their policy towards conditionality next year. We want to encourage the engagement of parliamentarians and elicit the views of NGOs and other groups that have shown an interest in the issues.

We agree with campaigners who make the case—as does my hon. Friend—for developing countries' input to be not just in their own country and into their own programmes, but at every level of the institutions. That is why the UK has supported the agenda of strengthening the voice of developing and transition countries in the IMF and in the World Bank. The Government are committed to measures to reinforce the voice of developing countries in the international financial institutions. We are already a major donor to the analytical trust fund to increase the capacity of the sub-Saharan African executive directors' offices at the fund and at the Bank. We also support exploring options to increase their voice in the boards of the institutions. The South African Finance Minister, Trevor Manuel, leads that work and we hope to see more detailed proposals and analysis in spring. Those issues are scheduled for discussion in the development committee and in the annual meetings of the fund and the Bank at the beginning of next month. If there were to be real progress in the development committee, there would be a real expectation on the international monetary and financial committee to deliver something in the spring.

On the question of scrutiny in this House, which my hon. Friend made a point of raising, I remind her that after the annual meetings last year, the Chancellor and the Secretary of State for International Development appeared before the International Development Committee to update its members and the House on progress. I am sure that if they were invited again, they would be delighted to accept and would welcome the opportunity to pick up these issues with hon. Members then.

On accountability and openness, we recognise that all countries must be accountable to their own citizens in their dealings with the IMF and World Bank. That is why the Treasury has for the past five years produced an annual report on our relations with the IMF, setting out our key agendas and our general positions. We can go further. We will continue to work to make clear the stance that we have taken in the IMF board and how we have voted throughout the year. The next report will make that more explicit, as my hon. Friend urged. As for our relations with the World Bank, this year the Department for International Development has committed to produce an annual statement to Parliament on the positions that it has taken on the World Bank board. In recognising the case for greater transparency, we must also recognise that there are members who fear the effect of greater transparency, especially on the opinions of investors in their own countries. However, we believe that the benefits of transparency outweigh the potential disadvantages.

My hon. Friend began by noting the changing role, priorities, and ways and practices of the two institutions during the past 60 years. That process will continue. This debate has raised some important points about the direction that it should take and I look forward to more debate in this place, especially as we refine the UK's agenda for the important presidencies of the G7 and G8 in the next year. They are an opportunity for this country to play an even greater role in influencing reform in future.

3.59 pm

Sitting suspended until Four o'clock.

Conduct of Elections

4 pm

Mr. Barry Sheerman (Huddersfield) (Lab/Co-op) *rose—*

Sitting suspended for a Division in the House.

4.15 pm

On resuming—

Mr. Sheerman: I am grateful to have managed to obtain a debate on the conduct of elections and the role of opinion polling and opinion pollsters. At one point, I thought I was doomed to lack success in this pursuit—that a Jonah was accompanying my efforts. The last time I put in for a debate on the subject, I secured a one-and-a-half-hour slot, but had to withdraw because it was set for the same day as the Liaison Committee was to interview the Prime Minister for two and a half hours. Today I got a half-hour debate and I only managed to get here through almost divine intervention, after coming from the debate on the Floor of the House.

This is an important matter and I want to get to the heart of it straight away. Although I trained as a social scientist and not as an expert in opinion polling, I know a few people in the opinion-polling world. It came to my notice that a range of people within the industry were becoming worried about the state of its self-regulation and what that meant for the proper conduct of opinion polling. Opinion polling is absolutely central to our electoral processes, because if polling is not reliable, objective and conducted to a high standard, it could be manipulative of how people vote and how they are influenced to vote. That polls can be seen to be trustworthy and that people can have confidence in them are at the heart of our democratic society.

For a long time, there was a code of conduct and self-regulation that worked—4.17 pm

Sitting suspended for a Division in the House.

4.27 pm

On resuming—

Mr. Sheerman: As I was saying, this is a strange sort of debate. During the Division, the Minister reminded me that I took a long time to find out which Department was responsible for the subject. After getting questions answered by the Department of Trade and Industry, I eventually tracked down the Under-Secretary of State for Constitutional Affairs. I am glad that he is here to respond to the debate.

We had a system in which the traditional code of conduct was regulated by the polling industry itself. To be honest, the issue at the heart of the debate is, in part, the proliferation of polling organisations and the move away from what we all regard as traditional polling, which we associate with names such as Gallup and MORI. Such polling was carried out by people with clipboards who knocked on people's doors or confronted them in the shopping precinct, and they tended use face-to-face interviews. Telephone polling then became part of the process and, more recently, there has been internet polling, whereby a rather different way of finding out people's opinions on subjects has been introduced.

As soon as I started talking about the nature of regulation in the polling industry, some people thought that I was having a go at one sector—that I was targeting internet polling and nothing else. That is not the case, and I want to put on record that I have had a great deal of help, not only from what I call the traditional polling sector, but from those in the new sector. YouGov and others have written to me and have been very helpful. I have noticed that most of the major players want a code of conduct and a degree of self-regulation that works. All those to whom I have talked deplore the fact that regulation has become less effective and want something done about it. I hope that, outside this House, this debate will be construed as being constructive. A politician is, for a change, saying honestly, "I don't know all the answers."

As a working politician, I believe that this is an important area for us to tackle. I have long believed that it is much better for an industry to regulate itself than to be centrally regulated by the Government. If an industry can regulate itself effectively, that is preferable to setting up yet another quango that is probably not all that useful and that spends a great deal of taxpayers' money to do a job that self-regulation, at its best, does more effectively.

There has undoubtedly been a deterioration in self-regulation. I am fortunate in having been sent a pre-publication copy of an article by Bob Worcester. I must declare an interest: I have known Bob for a long time and we are both governors of the London School of Economics. He has been helpful in informing my discussions and we have written an article on this subject for *The House Magazine*. Bob Worcester points out that the five main polling groups had a system of self-regulation through the Association of Professional Opinion Polling Organisations. However, both Harris and Gallup left the industry in the United Kingdom and ICM's withdrawal from membership effectively scuppered the association's efforts to represent the professional bodies in the field. The only other body able to self-regulate the industry was the Market Research Society, which found it difficult to cope because it had individual membership rather than corporate membership. Many of its members thought that its method of regulation was cumbersome and involved a serious amount of time and money. Some people described its processes as tedious and clumsy, particularly the way in which the MRS professional standards committee carried out its reviews. I have talked to people with a range of opinions in the industry and it seems that there is discontent with the present self-regulation even among some of the main players, as well as the many new players coming on to the block.

I have been sent a number of advertisements from polling organisations saying that they are cheap and quick, and implying that they will obtain the results wanted. My concern is that some of the polling organisations that have come into the market in recent years are related to, if they are not subsidiaries of, public relations companies. They may be a respectable part of those companies, but it concerns me and other people, both in the sector and in Parliament, that if there is a close relationship, those companies might be giving

[Mr. Sheerman]

advice to major corporations on their public relations side and, at the same time, saying, "We happen to have a polling organisation." I am sure that there is no problem in the most respected groups, but there could be a tendency in the more disreputable areas of the sector for some firms to suggest that they have a convenient polling organisation that will ask the questions that the customer might like, and shred the answers that it does not like.

I have talked to pollsters who have said that they have always stuck to the rules and that opinion polls should be conducted according to good practice. There should be absolute clarity about how many people have been polled. Whether it be a traditional or an internet poll, there should be answers to questions such as: what is the sample group? Is it adequate in number? Is it professionally compiled? Is it weighted in the right way? One question asked of internet groups is, "If only 50 to 60 per cent. of people are on the internet, how does one compensate for the people who are not?" Some polling organisations have a sort of black box that they do not explain very well, and their practices are not very transparent. We need clarity and transparency of methodology. We need to know, in terms of social science, how scientific a poll is, how well it is conducted, whether the technology is useful and whether the right sort of technology has been used.

In all sorts of polling the questioning, sampling and methodology of interview used can be flawed. Traditionally, there have been ways of establishing good principles and good practice. In this debate, I ask for nothing new. I ask that we return to the principles that used to be enshrined in the industry, so that they can be observed and we can all be sure of the work of the pollsters. We must get the technique right, including the size of sample, the weighting and the use made of polling data. Let us make sure that the methods are right and that they cannot be manipulated.

In addition, we must find out what the clients do with the polling material obtained. It is all very well having a 50-question poll that provides a pretty accurate picture of people's thinking about health, obesity, countryside sports such as hunting with dogs, or any of the regular subjects that are polled, but what do those who have paid for that poll do with it? Is it legitimate for them to take only the five answers that they like? Is it legitimate for a newspaper that has asked for polling to bury the answers that it does not like and publish only the answers that it does? How much manipulation of public opinion is carried out by those who pay for the polling?

In the conversations that I have had with senior players from across the sector, including both new and established polling organisations, they say that they want a code of conduct covering not only the way in which polls are conducted but the way in which they are used. Some of the major players have told me how they have turned down certain clients because they will not abide by their rules. What a healthy situation it would be if polling organisations with a set of principles showed the door to people who would employ them and manipulate their work in a way that is unacceptable—

Mr. Deputy Speaker: Order. The title of the debate is "Conduct of Elections", but so far the whole of the hon. Gentleman's speech has been about opinion polls. He will bring himself into order if he draws a specific connection between opinion polls and the conduct of elections.

Mr. Sheerman: I totally accept that, Mr. Deputy Speaker. I shall return to the electoral process in two minutes, but I applied for this debate on the conduct of elections with particular reference to opinion polls, and Mr. Speaker was aware that I would talk about opinion polling.

Referring to the recent mayoral election, the *Evening Standard* front-page headline of Wednesday 9 June stated, "Mayor race is neck and neck. Livingstone faces fight to the finish, new Standard poll reveals." The following front-page article said that the survey gave Ken Livingstone 51 per cent. and Steve Norris 49 per cent. However, if one then reads the article inside the paper on the detail of the poll, it becomes clear that the person who created that headline had a rich imagination. Some hon. Members—Liberal Democrat, Labour and Conservative—believe that the conduct of that election was influenced by the media, whether for good or ill. Perhaps the media brought more people out to vote in one way rather than another. However, most fair-minded people who had read that headline would say that it did not reflect the detail of the poll as analysed in the inner pages, and the coverage certainly would not have conformed to a code of conduct on the use of polls.

You were quite right to call me to order, Mr. Deputy Speaker, but that issue is at the heart of our electoral process. Elections should not be manipulated by people who own newspapers or television and radio stations or, indeed, by the BBC. I often appear on the BBC's "Today" programme, and just before I go on I often hear an announcement such as, "Research conducted by the programme has shown that one in five head teachers are unhappy about the level of funding that they receive." That may not be polling, but there ought to be a standard for that type of research as well, because it influences how people react and therefore how they vote. I know that, very often, the researcher sitting at the back has phoned 20 people to find out whether they can find someone who is willing to go on air.

Peter Bottomley (Worthing, West) (Con): Does the hon. Gentleman agree that one thing the Government could do is say that they will only use polling firms that set out their standards and keep to them? That would be a way of saying to the major firms, "We expect you to set out what your standards are and to meet them." Does he also agree that, whatever the code of conduct for polling organisations, they are not responsible for the headlines that result, but they can be responsible for saying to a client, such as a newspaper, that the client should include the sample size and the date when the poll was done, and should meet the other standards that are in the reputable companies' code of conduct?

Mr. Sheerman: I could not agree more. The hon. Gentleman and I are old friends and I believe that we are in complete agreement on that matter.

There are several ways of driving up standards. I am fascinated by the article by Bob Worcester, who said that he

"had to sack two clients who expected me to breach professional integrity. Robert Maxwell wanted to decide whether commissioned polls for the Mirror would be published or buried, and Sir James Goldsmith, who not liking the result when we wrote the questions for his Referendum Party, wanted to write his own."

Those are the sort of standards that we are discussing. We all know that the perfect world is not arrived at by having a regulatory body, whether it is operated by the Government or the industry. Good standards must be built into a profession and should be reflected in a professional code of conduct—the one brings the other to life. If professional people are running an industry, the decision taken by Bob Worcester is the kind of decision that I would expect them to make. I am sure that the hon. Gentleman is right to suggest a system whereby Departments ensure that the industry provides a sort of kitemark before organisations are used. I would like to see a kitemark for all polls, so that if an organisation has that kitemark, it indicates that it accepts the code of conduct of the industry. I repeat that I would prefer that code to be voluntary and run effectively by the industry. There is no such code at the moment, but I believe that it can be resuscitated, and I hope that it will be.

Let us get to the heart of how important polling is to the electoral process. We might think that the polling organisations are little back-street operations, but theirs is a billion-pound industry in the UK, and in a democratic society opinion polling is central to the electoral process. Its reliability, objectivity, transparency, methodology and trustworthiness are at the heart of any electoral process.

However, the debate is not only about the electoral process; it is about the knock-on effects of polls. When I was a student of politics at the LSE, I was taught that pollsters wanted to get the results of elections right because if they had high integrity and delivered good results—if they accurately predicted the results of elections—it was good for their commercial business, which was where they got most of their money. I came across a term that I have never heard before, and I am sure that it has not been used much in Parliament: Bob Worcester has asked for an investigation into the practices of "sugging" and "fugging", which are, respectively, selling or fund-raising under the guise of opinion polling. Those practices are sometimes employed by political parties, so again we find polling at the heart of the electoral process. If one pretends that one is conducting an opinion poll but is in fact using it for another purpose—for example, for raising money—the activity should come under the remit of a regulatory body.

I shall not prolong the proceedings, but will close with two final points. First, I have already asked the Prime Minister and the leaders of the other two major parties to discuss this matter, which is at the heart of our democracy. It is right that the parties agree on and push for good standards. Secondly, this subject would be prime material for an investigation by the appropriate Select Committee, but I do not believe there is one. However, it would be appropriate for the Electoral Commission to consider the matter. I know that many people in the industry would be happy to give evidence in the hope that the Electoral Commission would show the way to a form of regulation that everyone trusted. The issue is vital to our electoral system and democracy and it will not go away. There is enormous interest in the subject, and I believe that the campaign is still only in its infancy.

4.47 pm

The Parliamentary Under-Secretary of State for Constitutional Affairs (Mr. Christopher Leslie): I congratulate my hon. Friend the Member for Huddersfield (Mr. Sheerman) on securing this debate. Its title, "Conduct of Elections", is very broad. He focused on opinion polling, and I shall speak about that, but I should also like to take this opportunity to discuss other issues in the wider firmament of electoral policy with which I have recently been involved.

My hon. Friend is right to say that polling, the veracity of the polling industry and the validity of its results have the potential to affect the conduct of elections. We know—he held up an illustrative newspaper headline—that the interpretation of polling data is often seen to have an impact on the outcome of elections. In a moment I shall touch on some of the few scant regulations that exist on this topic—for example, those on exit polls. Those regulations were introduced because it is self-evident that a feedback loop in a survey can influence the electoral process.

There is no direct statutory regulation of political opinion polling. As such, there is no definitive ministerial responsibility for it, although I take a close interest in its effect, such as it is, on electoral policy. There are many different facets to the issue, one being data protection. Many in the market research industry in general are concerned about ensuring that feedback and survey returns are kept confidential. After all, they are expressions of opinion that the individuals concerned might not want to share with the wider world, so it is important that the industry complies with the principles of data protection legislation. I am glad to see that, broadly, there have been few complaints that such legislation has been infringed.

Furthermore, professionally conducted market research and opinion polling should be carried out, by and large, in accordance with the Market Research Society's code of conduct and guidelines, which my hon. Friend mentioned. Those guidelines state:

"Researchers must not, whether knowingly or negligently, act in any way which could bring discredit on the marketing research profession or lead to a loss of public confidence in it."

That statement is very general, but in essence the society believes that the methodology and tactics that firms use should be of a high standard, in order to uphold public confidence. Neither Government nor statute law intervene in that sphere: such standards are, properly, for professional regulation. My hon. Friend is right to say that if a profession can regulate itself successfully and get itself in order, that is the best way forward.

None the less, the Market Research Society acknowledges that, in the case of political opinion polls, which apparently account for less than 5 per cent. of the UK market research industry, the present self-regulation arrangements may well be in need of

[Mr. Christopher Leslie]

improvement. Apparently the MRS had a meeting with the leading traditional and internet based UK polling companies in August to address urgently the fundamental self-regulation issues surrounding opinion and advocacy polling. The pollsters have undertaken to return with proposals for improvement by the end of the month. Apparently, the MRS will also make proposals for the self-regulation of market research organisations and individuals who have chosen to be its members.

I understand the points that my hon. Friend made, but I have to tell him that my Department has not received a significant volume of representations calling for Government intervention into polling arrangements, nor, I think, is that the line of action for which he was calling.

Mr. Sheerman: I am not surprised to hear that. I found it difficult to find the responsible Minister, and I am a Member of Parliament of long standing. Anybody outside who knew which Minister to complain to and which ministerial team had responsibility for the matter would be very intelligent indeed.

Mr. Leslie: The public are always extremely intelligent. Henceforth, I will keep an open mind and wait for representations to come. If anyone writes to me about the matter, I will be more than happy to read their correspondence.

I was interested to learn that my hon. Friend had tabled an early-day motion on the issue in May. He called then, as he has today, for better scrutiny of polling methodology. He provides much of that scrutiny himself and he has played a significant role in kick-starting the issue. It is incumbent on responsible parties—broadcasters, newspapers, and so on—to make sure that their purported survey findings are an accurate and true reflection of public opinion.

I have noticed some dubious surveys, which my hon. Friend mentioned, particularly those that are in fact a simple tally of telephone votes for option A or B. Regardless of whether one person has made 100 phone calls, or of where the sample of calls originates, the results of such surveys are reported as a true reflection of public opinion. That sort of approach is a million miles from the many reputable and well established techniques used by proper polling organisations. Such simple approaches do not count as worthy journalism. Clearly, a degree of scrutiny is required, as that would help to secure an improvement in services.

Mr. Sheerman: One of the great problems, particularly with the electoral system, is what I call the ripple effect. The most obscure, untrustworthy poll in the most minor publication or on the internet can ripple out to the main news on television or radio—on the "Today" programme, for example—and suddenly it has an authenticity that is beyond what anyone would have believed possible. That is dangerous. It is like gossip: a whisper becomes a shout, which becomes a megaphone-amplified voice. The ripple effect is, in my view, especially dangerous because of the number of unreliable polls that we get in some areas.

Mr. Leslie: I understand my hon. Friend's point and, as I said, there are some simple tally telephone in-type surveys that are a million miles from those conducted by the well established reputable firms in the self-regulated opinion polling industry.

I gather that, when my hon. Friend asked his question in Prime Minister's Question Time, our right hon. Friend said that he would talk to the chairman of the Labour party about the issue. He has done so. I gather that my hon. Friend is making overtures to some of the other political parties and that meetings have been arranged to discuss the matter in the party political arena. We will see what comes from those meetings.

Some issues relating to exit polls merit further scrutiny. In the most recent June elections, one newspaper reported a sample from returns in the European elections before the closure of that poll. That newspaper could well have put itself in breach of the legal requirements. Those are important issues. There are also wider issues about the conduct of elections, including how we broaden participation and make it easier and more convenient for people to vote. We have debated all-postal voting and so forth elsewhere. The Electoral Commission is an important organisation—

It being three minutes to Five o'clock, the motion for the Adjournment of the sitting lapsed, without Question put.

Westminster Hall

Wednesday 15 September 2004

[MR. JOHN MCWILLIAM *in the Chair*]

Strategic Defence Strategy (Scotland)

Motion made, and Question proposed, That the sitting be now adjourned.—*[Derek Twigg.]*

9.30 am

Mr. Deputy Speaker: Before I call the hon. Member for North Tayside (Pete Wishart), may I encourage brevity from everyone? A quick glance will tell hon. Members that the numbers present do not divide very well into an hour and a half.

Pete Wishart (North Tayside) (SNP): First, may I say how pleased, grateful and just a little flattered I am to see the Secretary of State in his place? I think that that shows his real appreciation of the deep concern and anxiety that is felt throughout the defence community in Scotland about the plans for the infantry and for our military bases and installations. He also appreciates the deep concern that is felt in my constituency and in those of other hon. Members; we have a deep attachment to our historic regiments and we appreciate and admire the work that they do on our behalf.

The Secretary of State's presence makes a contrast with the approach taken by his Armed Forces Minister. My hon. Friend the Member for Perth (Annabelle Ewing) and I wrote to the Minister a couple of months ago to make a simple request for a meeting about the plans for the Army. In response, we received a message that more or less said, "Get stuffed". It took two months to get that reply, so it is good to see that the Secretary of State is here. I am might not be too pleased about what he might have to say, but I am glad of his presence.

May I also thank the large number of hon. Members who have turned up for this debate, particularly the many Scottish Members? It shows the concern about our armed forces that exists in every corner of Scotland. I am glad to see so many people here.

I will be brief to allow as many hon. Members as possible to contribute to the debate. I also intend to be as generous as possible with my time and if any hon. Members wish to intervene to give their support for our historic regiments, I will be prepared to take the interventions. Perhaps they can make their remarks to the Secretary of State through me. My remarks will almost exclusively be on the plans for the infantry in Scotland: the plans to do away with one of our historic regiments and subsequently to amalgamate what is left.

This debate is part of the ongoing campaign to save our regiments and a way of life in our infantry that has served us so well and with such distinction through the centuries. The infantry has tremendous links with the local communities that we have the privilege to represent. I do not need to tell the Secretary of State that there is almost overwhelming hostility to the plans for the infantry in Scotland. Campaigns and protests have sprung up all over Scotland, where the proposals, have in a way, galvanised communities. The plans have attracted criticism from very senior officers who previously served in the armed forces and they are starting to attract it from current senior officers in the infantry, most notably General McColl, who commented on Monday about the overstretch in Iraq. I am glad to see serving officers breaking the Ministry of Defence's three-line whip of silence, which has been imposed upon the military on this issue. It is great to see them breaking ranks.

Sir Robert Smith (West Aberdeenshire and Kincardine) (LD): The hon. Gentleman made an important point when he highlighted overstretch in Iraq. As well as our keenness to support our specific regiments, at the heart of this debate is the fundamental fact that many of us believe that the Government have made a mistake in seeing the peace process in Northern Ireland as a chance to cut the size of the Army, rather than as an opportunity to redeploy that strength to ensure that we can fulfil our overseas commitments more easily.

Pete Wishart: The hon. Gentleman makes an important and valid point. We are already beginning to see the results of overstretch. The Black Watch regiment, which has recruited from my constituency, is on its second tour of duty in Iraq because it is the only regiment that is equipped to deal with that particular task.

The current campaign has been fantastic. Usually when we as hon. Members get the petitions board out and head down to town centres to try to recruit an unsuspecting public to whichever campaign we are backing this week, we are met with indifference and scepticism—not with this campaign. People are queuing up to sign the petition to save our regiments. I have not encountered anybody who has refused to sign the petition—or who has not been prepared to do so. That has not only been the case in regimental constituencies such as mine, but throughout Scotland.

May I, at this early stage, pay tribute to the excellent campaign that has been conducted to save our regiments. It has done a fantastic job and has been ably backed by some of the national media such as *The Scotsman* and *The Herald*, and by publications such as *The Courier* and the *Perthshire Advertiser* in my area. They have created a very vocal and passionate campaign. Our voice will be heard on this issue and we will not go away.

I am fascinated about why there has been such a passionate and vocal campaign to save our regiments. What is it about the way that we organise our infantry that inspires the public with such confidence and respect? There may be a number of answers to that, some of them to do with traditions. People like traditions; they like the way in which such things have been organised. They respect the fact that they still work, and there is value in that.

Such public confidence may have something to do with the fantastic community links that the regiments enjoy; the fact that they are there, and always have been there. It may have something to do with respect for the way in which our regiments perform an almost unimaginably difficult task. However, I think that it is about more than that; it is about reassurance and our

[Pete Wishart]

confidence that our armed forces are the best in the world. They are the best in the world, not because of accident but because of the way in which they are designed, arranged and structured. Our armed forces are the envy of the world and the way in which the regimental system works is the envy of many armed forces throughout the world.

Like the Secretary of State, I have never been a soldier. Before he became an esteemed and distinguished senior politician, the Secretary of State was a barrister—not, I would suggest, a particularly dangerous occupation. I was a musician; probably the most dangerous position that I was ever put into was when I faced an army of unsuspecting rock fans, which was not a particularly dangerous task. Neither the Secretary of State nor I have performed dangerous tasks, and it is important that we take on board the views of existing and former soldiers, although not in the form of the sham consultation produced for the infantry in Scotland, in which soldiers were asked whether they preferred one, two or three battalions or whatever. That was like asking what sort of wood they wanted their gallows made out of. We should speak properly to soldiers about the type of infantry that they want in the future.

I have spoken to a lot of soldiers since the defence review was initiated and spent a lot of time debating with them the type of infantry that they would seek. I received a number of interesting responses, but the one that impressed me most came from an old soldier who had served in the Black Watch in the second world war. He said that our regiments work because soldiers are doing it for their pals; it has nothing to do with esoteric concepts such as Queen and country. It is about a soldier's pals, and the fact that they were recruited in the same town and may even have gone to the same school. It is about the fact that a soldier's father and grandfather had fought in the same regiment. It is about pals that one can rely on when the going gets tough. We tinker with that loyalty, determination and comradeship at our peril.

My local regiment is the Black Watch; I have the Black Watch hackle on today and my tie was given to me on a visit to Balhousie, the regiment's headquarters, on Monday. The Black Watch is in Iraq serving its second tour of duty. The regiment goes back 300 years. It was formed in Aberfeldy, on the banks of the Tay in my constituency. It was called the Black Watch because it was formed to watch over the highlands for brawny highlanders who might come into my constituency years and years ago. Sometimes I wish that it would come back and continue to perform that useful task.

In Aberfeldy, there is a monument of a kilted soldier who looks down at the very spot in which the Black Watch was mustered. It is a beautiful place, to which people come to pay their respects for fallen comrades or for people who have served with distinction in the regiment. It is that sense of history and attachment that creates the special culture in our historic regiments. Men want to join, and fight for, those proud regiments with their special camaraderie. How can we expect fighting men to have the same affection for abstract formations designed in Whitehall? How can one compare such a romantic name as the Argyll and Sutherland Highlanders to the third battalion lowland regiment? Large battalions may seem sensible to Whitehall pen pushers, but they are nothing but synthetic creations to fighting men.

The most important question to consider when talking about the reorganisation of the infantry is whether it will work. Will the Jackson proposals mean that our armed forces will be better prepared to meet the challenges of a rapidly changing world with new, developing, evolving military theatres? Sure, it looks like we are going to have a lot of smart bombs and smart technology to fire at and obliterate all sorts of appropriate and suitable targets. However, will our armed forces be able to meet the challenges of the new world, in which peacekeeping and conflict prevention will be the major task that our infantry have to face? Is it not bizarre that we have a regimental system that is supremely prepared to meet such challenges, but that we are thinking about doing away with it?

We have to take on board the views of some of our senior officers. I was impressed by what General John McColl, one of our most senior officers serving in Iraq, said about the situation. He said that if the Jackson proposals go through,

"You either work the army harder or do less with them."

He went on to say that

"our capacity to conduct a number of these commitments"—

that is, our current commitments—

"is reduced with a reduction in the number of infantry battalions."

As the second most senior officer serving in Iraq, he should be listened to. I hope that the Secretary of State takes his remarks to heart.

I suppose that the amalgamation of regiments makes perfectly good sense to the Ministry of Defence. We are always told how reasonable the proposals are, and how they take on board what has been said, but those of us who have a problem with what has been suggested, and who have concerns about the way that the issue is going, are always presented as traditionalists or sentimentalist. Well, call me an old-fashioned sentimentalist but, given that our infantry is the envy of armed forces all over the world, that our armed forces command such respect and confidence from the public and that we have the finest fighting men in the world, I make no apologies for being a traditionalist and a sentimentalist in this respect.

I suspect that the real reason for the amalgamations is that larger battalions will be easier to cut at a future date. Once the local connection has been severed and the regiments are submerged into a great, amorphous blob, they will be much easier to cut; there will be a lot less local protest next time around.

Why are these changes being suggested now? It is no mistake that these proposals are called the Jackson proposals. General Sir Mike Jackson will retire next year, and he is keen to cement his place in history with these proposals. That is why they are being rushed through with undue haste. Where is the national debate on the way forward for our infantry? Where are the debates in the House about what has been proposed? Where are the proper consultations?

Mr. Alex Salmond (Banff and Buchan) (SNP): Will my hon. Friend accept that, whatever the rights and wrongs of the Secretary of State's proposals, there is

something deeply unpleasant—indeed, unacceptable—in effectively eliminating regiments when they are in the line of fire in Iraq, where the Prime Minister has placed them?

Pete Wishart: My hon. Friend makes a good point. I have received many letters—as, I suspect, he has—from soldiers serving in Iraq who are appalled at the prospect of the changes. They know that they have been placed in unimaginable danger, and know that what has been proposed is a betrayal of what they are doing abroad by those who are supposed to be in positions of responsibility at home.

Why are the changes happening now, especially given that our armed forces are overstretched as never before, as the hon. Member for West Aberdeenshire and Kincardine (Sir Robert Smith) mentioned in relation to the situation in Iraq? The Jackson proposals make absolutely no sense, given that the bulk of the armed forces' operational commitments involve peacekeeping, for which our forces are supremely prepared and well equipped after their experience in the Balkans and elsewhere. High-tech military hardware and smart technology will not win hearts and minds on a hostile street. It takes men on the ground in berets and Tam o' Shanters, men such as those who serve in the Black Watch.

I hope that the Secretary of State has listened carefully to the sheer crescendo of opposition to what has been suggested for our infantry. Our regiments have served us well. They are respected and admired the world over. Men continue to want to fight in them.

Mr. Lindsay Hoyle (Chorley) (Lab): The hon. Gentleman rightly talks about the benefits of cap badges, and the local community that regiments serve. Is he aware that many in the Black Watch are recruited in Lancashire? He is supportive of Scottish regiments, so will he be as supportive of Lancashire regiments continuing? There are such close links between them and the Scots Guards and Black Watch. I hope that he will support the Queen's Lancashire Regiment when there is a debate on that subject.

Pete Wishart: I am grateful for those remarks. Of course we support what is happening in Lancashire. In fact, I was there with some soldiers serving in that regiment. They asked me to sign their petition, which I was more than happy to do. We know that there are such issues across the UK, and I am impressed by some of the campaigns to resist the plans that have been put forward.

I do not wish to speak for much longer, as a number of hon. Members want to speak. I just hope that the Secretary of State has listened to the voices of opposition. We will not go away. We will continue to fight for our regiments, and we hope that the Secretary of State and other hon. Members will join us and help us save our regiments.

9.44 am

Rachel Squire (Dunfermline, West) (Lab): I begin by congratulating the hon. Member for North Tayside (Pete Wishart) on securing this important debate. It is usual parliamentary practice for the parties to engage in political point-scoring, but I do not intend to do so because I want to use this time to emphasise to the Secretary of State for Defence the strength of feeling that I have observed among all ranks of serving and retired personnel and their families, and the public, about some of the proposals that he made on 21 July. I ask my right hon. Friend not to proceed with any decision, and to hold a full consultation with all ranks and all communities involved.

May I briefly, as I am sure others will, pay tribute to our armed forces? They have a reputation throughout the world for their professionalism and high standards. Their skill and their commitment to conflict prevention and peacekeeping are second to none, and the role that they have played in promoting this Government's global agenda has become ever greater and more important. The Government's proposal to cut back on the numbers serving in our Army, Navy and Air Force when they are already overstretched and overcommitted is not something I can support. Linked as it is to the removal of four regiments, it is seen by service personnel, families and communities as an act of backstabbing, particularly given the commitment that they have made to put their lives at risk, knowing that they might pay the ultimate price.

If the Government go ahead with the cuts, they need also to decide from which operations to withdraw service personnel. The hon. Member for North Tayside mentioned the Black Watch, which recruits particularly from Dunfermline and the area that I represent. Like other hon. Members, I am very proud of the Black Watch and its history, as well as its example of professionalism and high standards, and am mindful of the ever-increasing demands that are made on its serving personnel.

For instance, the Black Watch was in the Balkans in 2002, and served in Iraq in both 2003 and 2004. An average tour now takes place within a year, rather than every two years. Its personnel were supposed to be at Warminster, serving for two years as the Army's training battalion, yet they were called on to return to Iraq at very short notice due to the lack of available highly-trained personnel. The Black Watch stands out as a regiment that has ever-greater demands placed on it, yet which, due to the Government's proposals to remove a Scottish regiment, is at risk of disbandment and is experiencing low morale, particularly among personnel serving in an extremely challenging and dangerous environment.

While some have said that contemplating larger regiments could be a good idea, they have qualified it by adding that before we reflect on cutting or merging regiments the world needs to be at greater peace than it is at this time of such active engagement. The Member for North Tayside mentioned what I would call the importance of bonding, which is always emphasised to me by veterans. The way that those in our services, particularly in our regiments, bond during training and the development and maintenance of their skills, professionalism and commitment are very important, particularly when they are under fire.

May I conclude with a brief mention of the Royal Navy dockyards and the Royal Air Force, although I am sure that others will speak about them? Hon. Members would be surprised if, as the hon. Member representing Rosyth dockyard, I did not say that while

[Rachel Squire]

I welcome the commitment that has been made with regard to the future aircraft carrier. I am not at all happy about the reduction in the size of the fleet, because of the impact that that has on the work load at Rosyth dockyard and elsewhere, and because of its contribution to the active and full service being undertaken in all parts of the world by the Royal Navy.

While there is no RAF base in Dunfermline and west Fife, I would not like to fail to mention RAF Leuchars in Fife, which includes part of the constituency of the right hon. and learned Member for North-East Fife (Sir Menzies Campbell), and emphasise its contribution, along with the outstanding contribution of RAF Lossiemouth and RAF Kinloss.

Angus Robertson (Moray) (SNP): On that cue, as represent both RAF Kinloss and RAF Lossiemouth, does the hon. Lady agree that the Ministry of Defence should listen to the arguments put by the local community and take it on board that any run-down or closure of either facility will have a disproportionate impact on Moray and the north of Scotland compared with a run-down or closure elsewhere in the UK?

Rachel Squire: I certainly agree on the strong importance of RAF Lossiemouth and RAF Kinloss not only to the RAF, but to the local communities and their future.

I hope that the Secretary of State for Defence, the Prime Minister and the Cabinet will listen to the views and widespread concern, and recognise that they need to—I shall use that very Scottish phrase—"go back and think again" and consult fully all ranks of service personnel, as well as veterans, families and communities. They must ensure that we maintain the UK's reputation for the outstanding professionalism and commitment of our armed forces.

9.51 am

Mr. Michael Moore (Tweeddale, Ettrick and Lauderdale) (LD): It is welcome to see the Secretary of State in his place to respond to today's debate. The seriousness of the subject is emphasised by his presence and by the strong presence of Members from all parties representing Scottish seats and other parts of the United Kingdom. Such a good turnout is a sign of the importance of the Scottish infantry's contribution to the British Army and the other defence interests in Scotland.

There has been a great deal of uncertainty for months about the future of Scottish regiments. For several months, newspapers such as *The Herald* have had apparently well placed sources telling them that a major review was under way and that one—or worse, more—Scottish regiment would be at stake. I am afraid that the Secretary of State's announcement at the tail end of July, just before the parliamentary recess, enhanced that uncertainty, as he confirmed that there would be a reduction of one battalion in Scotland from six to five.

My basic grasp of arithmetic suggests that that would not work, and as yet it is not clear how it might develop. I hope that, after many weeks during which it has not been clear what is happening, the fact that the Secretary of State is here today will allow us to understand his thinking more clearly and that the process will lead us to a decision.

The concerns in my part of south-east Scotland about the future of the King's Own Scottish Borderers and the Royal Scots are reflected in the number of petitions that have been collected. I presented one to Parliament last night; I know that the hon. Member for Galloway and Upper Nithsdale (Mr. Duncan) presented one from the King's Own Scottish Borderers last week. Local newspapers in Fife and elsewhere have been running strong campaigns on the future of the regiments. Each focuses on key factors relating to traditions of the regiments, military honours that they have won and the importance of their contribution to the work of the British Army, whether in Iraq, Northern Ireland or the many other parts of the world where the British Army is doing sterling service. It strikes people as very strange that at a moment of such heavy requirement for deployments, we should be contemplating a reduction in the number of regiments.

The specific proposal in Scotland is that there should be one regiment for the whole country, or a highland regiment and a lowland regiment. From what we read in the press and learn elsewhere, it appears that the decision on whether there should be one or two regiments, and the related and difficult decision of how to get six regiments down to five, has been left to the colonels of the Scottish regiments. Perhaps they will play some elaborate game of musical chairs or Russian roulette to work out which of their number should leave the table. That is a difficult way for anyone to make a decision. I hope the Secretary of State clarifies how it will be made.

I understand that there is some sound operational thinking from the perspective of the planners in the Ministry of Defence. I say to the Secretary of State that, as yet, people in Scotland have not been persuaded of that. We look to him again today to set out the justification for that reform of the Army in Scotland. I do not think that any of us, regardless of our political opinions, is against reform of the Army. We appreciate that it must change and adapt to the different circumstances of the post-11 September world as well as to the way the world has changed since the end of communism. The world is very different from what we were geared up for 20, 30 or 40 years ago. The Army must adapt, and I do not think that any of us has seen any unwillingness among the people we represent to be part of that process.

However, the form of reorganisation planned by the Ministry of Defence has not been persuasive across Scotland. We await with interest what the Secretary of State tells us today and hope that his intentions become clear. Inevitably and properly, the regiments, and their huge number of supporters across Scotland, have been consulting the communities that they are drawn from, the retired elements, and families and friends to find out what they think of the proposals. There are plenty of examples of the negative responses that have come forward as a result of the consultation process. The discussions and questionnaires all articulated key aspects of the regimental system and stressed why it is important that we continue with each of the Scottish regiments that serve us with such distinction.

One of the questionnaires that a friend passed to me emphasised some key elements of the regimental system, which bear a quick repetition. The responses start by emphasising the sense of belonging to an entity that has an existence—a past, present and future of its own. That is important to people at all stages of their military service. Continuity—the ability of individuals to keep returning to the regiment or battalion in which they began, to their benefit and that of the units in which they serve—is also important. Names and traditions are at the heart of the debate, and one of the great anxieties is over the fact that, whatever reform the Secretary of State settles on, maintaining the names and traditions, what they stand for and the power they have to motivate the people involved as well as those who support them is crucial. For Scotland to lose any of the names would be a tragedy.

Thanks to our constituency roles, each of us can emphasise and bear witness to the regional connections. I appreciate that some regiments draw their support from various parts of Scotland. The King's Own Scottish Borderers recruits from the constituency of the hon. Member for Hamilton, South (Mr. Tynan) as well as from more obvious places such as my constituency. Those regional connections are fundamental—not just to recruitment but to ensuring that the people represented by me and by others feel a sense of identification with and connection to the British Army in its broader sense. That recruitment focus is rather important.

What I understand, above all, from discussions with family members who have been in the armed forces, from friends and from constituents across south-east Scotland is that esprit de corps—the connection that people feel to their regiment or battalion—is essential to them. It would be a crying shame to give up on that.

The King's Own Scottish Borderers, the Royal Scots and the other Scottish regiments all embody the finest traditions in the British Army. We have yet to hear convincing arguments or evidence that suggests there is a case for removing one of those battalions or regiments. Whatever the final form of the recommendations, I hope that the Secretary of State will reflect on each of the points as well as the strength of feeling in the Chamber today, which represents a strong feeling throughout Scotland. I hope also that, as a result, he makes it clear that there will be no cuts in the number of regiments and battalions in Scotland.

10 am

Annabelle Ewing (Perth) (SNP): As the Member of Parliament for Perth, where the Black Watch has its regimental headquarters at Balhousie castle, I am pleased to have the opportunity to contribute to this extremely important debate. I would like to take the opportunity to congratulate my Perthshire colleague, the hon. Member for North Tayside (Pete Wishart), on securing the debate. I endorse what he said in his excellent contribution. It is instructive to note that it took the Scottish National party to force a debate, as none was offered by the United Kingdom Government. That is regrettable, and it is entirely consistent with the secretive way in which the Labour Government have pursued their agenda of scrapping Scotland's entire regimental structure.

As we have heard from other hon. Members, the official announcement came on the eve of the summer recess. There has been no opportunity for proper parliamentary scrutiny, as mentioned by other hon. Members, including the hon. Member for Dunfermline, West (Rachel Squire), and the detail of the Defence Secretary's military case for this full-frontal assault on Scotland's regiments remains a mystery. Perhaps we shall hear a bit more about that from the Secretary of State today.

Mr. David Stewart (Inverness, East, Nairn and Lochaber) (Lab): If we had an independent Scotland, what would the disposition of your forces be? How many regiments, battalions and how many men and women would make up the Scottish army?

Mr. Deputy Speaker: Order. The hon. Gentleman is using "your". That refers to me, and I do not have any forces.

Annabelle Ewing: I am a bit disappointed with the contribution from the hon. Member for Inverness, East, Nairn and Lochaber (Mr. Stewart). I would have thought that he should be fighting for the future of the Highland regiment. Perhaps his time would be better employed for his constituents in doing that.

There has been complete silence from Scotland's Government in the summer months. When Scotland's First Minister came to London on his whistle-stop, cocktail-party visit in early July, his spokesman said that the First Minister wanted all the facts before he made a statement. I wonder what statement the First Minister has made on the subject of the future of Scotland's regiment. As far as I can see, he has made none. What of the Scottish Secretary? Again, there has been silence. What of the Ministry of Defence? As my hon. Friend the Member for North Tayside said, we wrote to the Armed Forces Minister on 7 July and it is an absolute disgrace that we did not get a reply until 7 September.

We have experienced, to coin a phrase much liked by the Chief of the General Staff, a deafening wall of silence from Ministers, but serving soldiers, veterans, local communities and all the local authorities in the Tayside and Fife area have made their views known. The unanimous view is that the Government's proposals to scrap Scotland's regimental system are wrong in principle and are likely to be deeply damaging, particularly in light of the current overstretch of our armed forces.

A serving officer in the Black Watch, currently on its second tour of duty in Basra, wrote to me because I am his local MP. Obviously I am not in a position to give the name of this officer, not least because of the MOD's gagging order, but I would like to quote part of what he wrote to me in his bluey:

> "While we wish to look after our country, our country seems less keen to look after us. The contradiction between deploying the training battalion on the one hand, and yet cutting four battalions on the other, needs to addressed."

I have also been contacted by a number of serving soldiers currently in Basra on their second tour of duty.

[Annabelle Ewing]

Again, I am not in a position to provide the names, but I would like to quote from a bluey from one of those soldiers:

"The recent decision to reduce the armed forces can only add to the stress and pressure put on us and our families. What with the ever-increasing commitments and deployments we are volunteered for. Some of us have been separated from our families for 400 days in the past two years. I am writing to you to fight on my behalf to reverse the decision to reduce our armed forces as I am fighting for my life out here in Iraq in support of the politicians."

I have also been contacted by the most recent colonel of the Black Watch, Brigadier Gary Barnett, who retired last year. On the subject of creating a synthetic super-regiment, Brigadier Barnett says:

"We have seen no arguments that persuade us that battalions from large regiments are more operationally efficient or exhibit any other advantage over single battalion regiments. It is clear to us that the advantages of a sense of belonging, continuity, regional connections, recruiting focus and esprit de corps far exceed the perceived disadvantages of the small regiment. If it ain't broke, don't fix it."

In my concluding remarks, I stress that the strength of feeling about the Black Watch locally—in all parts of Tayside and Fife—is very clear. The Secretary of State needs only to read the back pages of the *Perthshire Advertiser* and *The Courier* during the summer. Both papers have led excellent campaigns.

The regimental system has served Scotland well, and it has proven its worth time and time again in terms of recruitment, retention and operational efficiency. The professionalism of Scotland's regiments is second to none. I quote again from the serving officer currently in Basra:

"The Black Watch is proud to come from Perthshire, Angus, Fife and Dundee. We hope the people of those counties will stand by us."

The people of Perthshire, Angus, Fife and Dundee have stood by the Black Watch. The question that needs to be answered is will the Secretary of State for Defence do so?

10.7 am

Mr. John MacDougall (Central Fife) (Lab): I have an honest concern about the defence review, but I want to reflect on one or two other points other than those concerning the Black Watch.

I do not believe that the Secretary of State has the easiest job, and making a decision based on popular opinion is not the way to run defence effectively. It is unfortunate that this has already become a political dogfight rather than an honest concern about the outcome of a balanced decision. That exposure is sad at this stage. It is also sad that Opposition parties will not give an honest answer to straightforward questions. They are put to the Secretary of State for Defence, who is expected to give a straightforward and honest answer about what he believes an effective defence to be.

It is fair to say—I shall say it—that, in an independent Scotland, you would have great difficulty in maintaining existing defence.

Mr. Deputy Speaker: Order. I have already had to tick off one Member for using "you". I have to advise the hon. Gentleman that by using "you", he means me, and I would have more difficulty than most, as I represent a constituency in the north-east of England.

Mr. MacDougall: My sincere apologies to you, Mr. Deputy Speaker. I shall refrain from using that word again.

I have a long-standing relationship with the Black Watch and I appreciate and value, as I am sure the Secretary of State does, the excellent service provided by those who have served in the Black Watch over many years and the work that they have carried out—the campaigns that they have been involved in and what they have been called upon to do, especially at present in Iraq.

That mixes up the argument. On the one hand, there are the high emotions. When someone loses their life—and we do not want that to happen—there are calls to bring the troops back home. On the other hand, we want to keep the regiment; we want to keep it, but we do not want to send it to war where its members' lives might be lost. We must remove ourselves from that position and honestly concern ourselves with whether we have the right balance between an effective ground force and the advanced technology of today. In my opinion, the balance is wrong, but that does not mean that I will not respect the Secretary of State's final decision, which will be intelligently based on much more information than I have and which will take into account what is needed for the future.

I am not going to say to my constituents in Central Fife that I do not value the jobs that have been developed in new defence technology. I can mention companies in Central Fife that employ hundreds of people who have benefited from the decisions that are being taken in the defence review. I welcome the fact that the more we put into modern technology and effective defence, the less chance there is of people on the ground losing their lives. That has to be valued. We must take that into account; we cannot ignore it.

As I mentioned at the outset, I also accept that we cannot keep troops simply because it is popular to do so. What kind of a silly defence would we have in this country if we simply based it on our saying, "Well, we are not going to do this because we don't like it, so let's have a show of hands and decide not to do it." No effective Government could do that.

I have concerns, but they are mixed. They are honest concerns, not political ones. I am concerned about the eventual outcome and whether the balance that is decided on will be right. My personal preference would, of course, be for the Black Watch to be retained, but I understand that the decision on that cannot be taken on the basis of personal preference; it has to be taken on the basis of intelligence, knowledge and effectiveness. If anyone wants to stand up and say, "Well, that does not matter," they should tell that to the country. Do they think that the electorate will go for that? They will not, but they will go for honesty and concern. My concern is that the balance is not right.

I appreciate that this message is not healthy for morale at present. It does not help the troops on the ground to be as effective as they should be. In fact, it could create a situation where it puts them at risk rather than aids them to do their job. The quicker we

collectively and responsibly give out the message that that is not what we want to say to the troops, the better. This debate should not be about trying to weaken the Government's political agenda; it should genuinely be about the effectiveness of the ground force balanced against new technology. If the debate remains around that, I am convinced that it can be effective and that the hon. Member for North Tayside (Pete Wishart), who secured it, will get an honourable outcome. However, if it is about scoring points, it will not end in that way.

My sincere wish is for my right hon. Friend the Secretary of State to take on board the intelligent points that have been made this morning, and that he will send out the right message to the people who serve their country very well and have done so for many years and will continue to do so in the modern defence structure of the future—the message that their Government take on board their service but will make their final decision based on a listening policy that includes taking account of what has been said in today's discussion.

10.14 am

Mr. Alan Reid (Argyll and Bute) (LD) *rose—*

Mr. Deputy Speaker: I will call the hon. Member for Argyll and Bute (Mr. Reid) if he promises to be brief.

Mr. Reid: Thank you, Mr. Deputy Speaker. I undertake to be brief. I congratulate the hon. Member for North Tayside (Pete Wishart) on securing this important debate. I am pleased that the Secretary of State is present; that shows that the Government regard this debate as important.

It is clear that the Army is already overstretched. I am concerned about the Government's plans, which appear to assume no more commitments for the Army; one of the lessons of recent years is that it is always landed with unexpected new ones. In addition to the obvious commitments in Iraq and Afghanistan, issues such as foot and mouth and the firefighters' strike have meant that the Army has had to be involved in unexpected commitments at home.

It is important that we keep our infantry strength at its current level; we should not reduce the numbers. As was said earlier, high-tech is vitally important and means that we can win wars by putting fewer soldiers' lives at risk. However, it has also emerged from the lessons of Iraq and Afghanistan that even after the war has been won and the conventional fighting is over, there is still an important job to be done in winning the peace and that requires highly skilled, committed infantry soldiers on the ground. The record of the British Army in Iraq and Afghanistan has shown once again that it is the best army in the world, and the present regimental system, which instils in our soldiers a sense of loyalty to the regiment and a sense of belonging, is a vital reason for that. I am concerned that the Government's proposals, which would effectively scrap the Scottish regimental structure, would make the Army a lot less effective.

The local regiment in my constituency is the Argyll and Sutherland Highlanders, which has a long, distinguished history and only recently returned from Iraq. Recruits want to join local regiments that have long and proud traditions. If the Government go ahead with their plans to merge the Argylls into a new regiment, that is bound to have a negative impact on recruitment, compared with keeping the famous, long-standing name of the Argyll and Sutherland Highlanders. That must have an impact on the morale of soldiers serving in the regiment. I am also concerned that the signals that the Government are sending out—that we are cutting numbers and there is no long-term future—are bound to deter people from joining the Army and put off anybody who is considering it as a career.

I conclude by reminding the Secretary of State that, 30 years ago, a previous Government tried to abolish the Argyll and Sutherland Highlanders. There was a massive campaign of opposition, which succeeded and the then Government buckled under the pressure. I urge the Government not to proceed with plans to abolish the Argylls or merge them into another regiment because I suspect that, like their predecessors in office, they will buckle under the weight of the subsequent campaign.

10.19 am

John Thurso (Caithness, Sutherland and Easter Ross) (LD): I congratulate the hon. Member for North Tayside (Pete Wishart) on securing the debate. It is clear from the strength of feeling in the contributions made today that this timely debate touches hon. Members on both sides of the House. I am pleased to see the Secretary of State here today. I hope his presence is a sign that the Government understand that strength of feeling and may be open to some arguments of reason.

We have a proud tradition of service in Scotland, particularly in the highlands, but, as has been evidenced by contributions from hon. Members from south of the border, that tradition is not confined to Scotland but covers all the British armed forces—Army, Navy and Air Force.

There is a book relating to my area, which I have read, called "Sword of the North", which sets out the history of the Seaforth Highlanders. I recently read another book about the history of a battalion of the Seaforth Highlanders in the second world war, from which I learned just how many people whom I have known in civilian life served in the second world war. I had no idea of that, nor did I know how many medals they had won, or how much they had done. I just knew them as the Domine of the local school, a grocer or whatever it was that they did.

Throughout history, Scotland and the highlands have produced regiments that have fought bravely for this country. One has only to look at the war memorials to understand what they have given. That is an important tradition, and allied to it is the tradition of service by the Territorial Army, which has not been mentioned so far; but should be. There is a long tradition of sound service by the TA. At a time of overstretch, which has been mentioned, and when the Army is committed in many parts of the world, we should remember what Territorials are doing in many theatres of conflict.

Tradition is important as the bedrock on which our military is based and the focus for how we act as well as for morale and recruitment, but I believe that we cannot be hide-bound by tradition. We live in a fast-moving world and, as has been pointed out, there is new technology to consider. In that sense, the Government

[John Thurso]

are absolutely right to adapt and to modernise. As my right hon. and learned Friend the Member for North-East Fife (Sir Menzies Campbell) said to me earlier, it would be inappropriate for the party of Haldane to oppose the reorganisation of the Army. We have no problem with that reorganisation.

It seems to me that there are two separate points in the debate. The first is the size, scope and role of our armed forces, what we require them to do and how we introduce new technology. The second is how that is managed and organised. We are focused on the second, but I shall briefly mention the first. Our active military commitments are at one of their highest levels since the second world war. During the Iraq conflict, more than 50 per cent. of our military was committed. The then Chief of the General Staff described that as unsustainable and we are back to about 20 per cent. We are committed in a big way in Iraq, Afghanistan and the former Yugoslavia and have commitments in East Timor and Sierra Leone. We have 1,200 troops in the Falklands, which is the leftover of a previous commitment.

So, we have men and women serving us in many theatres throughout the globe. As was mentioned by one of my hon. Friends, the Army was also involved in the fire strike. There is clear evidence of overstretch and the future is uncertain. Therefore, my question is, why do we need to reduce battalions at all? Surely all the evidence indicates that we should be maintaining and, if anything, enhancing our infantry capability. This, it seems to me, is the wrong time to go for what is a modest saving. It is the time to be supporting those troops.

I turn to organisation. It is clear that we must adapt to new roles and it is absolutely right that we reorganise to meet new threats. We no longer face a cold war or need heavy armour in the way that we did. I have no quarrel with the desire to move towards light and medium-weight capability. So, much in what is being suggested by the MOD is clearly sensible and deserves support.

I am not nearly so convinced by the argument for arms plot. Of course it provides stability for families, which is important. I gather that the argument has been going on in the Army for more than 20 years as to whether we should move to arms plot and trickle posting. Many professional soldiers—past and serving—to whom I have spoken believe that this would not help at all. One put it to me this way:

"The argument on Arms Plotting or Trickle Posting has been going on . . . for . . . 20 odd years to my certain knowledge and for those of us who studied the arguments, many of us would say that it is a very dangerous thing to move to Trickle Posting, because you will lose cohesion in battalions and units will get stale in one location and be less professional."

He goes on to say that training can get to a point where people think

"we did that last year".

The movement of troops is part of our ability to focus and deliver.

Sir Robert Smith: One thing that has impressed us all is the great professionalism of the Army, which is serving us in all those places around the world that my hon. Friend mentioned. It has been put to me that part of that professionalism stems from the immersion in so many different experiences, so that there is versatility and adaptability, and therefore the Army can be put to whatever cause is necessary at shorter notice than would be possible were we to change the structure as suggested by the Government.

John Thurso: My hon. Friend makes an extremely valid point somewhat better than I was making it, and I thank him for that.

We must consider whether all we want to achieve in modernising our armed forces—delivering the capability, building on the tradition and all the points that hon. Members have made—has to be done by disbanding our regiments, or whether disbanding or merging regiments produces a negative effect. It has been suggested to me that there are other ways in which the desired effect could be achieved. We should consider management structures within the Army that could both preserve the regiments and provide the command and control adaptability that the MOD seeks. My message to the Secretary of State is that we should see whether we can, as we surely should, preserve the proud regiments that have done so much for us.

We have heard from all parts of the House—this is not a party issue—about the tradition of the Army and of the job it does. These are not the cries of hide-bound traditionalists; they are the earnest pleas of people who recognise both the value of tradition and the need to modernise, the strength of feeling in Scotland and the genuine and positive benefit for recruitment of serving soldiers of the link between traditional regiments and their traditional areas.

I ask the Secretary of State to think again, bearing it in mind that there has never been a military conflict that has not been won by the professionalism of the infantrymen and the Mk.1 eyeball.

10.26 am

Mr. Peter Duncan (Galloway and Upper Nithsdale) (Con): It would be remiss of me not to acknowledge that today is the 64th anniversary of battle of Britain day. It is a significant anniversary, given that that battle brought together troops from local communities across the United Kingdom.

Today's debate is on the UK armed forces. I pay tribute to the hon. Member for North Tayside (Pete Wishart) for having secured it. I am sure that many slips of paper were submitted to Mr. Speaker with this subject on them, and I am delighted that it has come up during this particular week. It gives us an important opportunity to address our concerns to the Secretary of State.

I also commend the Secretary of State, as others have done, for answering this important debate in person. That he has chosen to do so confirms the significance of the armed forces in Scotland, and underlines the seriousness of the proposals that he outlined in the House on 21 July, just as we prepared to rise for the recess.

So far, the debate has, inevitably, focused on the uncertainty that the Government have placed on the future of the Scottish regiments. Let me acknowledge at the outset the significance of the air and naval

announcement on local communities across Scotland. The Scottish armed forces are a team that goes all the way from shipbuilding on the Clyde to the technology referred to by the hon. Member for Central Fife (Mr. MacDougall) to the regimental system and the troops on the ground. There is teamwork in Scotland, and that should be recognised.

Inevitably, uncertainty over the future of our regiments has been the focus of the debate. Hon. Members of every party have made it clear that that is the major issue striking a chord with the Scottish public. Any hon. Member who has held a surgery or attended a public function or received any volume of mail from Scotland will be aware of the strength of feeling on the issue north of the border. The campaign in opposition to the changes is both well co-ordinated and deep rooted. Hon. Members recognise the difference between bloated lobbying and campaigns that genuinely focus the concerns of a nation. The save our Scottish regiments campaign has certainly done that.

There is huge pride in what our forces have achieved over generations, genuine belief that they are currently delivering excellence on duty around the world, and a fear for their future if their link with our communities is irretrievably weakened, as would be the consequence of the proposals. My local promotion of the save our regiments campaign showed the deep bond that exists in rural communities. At agricultural shows across my constituency during the summer, I was totally unsurprised at the outpouring of affinity with the local regiment, the KOSB.

The people in my constituency, and others across Scotland, should know that, without equivocation, the Conservative party is resolutely opposed to any cut in infantry battalions. Those battalions have all served the United Kingdom with distinction. They have been immensely proud to do so and we in Scotland have been proud of their achievements. At a time of high and increasing international uncertainty across the globe, and with terrorism a continued and growing threat, we see no case for cuts in their number. For the Government to put the regiments in jeopardy when their skills, determination to serve and historic allegiance are most in demand is nothing less than crass and ill-judged.

The Scottish regiments are sustained by, and flourish with, a strong local bond in their recruiting areas. It creates that immeasurable resource of affinity, comradeship—to which the hon. Member for North Tayside alluded—and dedication to serve that will be put at risk if these changes are enforced. The Government must recognise that and think again.

In considering the proposals put to the House on 21 July, the overriding question that has been put by hon. Members from all sides of the Chamber this morning is, "Why now?" Why are these cuts to be made now to our armed forces, reducing them to a UK total of 102,000? That represents a reduction of 6,500 from the previous established strength of more than 108,000. Every forces family talks of the current reality of armed forces overstretch. What was once a warning has become reality; resources are stretched to breaking point. Indeed, there is no greater confirmation of that—as was mentioned by the hon. Gentleman and by the hon. Member for Dunfermline, West (Rachel Squire)—than the Black Watch's second tour in Iraq, which started less than one year after the first. The Government have drawn on Scottish regimental expertise regularly. With my local regiment and that of the hon. Member for Tweeddale, Ettrick and Lauderdale (Mr. Moore), which is currently in Ulster, it is clear that the military expertise is irreplaceable. That is why it is called upon so regularly.

Regiments have served wherever and whenever they have been asked to, but the demands on their operational strength have extended far beyond combat operations. When the Home Office was in such a tangle during the fire dispute, it was our Scottish infantry regiments, among others, that provided the essential and professional back-up services that saved life and limb in our home communities. In my region, which was ravaged in 2001 by foot and mouth disease, our local regiment stepped into the breach and undertook with dignity and determination the most difficult tasks that were asked of it. It has done the dirty work when required.

Those same troops, the same forces families and the same communities are now being threatened with the loss of their local regiment. Given the diversity of the challenges that are presented, in foreign fields or in those at home, is it any wonder that overstretch is having an effect on recruitment and retention? The Select Committee on Defence report on the defence White Paper stated in paragraph 5 of its conclusions:

"What has emerged in the past six years is the extent to which the Armed Forces have been operating at the limits of what they can achieve."

Given the difficult and delicate nature of current operations in Afghanistan and Iraq, is it any wonder that there is disbelief at the timing of the Government proposals to abolish one Scottish regiment in its entirety and to subject the others to unnecessary and counterproductive reorganisation?

The Secretary of State for Defence (Mr. Geoffrey Hoon): I have listened carefully to what appears to be a thoughtful argument. However, may I ask the hon. Gentleman to address a question? He has placed great weight on the question of overstretch. If he were in my position and were told that parts of the Army were more stretched than others, would it be right to shift the burden away from the less-stretched parts in the direction of those that were more stretched?

Mr. Duncan: The Secretary of State will recall that I highlighted the reduction of 6,500 in our troop complement. That does not strike me as the actions of a Government who are taking the issue of overstretch seriously.

The demands on our armed forces cannot be indefinitely expanded to meet growing demands without impacting on those serving. That has been recognised across the Army, not least of all in the comments given by one serving senior general to *The Scotsman* on Monday. He said:

"The army is very busy indeed and the reduction of four battalions will not help in any way".

He is right. Most others have maintained public silence, but it is clear that serving soldiers believe either that current commitments will have to be reduced or that the proposals will have to be reversed.

[Mr. Duncan]

The Secretary of State has—of course—made it clear that, in the future, he sees the Scots regiments being supplemented by the technology of the future, and there is no denying that high-tech developments will come forward. However, is it not highly irresponsible to step into uncharted waters now in the hope and expectation that technology will rescue the situation at some point in the future—to say nothing of the fact that, in the end, the foot soldier is the backbone of operations and can never fully be replaced?

Far from recognising the strains caused by new commitments, it now seems clear that a secret recruitment freeze has been in place to ensure that manning levels have fallen. They have fallen significantly already. That has been delivered furtively. I was informed recently of a horrendous difficulty being experienced in securing beds for recruits in training. Therefore, although regiments have been under-strength, recruitment has stalled.

It is true that some of our regiments have had, and continue to have, recruitment problems, but the Government have to answer the central issue in links between our communities and Scots regiments. Will centralisation of the Scots regiments strengthen or weaken recruitment? I have no doubt that the loosened ties that these proposals make inevitable will create further difficulties in maintaining manning levels.

Mr. Hoyle: I have a lot of sympathy with what the hon. Gentleman says, but I think that he is rather disingenuous. I can assure him that the Black Watch and the Scots Guards have been recruiting in Lancashire and that, only six weeks ago, the Scots Guards were recruiting in my constituency. Therefore, recruitment is taking place. Will he address the following problem? One in every three 18-year-olds in Scotland will have to join the Army to bring those regiments up to strength. The question he ought to be answering is: why are people not joining?

Mr. Duncan: Absolutely. Unlike others, I have paid tribute to those who are recruited to Scots regiments from beyond the border with Scotland. However, these proposals will not help to address the central issue of recruitment difficulties.

The Government will face increasing recruitment demands, with the consequent negative effect on retention levels, unless morale can be improved. There is no doubt that those serving in Scottish infantry regiments are deeply unhappy with these proposals; my constituency mailbag confirms that. They, too, seek a change of heart from the Secretary of State. They have been presented with a consultation with only two options; a single Scottish regiment or a highland-lowland regimental format. I have no doubt of what the response would be if they were truly consulted and offered the third option of saving the existing Scottish regimental structure.

Some of the Secretary of State's announcement was to be welcomed as far as it affected Scotland's defence interests. Our forces have to become more agile. We recognise and support proposals for the scrapping of the arms plot. Its replacement may well present a positive opportunity for local regiments in rural areas of Scotland, in particular. However, on the substantive proposals to tear apart the traditional regimental structure in Scotland, the Government must be sent "homeward tae think again."

At this time of considerable danger from terrorism at home and abroad and major military deployments overseas including in Afghanistan and Iraq, we wholly oppose the cuts by amalgamation or disbandment of any Scottish battalion, and judge such a proposal to be a grave error.

10.39 am

The Secretary of State for Defence (Mr. Geoffrey Hoon): Let me begin by thanking the hon. Member for North Tayside (Pete Wishart) for proposing this debate on the impact of the strategic defence strategy in Scotland. Defence is rightly a reserved matter. Scotland has a vitally important relationship with the armed forces and with the Ministry of Defence more widely. I welcome this opportunity to explain again what we are doing and why we are doing it, and to address some of the concerns that have been raised.

I am of course well aware of the importance—economically, and through pride and tradition—of the Scottish regiments to Scotland. Even had I not been so, my right hon. Friend the Secretary of State for Scotland and his deputy have, in any event, made sure throughout our considerations that we bear that in mind. The only reason that they are unable to take part in this debate is that they both have long-standing ministerial engagements.

Before I come to some of the specific issues that have been debated, let me set our discussions in context. The United Kingdom has one defence policy, and one set of armed forces protecting and promoting all of our interests and values. Any discussion about the future of those armed forces needs to be seen in the context of the future capabilities White Paper that the Ministry of Defence published in July. As I explained then, in the 1998 strategic defence review, we set out plans to develop defence capability to match the needs of the post-cold war world. We built on that with the strategic defence review "A New Chapter", which was published after the events of 11 September 2001, and we confirmed that direction in the defence White Paper of December 2003. We have concluded that we need to modernise further to meet the challenges of the future strategic environment: the more pronounced threats and challenges of international terrorism, the proliferation of weapons of mass destruction and the challenges presented by weak and failing states.

The world changes, and we need to change with it. The programme that I announced in July is about ensuring that our armed forces are prepared to meet the challenges of the 21st century. In order to meet those challenges, defence spending is increasing. The 2002 spending review provided the largest sustained growth in defence spending plans for 20 years. This year, it has been possible to make even more resources available for defence, providing the longest period of sustained growth for more than 20 years. Our spending review settlement will result in a £3.7 billion increase in the defence budget during the next three years. That is an average annual real growth of 1.4 per cent.

We also need, however, to ensure that we are using those substantially increased resources in the most effective way. For example, our new plans will continue the shift in emphasis away from measuring capability in terms of numbers of ships, tanks and aircraft and towards the delivery of military "effects". We formally measured numbers of platforms during the cold war because we were preparing for an essentially attritional campaign that would hold back Soviet and Warsaw pact forces. Technology has moved on since then, and the nature of warfare has fundamentally changed. The capability of our armed forces is growing as intelligence is combined with target acquisition, modern communications and precision weaponry to produce new capabilities, allowing a commander in the field to deliver a range of combined effects. Military tasks can be completed in much less time, with far greater accuracy and correspondingly lower risk to our armed forces. In 2003, we were able to deploy to the Gulf in less than half the time that that had taken 12 years earlier, and our aircraft were able to hit targets with less ordnance, using better target acquisition and precision weaponry.

I congratulate my hon. Friend the Member for Central Fife (Mr. MacDougall) on an extremely thoughtful speech in response to the challenges faced by the defence sector. It is important that Members, particularly those with experience of defence, should look carefully at the background and context in which decisions are taken. However, modernisation certainly does not mean undermining our key strengths, not least of which are the much-valued links with the communities in which our people live and work. That is certainly the case with Scotland. Scotland has one of the largest defence footprints in the United Kingdom. The Ministry of Defence has almost 50 core defence sites in Scotland and many minor units. All three services—the Navy, the Army and the Royal Air Force—are well represented.

Although we have no plans for significant changes to that footprint, we must always continue to ensure that we are delivering defence capability in the most cost-effective way. However, I have no doubt about the importance of Scottish sites within the Ministry of Defence estate. In total, there are 14,000 services personnel in Scotland and more than 7,000 civilian personnel. There are also 5,300 members of the volunteer reserve forces based in Scotland; many thousands of regular services personnel based outside Scotland train there each year.

The impact and footprint of defence extends beyond its military bases and facilities. The defence industry sustains thousands of jobs in Scotland, and has an important role in supporting research and high-tech manufacturing there. In turn, Scottish industry produces much of the cutting-edge and technologically advanced equipment on which the United Kingdom's armed forces depend. A few examples are the work on landing ships and Type 45 destroyers at Govan, Raytheon at Glenrothes, which works on the airborne stand-off radar and precision-guided bombs, and the Thales land and joint division, which produces optical products, thermal imaging devices and a host of others. This past year alone, the estimated spend on contracts placed with Scottish companies was £600 million; more than 400 new contracts were placed.

The Ministry of Defence is deeply committed to Scotland and, I am pleased to say, the armed forces remain as deeply engaged in Scottish life as ever they have been. That tradition will continue, and it is something to be celebrated. What cannot be sensible, however, is for that relationship to be set in aspic, or used in argument as a barrier to modernisation. We need to make adjustments to our force structure across the United Kingdom to ensure that our armed forces are best placed to face the challenges of the 21st century. That brings me to the issue of Army regiments.

The hon. Member for North Tayside has given me the opportunity to pay tribute to the proud history of Scottish regiments. History documents their bravery, skill and fearsome reputation on the battlefield, and they continue to serve this country courageously and diligently. That record continues to the present day. One of the great privileges of my job is to visit our armed forces on operations and hear first-hand accounts of their actions. Several times in recent years I have been hosted in operational theatres, from the Balkans to Iraq, by several Scottish regiments, including the Black Watch, to whom the hon. Gentleman referred. I have never ceased to be impressed by their professionalism and bravery.

For reasons that I have already outlined, we require the modern Army to be flexible, structured and equipped to deploy rapidly around the world, and able to generate the right capability in a less predictable and more complex environment. The threats that we face are changing, and if the Army is to continue to be successful on operations—all hon. Members who have contributed to this debate have insisted that that is so—it must adapt to the changing strategic environment.

It might be helpful, therefore, to explain the detailed rationale behind the Army's plans for its future, part of which is a move to the "future army structure", which represents a move to more coherent brigades, properly supported by the appropriate enabling capabilities and manned robustly. It is designed to make the Army more useable, robust and relevant to the modern age. We aim to create a more balanced force structure, so that in addition to our current mix of heavy and light forces, we will have a true medium-weight capability that is able to intervene in events faster than our heavy forces, but with more combat power than our light forces. In future, we will have two heavy armoured brigades, three medium-weight brigades, and a light brigade, in addition to the Air Assault and Royal Marines Commando brigades.

Pete Wishart: Will the Secretary of State give way?

Mr. Hoon: If I can make a little progress, I will give way in due course.

At the same time, the Army is taking advantage of a reduction in commitments to take this restructuring further and, in turn, these plans further drive the requirement for a "future infantry structure", central to which is a reduction in battalion numbers that has been made possible by the progress made towards lasting peace in Northern Ireland and the ending of the arms

[Mr. Hoon]

plot. Following consultation between the General Officer Commanding Northern Ireland and the Police Service of Northern Ireland, it was concluded that four battalions could be removed from his command, as they were no longer required for routine support to the PSNI.

Pete Wishart: Will the Secretary of State give way on that point?

Mr. Hoon: I shall make a little more progress first, because I want to deal with the arguments that the hon. Gentleman has raised.

This situation has presented the Army with an opportunity to take forward the planned restructuring and transfer of resources released from the Northern Ireland task to strengthen other parts of the Army, thereby concentrating on those capabilities that can best deliver the effect we require.

I announced in July that the infantry would be reduced from 40 to 36 battalions, precisely reflecting the commitment that we will no longer have in Northern Ireland. Three battalions would be found from England and one from Scotland. That judgment was made after taking into account a range of factors, including manning and recruitment levels, geographical representation, and the need to ensure the appropriate balance of roles and specialist capabilities within the remaining 36 battalions.

With the reduction of four battalions, including one from the Scottish Division, around 2,500 posts will be released and redistributed across the Army. Some will be reinvested back into the infantry itself, including Scottish battalions, to develop more robust and resilient units. Others will go to strengthen high-demand trades such as logisticians, engineers, signallers and intelligence, which are crucial to a sustainable expeditionary capability and are even more heavily deployed than the infantry at present. In other words, those people will go to areas highlighted by our recent operational experience. That is precisely the point that I put to the Conservative spokesman.

It is all very well talking about overstretch, but the real overstretch, if it has existed in recent years, has been felt by the enablers and supporters of the infantry. It is not possible to deploy infantry battalions unless specialists are available to support them. What I am doing is designed to assist those people in having a more reasonable life in the Army, which is why the Army Board is strongly in favour of it. Those people are more heavily committed than our infantry battalions.

Posts will be reduced because the infantry battalion commitment to Northern Ireland will no longer be required, and that will leave us with a straightforward choice. I challenge any hon. Member here to say that, given the reduction in the commitment to Northern Ireland, we should simply put those four infantry battalions into the regular order of battle, rather than look at where the real pressures are in the Army. I cannot understand anyone making the point about overstretch not recognising that fact.

Pete Wishart: Will the Secretary of State concede that there is overstretch in our infantry regiments and, if not, can he explain why the Black Watch is serving its second tour of duty in Iraq and has not been home for the past four Christmases?

Mr. Hoon: I am not in any doubt that the entire Army—and indeed all our armed forces—have faced higher pressures in recent years. There have been more operations, more demands on their time and more effects on them and their families than, arguably, at any other time in recent history. No one can argue that, and I certainly shall not try. However, as we consider our commitments and our organisation, we have to make a judgment about which parts of the armed forces are to develop because they are likely to be necessary in future, and which parts, bearing in mind the overall pressures on everyone, we can maintain at roughly the present level.

Hon. Members really need to think the matter through. For the moment, we have four infantry battalions dedicated to Northern Ireland. By reducing that commitment, we are not putting greater pressure on our infantry battalions in what we do in future. What I then have to decide, and what hon. Members have to think through more carefully, if they will forgive me for saying so, is how to use those 2,500 posts. What I am suggesting seems perfectly sensible: we should look at where the pressures are in the Army today and use those surplus positions—the result of the reduction in the commitment in Northern Ireland—to ensure that we have the kind of structure, organisation and people that we need in future. If hon. Members were in the Army, that is the conclusion that they, too, would reach, because those people know what sorts of pressures are faced by logisticians, signallers, and our communications and intelligence people. I am afraid that it is a fairly straightforward exchange.

Sir Menzies Campbell (North-East Fife) (LD): There is a great deal in the Secretary of State's analysis with which I would agree, not least because it compares favourably, if I may say so, with the sort of analysis which lay behind "Options for Change" and "Front Line First". However, if he is right that there is an opportunity because of changed circumstances in Northern Ireland, is it not sensible to take that opportunity to provide the infantry capability that, as he pointed out recently—in the past two years—has been under such considerable pressure? He may recall that the defence review of 1998 talked about defence diplomacy. If we have extra battalions now available, why do we not put some real meat on the bones of defence diplomacy?

Mr. Hoon: I do not disagree with the principle but, generally speaking, defence diplomacy does not require the deployment of a battalion. Even allowing for that—*[Interruption.]* It could do; I accept that. However, as the right hon. and learned Gentleman knows, and he is a thoughtful observer of such matters, sustaining battalions wherever they happen to be in the world requires all the people I described: logisticians, communicators, and intelligence. They have to ensure that the battalion can operate effectively. Therefore, as we have a number of commitments simultaneously across the world, it makes sense to ensure that we have the right numbers of those people. That is why it is necessary to look carefully at the balance of our structure.

Even the best infantry in the world—I am sure that everyone here will agree that ours is among the very best—needs the highest quality support to be truly effective, even when peacekeeping—a point I just made to the right hon. and learned Gentleman. In the current strategic environment, Britain needs to have the most effective Army possible. That is what our changes are about: directing our resources to the capability needed most. That must be the right way forward.

Equally important are the proposals to ensure that we make the best use of our infantry. For several decades, we have moved infantry battalions from role to role and place to place every few years—the arms plot. That was needed to maintain broad experience and variety. But times change, and the Army Board has concluded that in order to meet the operational challenges of the future, the provision of infantry capability in that way is no longer sustainable.

The facts speak for themselves. The loss of capability incurred by battalions moving, "re-roleing" and retraining clearly outweighs the benefits it once provided. For example, this year 10 battalions out of 40 in the order of battle have been unavailable to us for between two and six months simply as a result of the arms plot. Recently, General Jackson made the point in an article that it cannot make sense, when Members of Parliament and commentators talk about overstretch to have, as we will in the future, 36 battalions rather than 26 or 27 that are available when we are arms plotting. This is a perfectly straightforward and sensible change.

Mr. Nicholas Soames (Mid-Sussex) (Con): Does the Secretary of State not understand the real confusion that exists, which has been referred to by several hon. Gentlemen here this morning? Everyone supports the reform of the arms plot and the doing away with it. However, in order to do that and bring greater stability to the Army and greater security to military families, it is not necessary to cut four battalions of infantry. Will he deal with that problem? Furthermore, will he deal with the point, peripherally raised by my hon. Friend the Member for Galloway and Upper Nithsdale (Mr. Duncan) that to remove six ships from the Royal Navy and equip the rest with network-centric technology does not increase capability?

Mr. Hoon: I am sorry that I gave way, as I have already dealt with the point about the four battalions. The hon. Gentleman must consider carefully the consequences of dealing with the arms plot. During this debate, the point has been rightly raised by hon. Members that it is necessary to provide a breadth of experience, variety and different kinds of training to the young men and women who join our armed forces, in particular the Army. That cannot be done with single regimental battalions fixed in a particular location. That drives, necessarily and absolutely logically, the creation of these larger organisations, and there is no other way of achieving it. The hon. Gentleman is chuntering from the Back Benches, but he needs to think this through. He cannot say, "I believe in an end to the arms plot" without explaining the implications that that has for force structure, and I have heard no evidence of that.

Annabelle Ewing: Will the Secretary of State give way?

Mr. Hoon: I need to make a little more progress.

Battalions will be fixed by role, largely by location. We will release resources that are routinely tied up in moving location or retraining so that more battalions can be used on operations instead. That will help to relieve the operational burden across the Army. To ensure that that works—and this is crucial—individuals will need to move between battalions for career development and to increase their breadth of experience. In the interest of preserving the regimental system, and the value that it brings, that argues for a future infantry structure based on regiments of two or more battalions, as indeed half the infantry is already organised.

To accommodate the end of the arms plot, Scotland's single battalion regiments will need to reorganise among themselves to form regiments of two or more battalions. No decisions have yet been made, but logically the possibilities obviously include one regiment of five battalions, or two regiments of two and three battalions. Taking those various elements together, a period of considerable change is inevitable. But the case for those changes is undeniable and compelling. It represents the best future for the Army and for the individuals in it.

Annabelle Ewing *rose—*

Mr. Hoon: It is important for all those who say that they are speaking on behalf of those serving in the Army and their families to look at the implications of the arms plot for those people. Being moved every two years does not help family security or stability. Some hon. Members should think that through carefully.

Anyone involved in the decisions recognises that whatever the merits of the approach, change is bound to be difficult for those most affected, both for individuals and historic regiments. That is one of the reasons why it is vital that hon. Members, instead of going back to their constituencies and misrepresenting what the Government are proposing, look carefully at what we have advocated. There is no reason why the changes will mean a loss of identity or history. The battalions can preserve their identity within a larger structure; there is no reason why that should not happen under our proposals. If I thought that hon. Members were prepared to consider that approach, I would be much more impressed by some of the arguments that have been advanced today. Preserving the identity of historic battalions is vital, but it needs to be done in the context of the kinds of changes that we are seeing. I would appeal to all those who think carefully about these matters to consider that.

Medical Services (Service Personnel Overseas)

11 am

Mr. Desmond Swayne (New Forest, West) (Con): May I draw the House's attention to my entry in the Register of Members' Interests, which records that I am a serving officer in the Territorial Army with recent mobilised service?

I begin by quoting a written answer from the Minister given on 19 July, which states that

"the Ministry of Defence, through the Defence Medical Services, provides comprehensive medical services, to standards at least equal to the NHS".

He continues:

"Overseas, the Ministry of Defence is committed to providing medical services for families accompanying Service personnel which are comparable to those provided by the NHS."—[*Official Report*, 19 July 2004; Vol. 424, c. 32W.]

That is the mission statement and the Minister's objective in respect of what is one of his core duties: to provide medical services to our armed forces, particularly those serving abroad, which is the focus of this debate.

Let me contrast that mission statement and objective with the experience of my constituent, Mrs. Deborah Crowton and her daughter Amelia, from the village of Everton. Until she was medically discharged from the services, my constituent had 17 years of military service, of which 12 were as a nurse. As a nurse, she has a volume of experience in such matters. I shall be brief in covering the details of the case because I want the Minister to have the opportunity to hear those details from my constituent at first hand. He would benefit from that, so my first request is that he meet my constituent. I caution him, however, as I found it difficult to maintain my composure when I was first appraised of the details of the case.

My constituent was posted to Cyprus to join her husband in September 1998. She was 27 weeks pregnant. She expressed reservations about being posted in that state, but the posting went ahead. On 4 October 1998, Mrs. Crowton's waters broke, leaving her without amniotic fluid. Her husband drove her to Dhekelia camp, where she was diagnosed with pre-eclampsia and was in need of an emergency caesarean section. RAF Akrotiri was unable to carry out that procedure and she was taken as an emergency admission to a civilian hospital in Nicosia.

The admission was attended by a certain amount of chaos, due to the language barrier and so on, despite Mrs. Crowton's experience as a nurse. However, after some time, she was assured that she would receive an emergency caesarean section that day. She did not, and she did not for five days. She was kept in enormous pain, and despite her requests for pain relief she did not receive it. On the fifth day, she was strapped up and required to give birth naturally in what I can describe only as horrendous circumstances from which her husband was excluded despite his request to be present.

My constituent, Mrs. Crowton, on giving birth to Amelia, immediately had to be treated for very high blood pressure. After it became possible to appraise her of what had happened, she was told that her daughter was suffering from septicaemic shock, pneumonia and a brain haemorrhage, and that an urgent baptism should be arranged.

In the following weeks, the insensitive and, indeed, callous treatment of my constituent continued, particularly on the issue of access to the child and visiting times. Staff told her to stop blubbing because, after all, she was young enough to have another child and she would only upset the other mothers. Little wonder, therefore, that my constituent, Mrs. Crowton, had to be discharged from her military service suffering from depression and that she has since been unable to accompany her husband on postings.

That was all some time ago. Amelia is now five and a half years old. She cannot walk, she cannot talk and she cannot use her hands. She is blind and she suffers from severe epilepsy. She requires full-time care. Those of us who are parents and who have incurred the expense of having children will find the expenses that my constituents have incurred mind-boggling: £2,000 for a pram, £3,000 for a bed, £8,000 for a bath and £65,000 to adapt and extend the house to cater for Amelia. All that has occurred without apology or acknowledgement of responsibility.

What redress is available to my constituent? I will tell the House: she may sue the medical authorities at the hospital in Cyprus, with all the attendant problems of distance, language and a statutorily set minimum compensation that is much less eligible.

So, let me contrast that with what would be available to my civilian constituents were they to be treated abroad in a foreign hospital; it is possible for our constituents to be treated by the NHS in foreign hospitals. I have guidance issued by the Department of Health in November 2002. It is entitled, "Treating more patients and extending choice: overseas treatment for NHS patients—guidance for primary care and acute trusts". I quote briefly from section 6.1, which says

"should a patient sent abroad for treatment wish to raise an issue of medical negligence, the courts may regard NHS bodies as having a duty of care that cannot be delegated, despite the fact that the treatment was being provided by a non-UK provider. Patients would therefore be able to sue the NHS in the English courts, rather than having to take a case through foreign courts."

This is the key passage:

"This approach is in line with the Government's policy preference, which states that patients travelling abroad for treatment should have the same rights and remedies as patients receiving treatment in the UK."

I take the Minister back to his written answer to me, which I quoted at the beginning of the debate, in which he said that

"Defence Medical Services, provides comprehensive medical services, to standards at least equal to the NHS".

I have not come here to find out what the law is. The courts determine what the law is; lawyers will tell us what the law is. I have come here, and brought the Minister here, to do what only a Minister and a politician can do—discuss not what the law is, but what the law ought to be and, if it ought to be different, what he proposes to do to change it.

Ought it be the case that citizens are so much advantaged over our military constituents as a consequence of their being civilians rather than in the military? Given the sacrifices that we expect and require

of our military constituents, is it right and proper that the Secretary of State for Health should have an enduring duty of care to patients, irrespective of how he might subcontract that care, whereas once a citizen joins the armed forces, he ceases to have the benefit of that duty of care and in turn takes on a duty discharged by the Secretary of State for Defence, although that Secretary of State has no enduring duty of care corresponding to that which is discharged for civilians by the Secretary of State for Health? Can that be right? I will leap to the assumption that the Minister agrees that there should be a level playing field—military personnel should not be disadvantaged in this way. If he does agree, what is he going to do about it?

Perhaps the Minister has already begun to do something. Can he confirm that payments have been made to military personnel who were taken ill or suffered injuries during the exercise Saif Sareea and were treated in Omani medical facilities where they suffered medical negligence? Have those payments been made? If so, will he acknowledge that that touches on the same principle as cases I have mentioned, particularly those relating to designated provider hospitals in Germany and my constituent's case relating to Cyprus?

I am here today to ask the Minister whether he will review those cases. Will he consider not the positive question, "What is the law?", but the normative issue of what it ought to be, and what the Ministry of Defence might be able to do for citizens who find themselves in the position of my constituent Mrs. Deborah Crowton and her daughter Amelia?

11.12 am

The Parliamentary Under-Secretary of State for Defence (Mr. Ivor Caplin): I welcome the hon. Member for New Forest, West (Mr. Swayne) to the debate and thank him for raising those points. His interest in medical services for the armed forces reflects his service in the Territorial Army over the years and his call-up last year to Iraq, of which the House is aware. I have to say to him that I am unsighted on the specific case; he did not raise it with me in advance. I undertake to look in *Hansard* tomorrow morning at the points that he has raised in relation to his constituent, as I do for many other hon. Members. I will review the circumstances and write to let him know my views on the matter by the end of this month.

I think it would be helpful, in the context of this debate on the provision of medical services for service personnel serving overseas, to make some general points about our progress. Day in and day out, our servicemen and women have demonstrated, through their dedication and professionalism, why they are respected throughout the world. British forces are performing diverse, difficult and demanding tasks around the world. It is only right that we should provide them with the health services that they require to deliver what we expect of them. Defence Medical Services comprises doctors, nurses and other health professionals who are well trained and equipped to provide our people with the most appropriate health services for their needs.

As an employer, the Ministry of Defence has a responsibility to take care of all its people—a responsibility that we take very seriously. Wherever our service personnel are serving, we are totally committed to providing them with high-quality medical services that are as close as possible to those provided by the NHS.

I should also stress that, where our forces are serving on accompanied tours, our commitment extends to their families. I shall give some details about that, but how we achieve it will vary depending on local circumstances. It is neither possible nor desirable to mirror the NHS abroad. What remains consistent, however, as I indicated in the written answer to the hon. Gentleman, is our determination to fulfil our duty to take reasonable care to provide access to health care. We ensure that the standards of health care for all entitled personnel are maintained, whether through in-house providers, utilising local civilian health care, repatriation to the UK or a combination of all those provisions as necessary. I pay tribute to all those in the Defence Medical Services who provide the medical and dental care to our troops around the world.

The British forces Germany health service is responsible for the provision of health care for service personnel—mainly from the Army, but including some from the RAF—based in Germany. The entitled population in British forces Germany totals approximately 55,000, and the annual British forces Germany health service expenditure on overall health care runs at about £60 million.

As in the NHS, various organisations are responsible for different aspects of the service and, just like the NHS, the British forces Germany health service seeks to make the care that it provides seamless from the patient's perspective. It does so under a military director—currently a brigadier—by bringing together military personnel, Guy's and St. Thomas' NHS Trust and the Soldiers', Sailors' and Airmen's Families Association, known as SSAFA, in an innovative and co-operative partnership, effectively bringing together military-civilian and public-private health care provision. The relationships between those elements are complex, but firmly backed by open-book financial arrangements and close collaboration at every management level.

Primary care is provided by medical centres located in each of our five Army garrisons and run by military and civilian medical staff. Clinical staffs in each centre are a combination of uniformed members of the Defence Medical Services, UK-based civilian doctors, locally recruited civilians or locum staff recruited from the UK. SSAFA provides professional and managerial support services for medical centres, as well as care services under contract, including community midwifery, health visitors and social workers. Together, the organisations provide a fully comprehensive primary and community care service to our service personnel based in Germany.

Since 1996, secondary hospital-based care has been delivered by Guy's and St. Thomas' NHS Trust as the prime contractor to British forces Germany health service, via subcontracts let with designated German provider hospitals located in the five garrison areas.

Mr. Swayne: In one of the Minister's written answers to me in July, he said that regular attempts were made to scrutinise the standards in designated provider hospitals. Can he give me, either in correspondence or now, some guidance on what that involves? Can he tell me whether a register of complaints is kept? Can he also shed some light

[Mr. Swayne]

on the arrangements regarding subcontracted hospitals in Cyprus? I have correspondence showing that the obstetrics unit at the hospital that treated my constituent, Mrs. Crowton, has no knowledge of inspection or scrutiny.

Mr. Caplin: The hon. Gentleman has raised an interesting point, to which I will not respond immediately. I will get back to him, specifically on complaints, procedures and inspections, in the time scale I have set out.

In the German hospitals, Guy's and St. Thomas' liaison staff provide on-site support to patients. To overcome the inevitable language and cultural issues that present themselves, Guy's and St. Thomas' has developed a successful system of hospital liaison officers, who are bilingual personnel located in each German provider hospital. They are there to solve any problems and misunderstandings that may arise. That service has greatly assisted the delivery of the best possible care to our servicemen and women and their families. For example, British-style menus are available, as well as English language television and newspapers.

The British forces Germany health service also conducts annual satisfaction surveys, although I accept that that is not the same as inspection. The results consistently show satisfaction rates of above 87 per cent. The aim is to deliver a service that takes advantage of the benefits of the German clinical approach to care while giving our people the enhanced privacy and access to services to which they are often accustomed in the UK.

We also have large entitled populations in Cyprus, as the hon. Gentleman mentioned, and in Gibraltar, the largest of our permanent joint operating bases overseas. There we provide, and will continue to provide for as long as is needed, a comprehensive primary health care service, managed as a joint service activity, that includes community services such as ante and post-natal care and mental health services. Cyprus and Gibraltar have accredited general practitioner training practices.

To ensure NHS-comparable standards of secondary care, we also maintain, and will continue to do so for as long as is needed, military hospitals in Cyprus, namely Princess Mary's hospital at Akrotiri, and in Gibraltar, the Royal Naval hospital. I am sure the hon. Gentleman agrees that, in general, both facilities provide excellent secondary health care, covering core clinical disciplines such as general surgery, paediatrics, obstetrics and gynaecology, as well as medical cover for operational activities.

Cyprus, in its role as a forward military base, has the ability to expand capacity at short notice in the event of operations. Princess Mary's serves some 8,500 entitled personnel, and has about 185 service and civilian staff. The Royal Naval hospital in Gibraltar, which serves about 1,800 entitled personnel, also has the capacity to provide medical cover for our naval base, and has about 90 service and civilian staff.

I visited the Royal Naval hospital in Gibraltar only yesterday, and was at Princess Mary's hospital in Akrotiri in March. At both facilities, I met some of the first-rate staff and was able to see for myself how we are upholding our long tradition of providing first-class health care for our service personnel and their dependants.

The hon. Gentleman mentioned maternity, and asked whether, at Princess Mary's in Akrotiri, we could provide the facilities he mentioned. He may be familiar with the facility. The hospital does not have the specialist baby-care facilities that we recognise in the United Kingdom. There are circumstances in Cyprus and Gibraltar in which we are unable to provide the appropriate treatment in-house, and we have arrangements in place either to bring in specialists from the United Kingdom or to use local civilian hospitals as appropriate. If clinically appropriate, we can also medically evacuate personnel to the UK.

The hon. Gentleman also asked whether there were any payments—compensation was the term he used—in relation to Saif Sareea, the operation in Oman. I do not have an answer, but I will include one in our correspondence.

Mr. Swayne: Am I to presume that the Minister will address the two other questions I asked in correspondence? They were, first, whether he is prepared to meet my constituent, and, secondly, the normative question whether the treatment available to civilians ought to be so much better than what is available to servicemen, in terms of their recourse when things go wrong. What ought to be the case?

Mr. Caplin: On the first question, I would like to examine the case and write to the hon. Gentleman. Perhaps we could then agree a way forward. That is how I have handled the quite considerable casework in my portfolio, and I hope he accepts that, as other Members of the House have. I cannot give him a specific response on the second question. I think it would be far better for me to include all that matter in a proper letter to him detailing the issues. I have given him some indication of the time scale—a couple of weeks—in which I propose to get that response to him.

I would like to take the opportunity to congratulate the RAF on its skill and professionalism in organising medical evacuations from permanent bases and operational theatres. I know hon. Members will agree on that. It is on immediate notice—24 hours a day, 365 days a year—at RAF Lyneham to provide an emergency medical evacuation service for those who need it.

We also have smaller, permanent joint operating bases on the Falkland Islands and Ascension Island, for which we provide our own primary care; a local civilian hospital provides secondary care. If there is a requirement for more specialist services, we have arrangements in place to use facilities in neighbouring countries or to carry out a medical evacuation back to the UK.

Although we do not have a permanent military base in the United States, at any one time we have about 400 service personnel and dependants living and working there. To fulfil our duty of care to them, we have a reciprocal health care agreement with the United States that covers service personnel and their dependants. Under that agreement, health care is provided to our personnel by US medical services or through an insurance-based system. The NHS provides free medical care to US service personnel serving in the UK and their dependants.

Where our personnel are serving on operational deployments in areas of the world where the medical infrastructure is poor, damaged or overstretched, we can deploy a full range of medical support services. In a major operation such as Operation Telic, with which the hon. Gentleman is familiar, those services would include front-line medical assets integral to the units deployed, dressing stations, field hospitals and RFA Argus, our hospital ship, as well as our medical evacuation capabilities.

Notwithstanding the important individual case that the hon. Gentleman raised and the commitments that I have given this morning to get back to him on the issues that he highlighted, I hope he will agree with me: I am indeed satisfied that our servicemen and women are well served by the skills and professionalism of the Defence Medical Services.

11.28 am

Sitting suspended until Two o'clock.

International Trafficking of Women

2 pm

Ms Julia Drown (South Swindon) (Lab): I am pleased to have the opportunity to debate the international trafficking of women, which is a serious and ongoing crime. The trafficking of human beings, whether for exploitation in work, the sex industry or for any other purpose is a tragic and complex human rights abuse. Hundreds of thousands of people are traded globally every year. The United Nations High Commissioner for Refugees estimates that 120,000 women are trafficked each year, of whom 75 per cent. are under 25. Too many lives are ruined by trafficking, and whether it affects one person or 1 million, the trade in humanity must be tackled.

Women are particularly vulnerable to that slavery-like practice, largely because of the persistent inequalities that they face in status and opportunities worldwide. Internationally, Human Rights Watch has reported consistent patterns in the trafficking of women. Coercive tactics, including deception, fraud, intimidation, isolation, the threat and use of physical force and debt bondage are used to control women. An example quoted to me was of a woman who came to Britain to raise money for her sister's cancer treatment. She worked 12 hours a day, seven days a week. Half her earnings were taken as rent for the flat that she used, and the other half to pay off the £23,000 debt that she was charged to travel to this country. She had nothing for her sister and no hope of a future.

Only last week, the London *Evening Standard* ran headlines about a journalist being offered two young women for £6,000 each, to do with as he wished. That proposition was made not in some seedy bazaar but a London pub, by a pimp responsible for, in some cases, luring eastern European women to Britain with promises of work, love or marriage, and in others, for kidnapping them. The implication that that is acceptable in the London community, or anywhere else for that matter simply cannot be accepted.

The recent "Sex in the city" study carried out by the Poppy Project, which supports women trying to free themselves from the sex trade, revealed that there are more than 8,000 women working in the sex trade in London, of whom 80 per cent. are from south-east Asia and eastern Europe. Many of them are prey to those complex methods of coercion and control, yet the Poppy Project has just 25 places available to help women escaping their entrapment. Women on that waiting list, who are desperate to escape a life of slavery and misery, have to be told, "Wait. We cannot afford to help you yet." I would be grateful to know whether the Government might consider better supporting such projects.

There are concerns over alleged complicity among members of the international community. There are reports of widespread trafficking in Kosovo, with the involvement of peacekeepers, which is a major concern. There are also reports alleging that in Bosnia a 15-year-old girl was

"given as a 21st birthday present to a US soldier and . . . raped in turn by men with American, Canadian, British, Russian and French accents".

Deceptive methods of recruitment have been reported. An orphanage in Romania received visits from a social worker offering apprenticeship programmes for

[Ms Julia Drown]

adolescent girls, who were then taken away and forced into prostitution. Corrupt officials, who facilitate the trade, accept bribes to falsify documents and to provide protection, allow the trafficking to thrive. Of course, if there were no market for sex, much of the trafficking would not take place, so the more that we can change the culture to make it unacceptable to buy sex, the more women such as those I have mentioned will be protected.

Across the world, many Governments treat trafficked persons as illegal aliens, criminals, or both, which exposes those people to further abuse. For example, Thai trafficking victims in Japan are regularly detained as illegal aliens and deported with a five-year ban on re-entering the country. By targeting the victims and ignoring the perpetrators, states allow the abuses to continue.

I congratulate the Government on taking some action on the matter, including, in the Sexual Offences Act 2003, creating several trafficking offences carrying penalties of up to 14 years in prison. I hope that we will hear from the Minister not only about the action that the Government are taking to minimise the involvement in trafficking, but that they have taken and will take to raise those issues with other countries in Europe and further afield.

All human trafficking is for exploitative work. Consider the 20 migrant workers drowned while working for a pitiful wage in ghastly conditions as cockle pickers in Morecambe, or the sex trade that, often through links to drugs, brings an early death to many. All over the world, rich people who are ill are prepared to pay huge sums of money for the chance of a normal life. Equally, desperately poor people are driven to sell a kidney or other organs as a way of feeding their families. Last year in southern India, 13 members of a gang responsible for selling more than 50 kidneys for transplants were arrested. Into this trade have stepped unscrupulous brokers, prepared to trick people into parting with an organ, often for a paltry fee.

In sub-Saharan Africa, there is a horrific trade in virgins, who are being sold because some people are told having sex with them is a cure for AIDS. The horrors do not end there. Last month in Nigeria, 30 people were arrested after the discovery of corpses and human skulls in a fetish shrine. In some parts of Africa, there is a lucrative trade in human skins, which can fetch up to $10,000. Again in Nigeria, we have had reports of the trafficking of women by an international ring using terror tactics on young people through the use of voodoo. One woman told Amnesty International:

"I always tried to open the door, but the men were always outside the door. I was scared. I always hear the voices."

Such women cannot be just immediately returned to their countries to be trafficked again. They need some support, so that they are strong enough to avoid being re-trafficked, and so that they in turn may help to prosecute the traffickers.

This is an international trade, so we need to give protection to trafficked women by working with our European and other international partners. Within Europe, there is an opportunity for binding minimum standards for the protection and support of trafficked people to be ratified this December when the Council of Europe's ad hoc committee on action against trafficking in human beings drafts its European convention against trafficking.

I urge the Government to address the key issues identified by Amnesty. They need to be dealt with in order properly to protect trafficked women and others. The next meeting on that is on Monday where the Home Office will be represented. In addition to pushing these issues at opportunities that the Foreign Office has, I hope that the Minister can pass on relevant concerns to the Home Office.

The first of those is the care and support of survivors. Where an adult has been identified as a victim of trafficking, their access to assistance—medical care, safe housing, counselling, information on their legal rights and so on—must not be made contingent on their willingness to testify against traffickers, particularly as doing so may put family in their country of origin in danger.

We should be willing to support people trafficked in that way because it may give them the support they need to help to prosecute the traffickers. The current draft only allows victims of trafficking "emergency medical treatment", whereas the UN protocol says that more should be done. It is surely justified to give the health support necessary for conditions arising out of the trafficking.

Secondly, we must make allowance for suitable periods of recovery and reflection. Victims of trafficking need a sufficient reflection period temporarily to regularise their immigration status and give them an opportunity to receive advice and assistance, to begin to recover from their experiences and to make an informed decision about whether they wish to co-operate with the authorities in prosecuting their traffickers. Amnesty argues for a reflection period of at least three months. Without that period, victims will face immediate deportation. That is not in the interests of the victim, who may be re-trafficked, or the police, who will lose the opportunity to gather valuable information and possible witness testimony that will help to secure prosecutions and to combat trafficking in the long term.

Reflection periods are only given to those who are considered likely to be trafficked persons, as identified by the police, appropriate non-governmental organisations, or immigration officers. They have operated successfully for several years in the Netherlands, where three months is allowed, and Belgium, where 45 days are allowed. Norway has recently introduced a reflection period of 45 days. Italy suggests a reasonable reflection period would be as long as six months, but its laws go further and offer residency permits to victims of trafficking on the basis that the traffickers pose a continued risk to them.

Sandra Gidley (Romsey) (LD): The hon. Lady raises an interesting point about the reflection period, to which I hope to return. Does she agree that the provision of a reflection period has resulted in more convictions being brought in those countries? That is an important reason to provide such a period.

Ms Drown: Yes. Particularly in Italy, people are satisfied that what might seem a compassionate and long-term approach to dealing with trafficking victims

has resulted in increased prosecutions. It is for that reason that I hope that we can agree a minimum reflection period of at least three months across Europe. That may be particularly important for women because those involved in the sex trade often face rejection by their families and communities on returning to their countries. Finding a way forward for them is a key concern.

Just last night, I received a fax from the UK representative of the United Nations High Commissioner for Refugees and it highlighted some of these issues. One might not normally think that trafficked women had a case for refugee status in this country, but UNHCR points out that, under the 1951 convention, there are certain circumstances in which refugee status should be considered. Indeed, UNHCR hosted a seminar this February in London, at which there were representatives from the Home Office, as well as NGOs. One immigration adjudicator who presented a paper at that seminar looked at the reasons why trafficked persons should be considered as refugees. A paper is now being produced on that to try to get some general rules and guidelines. I hope that the Government will seriously consider that as a way of ensuring that trafficked people are able to qualify for refugee status, under defined conditions.

We have a duty to investigate allegations of human rights abuse and UNHCR points out the very serious human rights abuse involved in trafficking. At some point, trafficking might even qualify as a crime against humanity—it is that serious. We need to bring the perpetrators of those crimes, including state as well as non-state actors, to justice. I would like to hear from the Minister how often such issues, particularly concerning trafficked women, are raised at an international level and whether there is a willingness to take action to tackle this appalling trade at a wider level than the European level. I also want to know whether any funding or initiatives to combat the international trafficking of women are coming out of the Foreign Office's human rights, democracy and good governance programme. Trafficking is a serious and growing problem and the victims do not deserve to have their lives destroyed by it. I urge the Government to do all that they can to tackle the problem, both here and abroad.

2.12 pm

Judy Mallaber (Amber Valley) (Lab): I congratulate my hon. Friend the Member for South Swindon (Ms Drown) on securing this vital debate. It is important for us to keep discussing this issue.

Last year, I attended a showing in Portcullis House by UNICEF of the film "Lilya 4-Ever". I do not know whether anyone else here saw that film. *The Guardian* called it an

> "uncompromisingly bleak, devastating powerful study of Lilya ... a poverty-stricken teenage girl abandoned in a crumbling Russian town"

who was lured into a hellish world of forced prostitution, rape and imprisonment by the promise of a better life and job in the west. She was abandoned by her mother, who was also enticed to the west by a smooth-talking man; we do not know what happened to the mother. After being left on the streets in the Russian town, with no help from her aunt, Lilya was sweet talked by someone into going to Sweden. It was a harrowing and graphic depiction of the stark reality for thousands of women every day. This poor young girl, who had been abandoned, was persuaded that there was a new life in the west and ended up leading, as *The Guardian* described it, a hellish existence.

This debate is timely. I had no sooner seen it on the Order Paper than I opened my post and got my latest Amnesty magazine, which had a leading article on the explosive international growth in trafficking. Hon. Members and, I am sure, the Minister, can expect to be lobbied by Amnesty members urging that our UK representatives support binding minimum standards in the proposed Council of Europe convention on trafficking. I fully support the proposals outlined by my hon. Friend the Member for South Swindon, to which I will return later, and urge our Government representatives to push these issues at next week's meeting.

Any hon. Member who turns on Channel 4 on 7 and 14 October is bound to be moved to action by a drama called "Sex Traffic". I understand that it shows Elena and Vara trafficked into forced prostitution from their home in Moldavia. There is a quote from that film in the *Amnesty* magazine. A 21-year-old Moldavian woman says that she eventually arrived in a bar in Kosovo and was

> "locked inside and forced into prostitution. In the bar I was never paid, I could not go out by myself, the owner became more and more violent as the weeks went by, he was beating me and raping me and the other girls. We were his 'property' he said. By buying us he had bought the right to beat us, rape us, starve us, force us to have sex with clients."

Another woman trafficked into Kosovo told Amnesty:

> "I was desperate ... because we were so poor ... I couldn't live any longer on my grandmother's pension, so I said that I'd better go somewhere else where I could work hard and earn some money to help my family and my brothers."

I think that anybody who watches that film will be moved into wishing to take up this issue. I ask my hon. Friend the Minister to take a look at that film and at the latest Amnesty report on the position in Kosovo and the way in which the international situation has led to the mushrooming of prostitution and trafficking into that country, because there are some very serious issues that we need to ensure that we are on top of.

What is trafficking? I will come back to the United Nations definition of that, but Secretary-General Kofi Annan said:

> "Women and children are not property, but human beings. The international community should declare, loudly and more strongly than ever, that we are all members of the human family. Slavery simply has no place in a world of human rights"—

and trafficking is slavery. It is easy to think of it as something else but it is not; it is slavery—there can be no other way to describe this gross violation of human rights.

Internationally organised and highly lucrative, the crime of human trafficking has increased to the extent that it has become one of the largest sources of profit from crime along with drug trafficking and arms smuggling. In 1998, the UN estimated that this trade in human misery generated around $7 billion a year but latest studies suggest that the figure could now be as high as $12 billion.

[Judy Mallaber]

It is sad but interesting that there is still a need for Anti-Slavery International. Established in 1839, it is the world's oldest international human rights organisation, and it has to continue campaigning into this century against this form of slavery. The Salvation Army is another organisation that was campaigning in the 19th century. I am sure that hon. Members will recall that in 1885 it caused an outcry in Victorian Britain by buying a young girl—a 13-year-old called Eliza Armstrong—from her mother for £5 to expose the trade in child prostitutes. It is interesting, although not totally relevant to the current debate, that that was what led Parliament to raise the age of consent from 13 to 16. In 1885, child prostitutes were bought and sold on London's streets and the Salvation Army was campaigning about that. Today, women and children are still being trafficked across the world and treated as slaves.

With regard to the figures, it is hard to get exact estimates, as my hon. Friend the Member for South Swindon mentioned, but the International Organisation for Migration has reported that between 700,000 and 2 million women and children are trafficked across international borders each year. Few countries remain unaffected, either as a country of origin or as a destination for the women who become victims. Tragically, this has become yet another global phenomenon, with those trafficked forced to work in the sex trade, prostitution, pornography and child pornography and also as farm labourers, exploited labour in sweat shops, in catering and as domestics—as slaves in people's homes.

The Protection Project based at Johns Hopkins university in the United States of America estimates that, over the past 10 years, the number of women and children who have been trafficked has multiplied, so that it is now on a par with the number of Africans who were enslaved in the 16th and 17th centuries—that is an extraordinary statistic. It is a scandal that in this century we have not eliminated slavery but it just takes a different form.

Arising from the Poppy Project, which has already been referred to, Superintendent Chris Bradford of the Metropolitan police explained some of the problems in escaping their pimps that women who are exploited and arrive in the UK have. He says that it is almost impossible:

"They can't speak the language; they've had passports and travel documents taken away from them. They don't know what to do or who to see, and pimps tell them that they're paying the police, and that we will just return them if they come to us. They're not necessarily locked up, but there's the constant threat that they or their families will be 'sorted out'."

However, returning home can be equally difficult because of the stigma that the women can face, and because they have often been driven out by a lack of employment opportunities and money in the first place. Several of the women helped by the Poppy Project were re-trafficked after their return to their countries of origin. What we do when we find such people in our country or in other countries and when deciding whether they should stay or be sent back are serious issues. One woman who was re-trafficked was sold by her father for a second time just days after the police returned her home.

The women will face other threats. Many trafficked girls and women will be told that their families or children will be harmed or murdered if they try to escape or tell anyone. Others are told that their families have found out what they are doing and want nothing more to do with them. My hon. Friend mentioned the fact that a woman can become a persona non grata if she goes back home and that her family can be threatened by those who try to make her stay in the business.

There are different interpretations of what trafficking involves. The internationally recognised definition is set out in the UN protocol:

"Trafficking in person shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs."

Trafficking is not limited to sexual exploitation; it also takes other forms of labour exploitation. In their study, Dr. Liz Kelly and Linda Regan of the university of North London, as it was then called, identify the ways in which women can be recruited for trafficking abroad, and they are not always straightforward.

There can be complete coercion through abduction or kidnapping. It may be rare for women to be trafficked through those entirely illegal methods, but that does happen. Recruitment can be done by deception through promises of legitimate employment in the UK or elsewhere. There can also be deception through half-truths—telling someone that there may be employment in the entertainment industry, dancing or stripping. Some women will be made aware that they will be working in prostitution and may have put themselves at the mercy of traffickers just to get to western Europe. However, they will not have been made aware of the extent to which they will be intimidated, exploited and controlled by those who seek to traffic or to smuggle them abroad.

My hon. Friend gave the example of the woman who came to get money for her sister's cancer treatment. Everything that she made went towards repaying the sum charged to get here and her rent. Women come here with a completely false idea of what is going to happen, and the life that they were promised disappears. The final recruitment method, seen in central and eastern Europe, is to place ads in media sources that claim that there is a well paying job available through an employment agency, which may or may not exist. The person goes abroad and life is very different once they get there. They are put to work of a kind that they did not anticipate.

Trafficking is complex. There are many ways in which it happens and many issues that we need to take account of as we try to help the victims and prosecute those responsible for the crime. What should we do about it? The problem is international and requires international action. Many countries have little or no effective anti-trafficking legislation and no legislation to protect and to support the victims and families or to prosecute the perpetrators.

I welcome the action taken by our Government through the Sexual Offences Act 2003 and through provisions in immigration and asylum legislation to tackle this pernicious crime in the UK. However, will the Minister say what progress has been made in encouraging more countries to ratify the UN protocol, to ensure that legislation to protect women from this heinous trade is incorporated in domestic law around the world? Will he say what the latest position is on UK ratification?

Again, I urge the Minister to consider and to push the proposals for inclusion in the Council of Europe convention made by Amnesty and others. They have come out with a number of proposals, some of which have been gone into in some detail. Will the Minister respond to them? Some may be possible and some may not, but I urge him to consider them all. I am sure that he has.

The first is about ensuring that there is adequate training on how to identify trafficked persons—a great difficulty, not just in this area but in relation to many people who come here without documentation. That is clearly a difficult issue.

The second issue, of reflection periods, has been discussed at some length.

Thirdly, trafficked persons need to have access to a full range of assistance, protection and support to enable them to make informed decisions about their future. Will the Minister let us know what progress is being made on providing services in this country? I am not sure whether there is more than one safe house in this country to assist people. Will the Minister tell us what services are being provided and what possibility there is for us to do more?

Fourthly, there are issues about the legal status of people who have come into this country and whether trafficked persons will be held criminally liable for illegal entry into Council of Europe member states or involvement in unlawful activities that are the consequence of a crime being committed against them. There is also the question of risk assessments being carried out by trained officials before any trafficked person is repatriated.

The final request from Amnesty is that victims involved in legal proceedings or at risk of abuse, stigmatisation or re-trafficking if repatriated should have rights of residence or asylum. I know that that is a difficult issue but I put it on the table as one of the requests from Amnesty to be included in the Council of Europe convention. Therefore, there are a number of issues that I hope the Minister will respond on.

Finally, I extend the subject matter slightly into an area that has been one of my preoccupations in recent months in another campaign that I am involved with. Although the subject of the debate relates to the international trafficking of women, many of those women are very young and there is a huge amount of international trafficking of children. It would be remiss to allow this debate to finish without mentioning that. Many children are procured to be sold into domestic labour as domestic slaves, but the issue that I have been particularly involved with is about the international trafficking of children—and the procurement of children—to be filmed being raped and abused. The abusive images go on the internet for paedophiles to download.

That is a massive issue. Paedophilia used to involve a few people exchanging pictures. Now, one person, who was convicted this year, had downloaded 400,000 images. Every one of those images was of children who had been procured, many of them through international trafficking, to be abused in front of a camera.

Mr. Julian Brazier (Canterbury) (Con): The hon. Lady is making a powerful point. Will she join me in condemning those who suggest that the "mere" downloading of child pornography should not normally result in a custodial sentence? The people who download provide the market for the vile trade that she is describing.

Judy Mallaber: I absolutely agree. I also condemn those who say that it is a matter of liberties and the freedom to do what one wants. It is not. There is no freedom to abuse a child. This country is doing well at setting up the mechanisms that we have. A taskforce chaired by the Under-Secretary of State for the Home Department, my hon. Friend the Member for Wythenshawe and Sale, East (Paul Goggins), brings together all the internet service providers and works with crime prevention agencies. The Internet Watch Foundation is doing well at closing down sites in this country.

However, the material is coming from overseas, largely from the United States, where there is not the same cohesion of crime prevention agencies and where some of the questions about whether to jump on the issue and to prosecute people are more difficult. The other area that material is coming from is Belarus, where the Russian mafia are involved. It is massive, international crime and there is a huge amount of money involved—as we said, $7 billion is involved in international trafficking, perhaps more. The business of child prostitution and people being seen on the internet is also a massive exercise.

Ms Drown: I am glad that my hon. Friend has raised the issue and I think that there are more links to the debate. She picked out the issue of children. Does she agree that when somebody becomes 18 or 21—depending on when one says a girl becomes a woman—the fact that the abuse still goes on is just as horrific? Would she like to see the role and the action of the Internet Watch Foundation, which is very good at tackling these problems, extended? We should have equal work going on in relation to the abuse of women, which also happens on the internet.

Judy Mallaber: It needs to be looked at seriously. It is complicated because any abuse of a child and any downloading of a pornographic image of a child is a crime. The Internet Watch Foundation is allowed to look at the sites and Visa, for example, now has a robot that trawls the net for things with its sign on it. It is easy for them to see what is clearly illegal, and to notify the crime prevention authorities. The definition of what is or is not acceptable in relation to older people and sexual exploitation is more problematic in respect of obscenity legislation.

Earlier this year, there was a debate about violent images following the appalling murder case in Brighton. I note that there is currently a debate about definitions

[Judy Mallaber]

and about what should or should not be banned. It is certainly a subject that needs a lot more consideration and work done on it.

One of the promising developments in relation to child porn on the internet is the work that is being done by the internet service providers—belatedly, I have to say, after a lot of pressure. BT, for example, has worked on using technical means to close child porn down. I have met some of the credit companies and PayPal to talk about how to stop the financial mechanisms that make it possible. As my hon. Friend the Member for South Swindon said, to prevent the abuse and trafficking of women and the selling of them into prostitution, we need to change the culture in which it is acceptable. Similarly, we can make it impossible to download such images, which are clearly unacceptable, by looking at technical solutions to resolve the issue.

This is an important debate, and I would be interested to hear the Minister's latest position on the United Nations protocol, the Council of Europe convention and the services that we are providing, as well as any further proposals for taking the issue forward. We have to keep on top of this massive and appalling problem, as so many women and children are facing the most nightmarish lives as a result of this evil trade.

2.32 pm

Sandra Gidley (Romsey) (LD): I welcome the debate and congratulate the hon. Member for South Swindon (Ms Drown) on securing it. I do not know whether she was just quick off the mark with the Amnesty International campaign or had been trying to secure this debate for some time. Either way, I am pleased that we are here today. I am saddened only by the fact that there are so few of us in the Chamber. There seems to be far more interest in the livelihood of the fox than in the livelihood of the many women who are victims of this terrible crime.

I, too, was lucky enough to see the film "Lilya 4-Ever", referred to by the hon. Member for Amber Valley (Judy Mallaber), and was powerfully struck by it. I urge anybody to go and see it if they have not done so. Since then, I have read a lot about the subject, and that film seemed to describe a fairly typical route from trust in a contact to a woman or child being trafficked and often being subject to sexual abuse. In this film there was a classic progression: a friendship was built up, the young woman, Lilya, went in all innocence to Sweden, and immediately on arrival her passport was taken away and she was locked in a flat and raped. The film became quite graphic at that point, and highlighted the fact that this person was being exploited for sexual reasons. However, we are talking about a child—a very young girl was being exploited. The memory of that film will stay with me for some time.

It is difficult to get a steer on how large this problem is. Some work was done by Dr. Liz Kelly and Linda Regan of the child and women abuse studies unit—in 1999, I think. They estimated that there was anything from between 142 to 1,420 women victims in any one year. However, it is incredibly difficult to obtain the data for several reasons: the activity is underground and I am not sure that we have full knowledge of the extent of it; the lack of anti-trafficking legislation does not help; and there is an understandable reluctance of the victims to report such things, because many of them are not in a position to get themselves out of the situation that they are in. They are in a foreign country, they do not know who to go to or where to go. If they do, they are often sent back to where the original abuse took place. In some communities, there is a strong likelihood that the victim will be sent back to another country.

Little priority seems to be given in government to collecting and researching the data. So, if something is going on that I am not aware of, I would be interested to hear about it. Studies by the International Organisation for Migration claimed that 500,000 women were trafficked into the EU in 1995. Clearly, there is a big difference between 1,420 and 500,000. I am not sure where the IOM got its figures from either. Any clarification regarding that difference would be welcome. I hope that we have not got it so badly wrong in this country that we have totally underestimated the extent of the problem.

The problem is an international one. There is a particular problem in Albania and in many other Balkan countries, and in eastern Europe it is growing. Some African countries also have huge difficulties. I was talking to somebody who had first-hand knowledge of the problem in Nigeria and she said that when one went there, it was fairly obvious which communities were involved in trafficking, because there was a quantum leap in the standard of living.

Given that there is so little opportunity in poor countries to earn money, there is an argument for working with those communities to provide alternatives. It is no good creating righteous indignation—although it is easy and natural to do so when faced with this problem. We must tackle the issue on a global scale. That point has already been highlighted, because, as the hon. Member for Amber Valley said, the estimated profit is $7 billion a year.

Those involved in drug trafficking are becoming increasingly involved in people trafficking and we need to tap into both networks. Last year, I was very moved by "Lilya 4-Ever" and, in September, I decided to visit Italy to see what it was doing about the problem. One thing was clear to me about the difference between the Italian approach and that which the United Kingdom has adopted. Like the UK, Italy has a problem with immigration and with asylum seekers. What impressed me greatly was the fact that it seems to have managed to dissociate the problem of trafficking from that of general immigration. The Government would be well advised to examine the work that it has done, to see whether we could do something similar in this country. Italy is a very right-wing country and if it can be done there, I would like to think that we could do it here.

In Italy, there were a huge number of initiatives to tackle the problem, although they were not at all co-ordinated. Some of them had national Government money, but often local authorities or non-governmental organisations had decided something needed to be done on their patch. There seemed to be no attempt to regularise the activities—I am not sure that that would be a good thing anyway—and there were many different initiatives.

One initiative in the large cities involved working with sex workers and, more specifically, their clients. As has already been graphically pointed out, the workers often cannot get out of the situation. It was realised that occasionally there was the possibility that a relationship might be built up with a client or that a client might be concerned about the treatment of a particular woman. There was a concerted effort to try to reach the users of prostitutes. I accept what the hon. Member for South Swindon said about changing the culture. I am not sure that, in our culture, it would be easy to do that overnight, but it is a worthy aspiration. Trying to nudge the conscience of people who use prostitutes may be useful, but I am not aware of any similar initiatives in this country.

It is a great pity that a cooling-off period was not included in the Sexual Offences Act 2003. Several attempts were made to introduce one, but they were very much resisted by the Government. I do not know whether there was horror at the prospect of opening the floodgates or of creating a loophole. The result in Italy of using such a cooling-off period has been a greater number of prosecutions. When I visited that country, there was concern that, with the change of Government, there would be a change of emphasis such that women would be forced to show and tell—to identify the criminals—and, if they did not, they would be deported straight away. Research seems to show that if women were given time to build up trust and realise that there was an alternative, they would willingly co-operate.

Ms Drown: One of the reasons that a minimum cooling-off or reflection period of three months is sometimes resisted is that it is seen as arbitrary, and clearly it is. A time is picked, but each woman needs a different amount of time to decide whether they might help with prosecuting the traffickers. That is not to say that if women decide straight away whether they want to co-operate, they do not need to stay for three months. However, allowing that minimum period provides a standard, at least across Europe, and some assurance to the many woman who are trafficked in Europe.

Sandra Gidley: I agree entirely. That time will often be a period of re-focusing for the woman. She can think about what she will do, and, if alternatives are available to her, she will feel more secure about identifying the criminals. If the period is shorter than three months, there is a danger that she might feel that she will have to go back to her community. She may not know anything else, and her community may be where the problem originated. Three months would give a little more time in which to come up with an alternative. The concern is that the women will want to stay in the UK, but the lesson from Italy is that most actually want to return to their home country. Some of the fears are ungrounded.

Ultimately, it is most important to catch the traffickers. In Italy, much work has been done to try to identify Mafia links, such that the lives of some of the people who produced the report were threatened. Also, in this country, some of the early examples of women being trafficked involved triad links, and there are now strong links with the Albanian community. Those networks have to be infiltrated, and we must bring the criminals to justice. I think that I am right in saying that only one has been identified so far.

Victor Malarek, a Canadian journalist, spent four years

"in the world of pimps, traffickers, rapists and some of the most disenfranchised women and girls in the world."

He has written a book on the sex trade. He says:

"Trafficking is an easy crime to solve. If I can find the brothels and traffickers, so can the police. Just look in the tabloid personal advertisements for a start . . . These men are not looking for relationships . . . They want sex with a faceless female."

Well, we did not need to know that, but the fact is that one man—an investigative journalist—working by himself has found out an awful lot about the industry and the personalities involved. We should heed his words.

Another concern of mine has been echoed by the hon. Member for Amber Valley. When I visited Sicily, everyone wanted to know when the UK would ratify the Palermo protocol, because that would be regarded as a signal of the fact that we are serious about the problem and will do something. I would be grateful if the Minister could enlighten us on that.

My next point may be outside the Minister's area of responsibility, but it is on an important issue. A recent report by Amnesty pointed out the link between trafficking and post-war militarisation. The example given was the situation following the arrival of the international peacekeeping troops in Kosovo in July 1999. There was a vast increase in trafficking activity and organised prostitution, with KFOR troops making up most of the clients. Hon. Members may not find that surprising, because soldiers will be soldiers everywhere. I suspect that, around the world, there is a proportion who, away from home, may use local prostitutes.

The Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs (Mr. Bill Rammell): I ask the hon. Lady to reflect on what she has said, which could be taken as a massive slight to the armed forces, the vast majority of whom would never get involved in any such activity in a million years.

Sandra Gidley: I was going on to say that I suspect that the make-up of individuals in the Army is no different to that of any cross-section of British society in any walk of life. I am not talking about official activity, but out-of-hours private time activity undertaken while they are based away from home. There is a problem, but I have visited Kosovo and know that the Army does what it can to prevent it and highlight the problems and risks involved. I do not want what I say to be taken as a slur on the British Army.

Mr. Brazier: I have been several times to Kosovo with the Defence Select Committee, and I think that the hon. Lady should reflect. The Army is not just a cross-section, and it is not just doing its best to prevent prostitution. Huge numbers of our soldiers out there, both on and off duty, spend many long hours helping the local community there with everything from rebuilding primary schools to assisting the police. They do endless good works. They do a great deal better than an average cross-section of the community.

Sandra Gidley: I was talking about one aspect of their lives, but the hon. Gentleman is quite right. There is also

[Sandra Gidley]

a strong use of Territorial forces to provide support and back-up, so that children in Kosovo have sports opportunities and so on. I give great credit for the work that is done. I suppose I should not have said that soldiers will be soldiers; I would like to retract those remarks. I should perhaps say that some men will be men. That might be a fairer reflection of the situation.

I do not know what the nationality was of the troops involved, but certainly some of the KFOR troops have been linked with the trafficking, and that is a problem. I would be happy to receive an answer on that later, but perhaps the Minister could advise, or commit to advising me, about what work is done with British troops and what training they are given, so that they become aware of the problem. If the link is made with Italy, as I said earlier, they may be in a position to report and identify the problem. What is being done to send a strong message that this is unacceptable behaviour? I assume that most people understand that it is unacceptable behaviour, but the military forces in peacekeeping, post-conflict situations need to make an extra special effort to ensure that this issue will not come back to haunt UK troops in future. I do not think that it has so far, but people cannot really be convinced about such things.

I was going to mention the European convention on action against trafficking in human beings, which is currently being drawn up by the Council of Europe, but the hon. Member for Amber Valley went through it in detail. I ask the Minister to give some steer on whether the UK is totally behind all the recommendations that were mentioned, because some of them, such as the risk assessment before repatriation and the reflection period are not a part of UK law—and we recently missed a good opportunity to include them. I am slightly bemused as to how we are going to comply with the convention if it takes this form, when many of the measures are not in place.

2.52 pm

Mr. Julian Brazier (Canterbury) (Con): I, too, congratulate the hon. Member for South Swindon (Ms Drown) on securing this debate on an important subject. International trafficking in women and children for prostitution—most of them young girls—is one of the most horrifying crimes existing today. Some of the earliest signs of trafficking in the UK in the 20th century were evident in the late-1980s in the triad-controlled brothels, principally in London and other major cities. In 2001, *Der Spiegel* and the German secret service estimated that the revenues of international criminal gangs involved in trafficking amounted to about €5 billion a year, of which two thirds was collected by Chinese gangs.

Various international organisations are involved, including UNICEF and Anti-Slavery International. By a curious coincidence, my housemaster at school was on the world board of the latter organisation, and I remember him telling us that slavery had not disappeared. In addition, the UN Office on Drugs and Crime is involved. All the organisations have been campaigning hard over the past few years to end human trafficking, particularly in women and children. However, their work is made harder by the frightening lack of any comprehensive data on trafficking worldwide. The hon. Lady referred to problems, and I have seen similar figures to the ones she mentioned from the International Organisation for Migration, which suggests that around 700,000 people are involved. I have even seen a figure suggesting that 2 million women and children are trafficked in a single year.

The International Organisation for Migration observed that in most countries there are few statistics or efforts to measure trafficking, and Britain is no less culpable. As far as I know, the Home Office has no realistic, regular source of information on the number of women who are trafficked into the UK for the purposes of exploitation. An official was quoted in a recent report as saying that the illegal immigrant population was a "knowledge black hole".

In Britain, a Home Office seminar in 1999, entitled "Workers in health projects in London", estimated that 50 per cent. of those employed in London's brothels—

2.55 pm

Sitting suspended for a Division in the House.

3.7 pm

On resuming—

Mr. Brazier: An investigation by the Metropolitan police found that 76 per cent. of the Soho brothels searched were staffed by foreign prostitutes, principally from Albania and Lithuania. An estimated 80 per cent. of people trafficked from Albania are teenage girls under the age of 18. The trade has been estimated to be worth $7 billion a year.

Worldwide migrant smuggling and trafficking is worth an estimated $12 billion to $13 billion a year. The Organisation for Security and Co-operation in Europe believes that smuggling and trafficking has now replaced the drugs trade as the world's most profitable illegal industry. The Home Office echoed that view in the evidence that it gave to the Home Affairs Committee for its report on border controls.

At the risk of covering ground already mentioned, it is worth focusing on what we are discussing. Typically, gangs offer foreign girls passage to a fictitious legitimate job for a price to be paid off in a few months, but the bill, as the hon. Member for South Swindon described, is never paid off. There is evidence that girls, sometimes as young as 12, have gone missing from the care of social services in Britain after being released into the care of so-called relatives, who turn out to have false documentation. Organised gangs have complete power over their victims, who do not dare complain or run away for reasons that have already been discussed. Often, the induction process starts with violent, multiple rape until the girl's resistance has been completely broken.

Harriet Sergeant, the author and journalist, in more than one of her works describes areas of Albania where law and order has so completely broken down that parents are frightened to send their girls to school, because gangs hang around outside, seize girls, gang rape them and move them to a country of their choice.

3.10 pm

Sitting suspended for a Division in the House.

3.51 pm

On resuming—

Mr. Brazier: The hon. Member for Amber Valley (Judy Mallaber) referred to the internet as a further extension of this vile business and I underline everything that she said, except, oddly enough, her last comment. I was a little puzzled when she said that America was behind us on this. In fact, it seems that the FBI has been ahead of almost everyone else and has been to Parliament several times to brief groups of MPs.

Judy Mallaber: It has indeed. I was present when Ed the Fed came to a meeting, which was very interesting.

America is behind us in that our Internet Watch Foundation includes all internet service providers, payment companies and so on in this country. In America, hardly any of them are in that organisation. When our Internet Watch Foundation provides information, it is not necessarily dealt with.

In Operation Ore, we prosecuted or took action against almost all those who had downloaded material in this country, but the United States did not take action against many people, so, in some ways, it is well behind us. We are closing down sites hosted in this country, but a lot of material is coming in from the United States where action is not being taken to close sites.

Mr. Brazier: I am interested to hear that. Certainly, the United States is ahead on the investigative side, but it has a difficulty because of its federal structure. As in so many other areas, it is necessary to obtain co-operation between federal agencies and prosecuting authorities in individual states. That applies to a number of areas of organised crime there.

The truth is that the problem of people-trafficking is a symptom of the wider breakdown of immigration controls. Our failure in the west to cope with the challenges of people movements and the tens of millions of people who fly across the borders of all major western countries every year has created market opportunities for this revolting trade.

A UNHCR report in July 2000 on the trafficking and smuggling of refugees claimed that much of the existing policy making of European Governments is

"part of the problem and not the solution."

Here in Britain, successive Governments have, rightly, started to demand visas for visitors from more and more countries that are likely to be a source of illegal immigrants. However, as the changes in the paper arrangements have not always been buttressed with administrative measures to make them effective, they have all too often worked perversely simply to strengthen the position of criminal smugglers. In 2000, *Migration News Sheet* commented:

"Through their ... short-sightedness and inclination to rush through emergency measures without reflecting on the consequences ... EU states have helped to create the ingredients of a very lucrative form of international criminality which top Mafia bosses probably never even dreamed of, namely trafficking in human beings."

Besides the lack of proper monitoring I referred to earlier—the fact that we do not have a handle on the statistics we are dealing with—our borders and internal enforcement procedures are undermanned. As MP for Canterbury, I frequently go through immigration at Dover, and I can see how overstretched immigration officers are. On the internal side, the same kind of triad and snakehead groups that run many of the prostitution rings for women and young girls were behind the Morecambe bay disaster, which was referred to earlier in the debate.

We know that, as long ago as June the previous year, the Home Office was warned about the way in which vulnerable migrants were being exploited by gangmasters in the area. The warning was not ignored but a clear decision was taken to do nothing. In a letter to the hon. Member for Morecambe and Lunesdale (Geraldine Smith), the Home Office said that the immigration service would not intervene due to "resource issues" and the fact that

"little useful purpose would have been served by sending officers to assist."

What else were officers doing that served a greater purpose?

So, what should we do? First, we need better intelligence. The Government are putting extra resources into the intelligence services, which we have welcomed. Some of the money should be used to deal with this issue. These are the same criminals who are involved in many other areas of crime, and even, I suspect, in terrorism. The National Criminal Intelligence Service needs to place more emphasis on the matter, too. We are dealing with a market as large as that of drugs.

We need to do more to defend our frontiers by considering manning issues, and to deal with those, already operating here. If we can destroy the market, the trade will dry up. We must look again at the work permit system, which is widely believed to be open to abuse. A recent parliamentary question asked the Government to list the categories of people granted work permits due to the nature of their employment. The reply revealed that 1,160 entrants in one year alone were categorised as dancers, nearly all of whom were from developing countries. I wonder, when those things were rubber-stamped—there is usually no check afterwards—what sort of jobs people thought those girls were going to end up doing.

Sandra Gidley: I am a little concerned about the hon. Gentleman's focus on work permits and immigration. It is clear in my mind that this is a separate problem. I appreciate his point about opening the floodgates, but many of these trafficking victims never get anywhere near a work permit. He is confusing the issue with illegal immigration, which should be identified as such and dealt with as such.

Mr. Brazier: I can only express total astonishment at the hon. Lady's remark. It is only because of the growth of illegal immigration that the gap in the market has opened for illegal gangs. The trade of smuggling people illegally into this country was started because wealthy people were paying to come here—that is how the gangs built their power bases. If that had not been possible, the whole problem would not have come about. I am not making a political point. That has happened and grown under Governments of different political persuasions.

[Mr. Brazier]

Of course, the vast majority of people we are talking about do not have a work permit of any kind, but there are a number of examples other than the one I cited. A suspiciously large number of people are listed as fashion models, for example, and an even larger number are just described as working in the leisure industry. The Home Office has said that domestic employment is often open to abuse, which is another large category. Introducing more checks and controls into the work permit system would not solve the problem on its own, but it would make it harder for people to be brought into the country in that way.

We also need to consider whether the new legislation on trafficking, which is obviously welcome, is delivering the sentences that perpetrators deserve. It is too early to tell whether it is, but a few really tough exemplary sentences could make a big difference to the climate. I appreciate that the issue is cross-departmental and that this question is a fast ball—the Minister may want to reply in writing—but I would be most grateful if he could let me know what the guidelines are for the Crown Prosecution Service. Busy, overworked prosecutors must face a tremendous temptation to abandon complicated cases in which the witnesses are, almost by definition, people whose English is not very good. One can see immediately the 80 per cent. chance of success rule coming up. It is in the public interest that such cases should be pursued, even if many of the witnesses are extremely frightened of and nervous about testifying. If they are willing and brave enough to do so, they should have their day in court.

It would also be interesting to know whether the Lord Chief Justice has issued any guidelines on sentencing. The maximum of 14 years applies, but what sentences are judges actually encouraged to give?

Last but certainly not least, I come to the actual handling of the unfortunate women and girls. Amnesty International and other organisations have called for medical care, counselling and other forms of aid. An area that I have been heavily involved in during the past 10 to 15 years is the handling of rape victims, particularly child rape victims. Frankly, we have transformed the criminal justice system's handling of British rape victims. One can imagine how much worse is the plight of these girls. They have been raped not just once. They have had months—in some cases, even years—of their lives blotted out in the most horrible fashion imaginable, yet they do not appear to get a fraction of the treatment that a British rape victim would get.

On granting asylum in such cases, obviously, each case must be considered on its own merits, but I strongly suspect that, if granting asylum were ever to become a pattern, it could backfire and end up partially feeding the industry. I may be wrong on that. Italy has been quoted several times. It is a matter of public record that I have been part of the Italian criminal justice system. The police and legal authorities that handled my case acted with exemplary professionalism.

The Deputy Speaker who was in the Chair a moment ago knows from the last trip that he and I made to Kosovo how much the Italian carabinieri there have done in exposing such problems, but the fact is that the Italian system as a whole has not delivered solutions. Italy is a country where prostitutes are more overtly on the streets than almost anywhere else I know in Europe. Ordinary Italian families talk widely about a range of problems to do with illegal immigration.

There can be no doubt that trafficking in women is a modern form of slavery and a horrible problem. It is part of a wider pattern of people smuggling, which is a lucrative industry that deserves and needs the same kind of focused treatment as is currently given to the drugs trade. People smugglers—often the same gangs—have introduced terrifying new levels of criminality into parts of Europe. The corruption and terror that they import into the UK and the destruction of the lives of innocent, vulnerable people are a blot on our society. We owe it to their victims to tackle the problem urgently.

4.4 pm

The Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs (Mr. Bill Rammell): I genuinely congratulate my hon. Friend the Member for South Swindon (Ms Drown) on securing this debate. When one begins to consider in detail some of the occurrences and the appalling impact on so many women throughout the world, the conclusion has to be that the matter absolutely should be a priority for the Government, who certainly are tackling it.

I share my hon. Friend's abhorrence of the trafficking of women across international borders. The trafficking of women involves crimes such as rape, torture, sexual or labour exploitation, kidnap and psychological abuse. The victims rarely have any idea what lies in store for them.

I want to draw a distinction between human smuggling and human trafficking, as the two terms are often confused. Human smuggling happens when organised crime gangs facilitate the illegal entry of migrants into another country by means of clandestine passage or the use of false documentation. A fee is usually paid by the migrant, who is a willing participant in that arrangement, one that normally finishes on arrival in the country of destination.

Human trafficking is when organised gangs coerce, abduct, threaten or deceive migrants into travelling. Those migrants are then exploited in one or more ways after they reach their destination. Traffickers control their victims through intimidation, slavery and imprisonment. They often threaten the victims' family back home. Exploitation and coercion are the key differences between the two methods of illegal entry, but what is important is that what starts as smuggling often turns into trafficking along the way.

The scale of the problem has been identified by a number of contributors to the debate. Of the two, smuggling is more common than trafficking, but the clandestine nature of the crime makes it impossible to give an accurate figure on either smuggling or trafficking. Widely cited guesstimates for trafficking range from 600,000 to 900,000 victims worldwide each year. Of those, 30 per cent.—a shocking statistic—are thought to be minors. The United Nations has estimated that criminals earn up to $20 billion a year from trafficking. That meaningfully brings home the scale of the problem that we are facing.

What are the motives of those involved? Members may wonder how women become the victims of traffickers. Frequently, they are motivated by the wish

to escape from poverty. Inevitably many victims come from countries suffering from internal strife or where there is ineffective law and order. That makes them especially vulnerable to recruitment by traffickers. As well as those push factors there are pull factors, such as the demand for cheap and malleable labour in the developed countries and the victims' desire to find a better, more prosperous future in another country—I refer to those people who start out being smuggled and get coerced into being trafficked along the way.

In recent years, the turmoil in the Balkans has provided an unfortunate breeding ground for serious crimes such as human trafficking. That was referred to by a number of hon. Members. Many of those trafficked to the European Union originate in the Balkans. Those who come from further afield are often transported through the Balkans to their final destination. I am aware of the report by Amnesty International on the trafficking of women and young girls in Kosovo, to which my hon. Friend referred. I certainly welcome the recommendations in that report. Most of them reflect work already planned or being carried out by the UK, the European Union, the UN and NATO, which we will continue to support fully.

I now turn to what we are trying to do in this country and through this Government. We are committed to doing everything in our power to combat human trafficking. Our strategy encompasses a wide range of actions, including prevention in source and transit countries, co-operation with international partners, strengthening the law, tackling criminals through intelligence and enforcement operations, clamping down on illegal working and—this is an important point—helping the victims of trafficking.

To achieve our aims, we need good co-ordination across Departments, partnerships with businesses and NGOs and targeted international action. In 2000, Reflex, a practical, multi-agency task force, was set up to tackle all forms of people smuggling and trafficking. Led by the National Crime Squad, Reflex brings together all the key Government agencies that are involved in this work, including the immigration service, the Home Office, the National Criminal Intelligence Service, major police forces, the security intelligence agencies and the Foreign Office.

Reflex immediately set up a network of more than 20 immigration and liaison officers, mainly in Europe, to work with other Governments to disrupt and dismantle gangs. If we are to tackle the problem successfully, there must be that degree of international co-ordination. Joint operational units have also been set up at Heathrow and Gatwick, where immigration service officers work alongside police officers.

I deal now with the situation of the victims. It is particularly important that in our efforts to disrupt and dismantle the organised crime groups involved in trafficking we do not forget who the real victims of that appalling crime are. The UK Government are committed to supporting and protecting genuine victims of trafficking who are vulnerable. We have taken steps to provide support to such victims when they are identified. To help with their identification, an online toolkit aimed at law enforcement officials was developed to increase awareness and understanding of trafficking. In 2003, the so-called Poppy scheme was set up by the Home Office to provide safe accommodation and support for women who have been trafficked into the UK for the purposes of prostitution. Its core functions are to act as an advice and information point, to offer a range of support services through a casework approach and to facilitate the voluntary return of victims to their country of origin.

We have also enacted legislation, to which a number of Members have referred, to criminalise trafficking for the first time. The Sexual Offences Act 2003 and the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 include tough maximum penalties of 14 years for new, wide-ranging offences covering trafficking into, out of or within the United Kingdom. That measure was long overdue. The Acts include penalties for trafficking for forced labour or for the removal of organs, as well as for sexual exploitation. Overseas, we are working to build capacity in source countries.

Mr. Brazier: Will the Minister confirm that he will write to me about the cases prosecuted under the Crown Prosecution Service guidelines?

Mr. Rammell: I was going to refer to the hon. Gentleman's comments later. That is another Department's area of responsibility, but I will happily respond to him in writing.

Overseas, we are working to build capacity in source countries so that they can fight trafficking. For example, the Home Office is leading a European Union-funded twinning project with the Czech Ministry of the Interior to strengthen the capacity of the Czech Republic to combat trafficking. Anti-trafficking projects have also been funded in the western Balkans and in Poland. In Bosnia, we have a number of projects and secondments to help tackle the large-scale problem of corruption.

The Department for International Development has funded a range of projects specifically aimed at tackling prostitution and the trafficking of women and children. In south-east Asia, for example, DFID is contributing £8 million over a nine-year period to the Greater Mekong regional trafficking project—an International Labour Organisation-led project aimed at reducing trafficking and the labour exploitation of women and children in Cambodia, China, Laos, Thailand and Vietnam. Through its £15 million partnership framework agreement with the ILO, DFID is funding further anti-trafficking programmes in south-east Asia and west Africa.

I am pleased to say that the Foreign and Commonwealth Office plays a key role in tackling human trafficking. With the help of our diplomatic missions overseas, we contribute to the work of Reflex by raising awareness of the dangers of trafficking among potential victims and host-country authorities, and by reporting on local trends. We use our political and diplomatic knowledge and contacts to encourage foreign partners to increase their efforts to combat the crime. The FCO has also funded a range of projects, including an anti-trafficking witness protection and support project in Albania and a study on the role of women in the Albanian police force. We have provided equipment for the anti-human trafficking and sexual offences unit in Bosnia and funded two Serbian police officers' attendance at an Organisation for Security and Co-operation in Europe conference in Vienna on human trafficking.

[Mr. Rammell]

My hon. Friend the Member for South Swindon asked whether there were any projects in train under the auspices of the FCO global opportunities fund. There are. Last year, it funded a project to counter child trafficking in Mali, and it is currently funding a project in Bulgaria to help tackle the organised crime groups involved in the smuggling of illegal contraband. Many of those groups are also involved in human trafficking.

I now turn to multilateral assistance. The UK also works to combat human trafficking through international organisations such as the European Union, the OSCE, the Council of Europe, NATO, the International Organisation for Migration and the United Nations Office on Drugs and Crime. Many of those organisations fund their own projects on human trafficking.

Through the European Council's 2002 framework decision on combating trafficking in human beings, the EU called on Governments across the world to take concrete measures and to intensify co-operation aimed at prevention through to victim assistance. Last December, the OSCE put in place an action plan to combat trafficking in human beings. The plan aims to address the problem comprehensively, including prevention, prosecution of criminals, international assistance and the protection of victims. A special representative, Helga Konrad, now heads a special unit within the OSCE, which is a welcome development.

For the first time in its history, NATO adopted a policy on combating trafficking in human beings at the NATO Istanbul summit in June. The policy requires specific action to be taken, such as developing training programmes for contributing countries. We strongly welcome that initiative, especially given the problems that have occurred during peacekeeping operations.

International conventions can certainly help, too. The Government have ratified the key instruments that outlaw slavery, such as the international covenant on civil and political rights, the European convention on human rights, the United Nations slavery convention and the International Labour Organisation conventions 29 and 105 on forced labour. We continue to promote their widest possible ratification and implementation, a task that we shall continue to push forward vigorously.

The United Nations convention against transnational organised crime came into force in September 2003. Two of the three protocols associated with it have also come into force. While the United Kingdom has signed the convention and its protocols, there still remains some primary legislation to be put in place before the UK can go ahead with ratification. That will be done as soon as parliamentary time allows. I have a strong message on that point: we need to focus on such matters and take them forward. I shall ensure that the business managers take that on board and, we hope, obtain parliamentary time for such action to take place.

We are also actively participating in the negotiations on the draft Council of Europe convention against trafficking in human beings. We welcome the involvement of NGOs, such as Amnesty International and Anti-Slavery International on what should be included in the convention, and have taken on board a number of their views.

My hon. Friend asked about the care of, and support for, victims of trafficking, which is a key issue. While the Government are committed to supporting and protecting vulnerable victims of trafficking, that must be balanced with the need to make sure that support is effectively targeted and not stretched to the point where it is of little use to those who are most in need. If we are to prevent existing victims from being re-trafficked and new victims from being ensnared, it is vital that we gather intelligence on traffickers and their activities. Victims can play an important role in the defence against trafficking.

My hon. Friend suggested that a minimum period of three months should be agreed throughout Europe for the recovery of victims. Of course we accept that victims need to recover from their ordeal. Indeed, the Home Office-funded Poppy scheme to which I referred earlier supports victims of trafficking who have been forced into the vice trade while they decide whether or not they wish to assist the authorities in investigating the traffickers. We will continue to provide support, care and assistance for victims and will look at granting recovery and reflection periods on a case-by-case basis.

However, it would be difficult for us to proceed with instituting the three-month guarantee on a uniform basis. Were we to do so, there would be a danger that we would almost create a market for traffickers because a pull factor would be established. Nevertheless, we immediately give periods of four weeks, so that victims can decide what to do, and up to 16 weeks if they help the information unit. That is all judged on a case-by-case basis and we take such action because it is essential that we have co-operation from victims to obtain intelligence to capture the traffickers so that we can make a real impact on the trade.

My hon. Friend also asked how often such issues are raised at an international level. As I said earlier, they are raised at every available opportunity through the OSCE, NATO and the European Union. We are particularly active in the OSCE and NATO. Our aim is to agree a draft convention that balances the provision of care for, and the protection of, victims of trafficking with effective immigration controls and the gathering of intelligence to disrupt trafficking and to prosecute those responsible.

My hon. Friend the Member for Amber Valley (Judy Mallaber) referred to child porn on the internet. That is a key worry and we have been active in tackling such matters. We pushed the issue very strongly through the G8, which is now setting up a 24/7 network of law enforcement officials throughout the world. Through the Foreign Office, we also funded the Wilton Park conference, which took place last month and in which 31 countries participated, and a chat monitor software and training programme that involved 14 countries. Training in Bangkok for law enforcement officials from 12 south-east Asian countries is due to take to place in February 2005. That is an important initiative.

Let me also refer to some of the other points that have been raised in this debate. The hon. Member for Romsey (Sandra Gidley) referred to the difficulty involved in establishing reliable statistics. To be blunt, it is difficult to establish reliable statistics and there are a number of reasons for that. Despite the clear definitions of trafficking and smuggling in the supplementary protocol to the UN convention against transnational

organised crime, there are still some grey areas. As I said earlier, it is common for people to begin their journeys voluntarily in order to seek a better life. They believe that the gangs assisting them are merely facilitating that journey. It is only when they arrive in the destination country that methods such as prostitution or forced labour are used to force them into jobs that the gangs want them to carry out. It is therefore very difficult to determine exactly where along the route someone becomes a trafficked person as opposed to someone who is being smuggled. Establishing the true statistics is very difficult.

The hon. Lady also said that we should look to what is happening in Italy, although the hon. Member for Canterbury (Mr. Brazier) had an alternative view. We work closely with Italy and other EU countries and regularly exchange best practice, which is important.

The hon. Lady also raised the issue of what we are doing to ensure that UK peacekeepers do not engage in activities associated with human trafficking. Let me be clear: all members of the UK armed forces are bound by codes of conduct that set out the standard of behaviour expected of them. They are made fully aware of those codes prior to being deployed on operations. They also receive regular diversity training, which includes training in gender awareness. As part of their pre-deployment training, personnel posted abroad receive instruction on the customs and culture of the host country, including, where relevant, the cultural status of women. This is an issue that we are rightly concerned about, although, as I said earlier, I would not want to create the wrong impression: the vast majority of our armed forces are people who do an extraordinarily difficult job very well and would never in a million years have anything to do with crimes such as these.

Sandra Gidley: Will the Minister give way?

Mr. Rammell: How long is there until we must finish?

Mr. Derek Conway (in the Chair): There is one minute left.

Mr. Rammell: Then I apologise to the hon. Member for Romsey, but I cannot give way.

The hon. Member for Canterbury raised the issue of work permits. I am not convinced about the arguments that he made. Most important, people have to apply for the work permit, so I am not sure that the case he was making is valid. However, if he has evidence, we would certainly consider it.

We will continue to do everything in our power to tackle trafficking in women. To achieve that, we need a multi-agency—

Mr. Derek Conway (in the Chair): Order. I am sorry to interrupt the Minister. It has been a difficult afternoon thanks to the Divisions, but I am afraid that his time is up.

School Sport

4.23 pm

Mr. Andy Reed (Loughborough) (Lab/Co-op): I appreciate that this has been a difficult afternoon in terms of the timing and I am grateful for the opportunity to raise this important subject. Why have the debate today? Over the past couple of years, I have wanted to raise the profile of sport and of physical education and activity, as well as the role that they can play not just in schools but right across society in tackling many problems, such as increasing obesity and social exclusion, and in respect of the health agenda. All those things are important.

I hope that this afternoon, a couple of years into the Government's programme to increase participation in school sports, we will hear from the Minister how it is going and what more we can do to encourage even more participation, and that we can talk about some issues that hold us back in this country.

I have to admit that when one or two hon. Members saw my name on the Order Paper again this week and knew that there would be another debate on sport, a few groans went up. It is important to recognise that a number of our colleagues in this place do not enjoy sport and particularly did not enjoy school sport. Looking around the Chamber, I can see that there are no Members present who had that experience.

We must recognise that sometimes we tend to talk among ourselves. Those who are passionate about sport feel that it has great benefit, but there are many who have had poor experiences. Perhaps they were the last ones to be picked underneath the rugby posts or the goalposts at school, or they were forced to do cross-country on a miserable, wet Wednesday afternoon. I have to admit that, as a sprinter, I never really appreciated the need to do cross-country, but it is part of school sport.

I want to ensure that this debate on school sport links in with others that I have secured, as well as those that I hope to secure, so that we have a co-ordinated approach to the delivery of sport. I would like to encourage mass participation through the school system to drive this agenda forward. We need to ensure that the school sports co-ordinators link in ably with the local clubs through the national governing bodies such as UK Sport, Sport England and Sports Coach UK. All those organisations can ensure that there is talent identification, and the elite performance directors can ensure that across the country individuals who have potential fulfil it.

I am lucky in my Loughborough constituency to have one of the regional hubs of the English Institute of Sport. We were very glad to have 43 constituents at the Olympics. Unfortunately, only two came back with medals. My heart still goes out to Paula Radcliffe, who put so much effort into her performance. She had come through the school system, benefited from lottery funding and reached the elite level. Her story demonstrates how difficult it is to achieve at that level.

It is important that if individuals and Members such as me have a passion for this issue, we keep it high on our radar, but also on that of the Government. We must not let it slip. There was some welcome news over the

[Mr. Andy Reed]

summer in response to what was happening in Athens. Some myths had been going around that Governments have not been in favour of competitive school sport, so it was good to see Ministers outlining the situation clearly. I was pleased to see an answer from the Minister only this week:

"The Government are firmly in favour of competitive school sport." —*[Official Report,* 13 September 2004, Vol. 424, c. 1445W.]

"Hear, hear!" say I, along with the many others who want to see our country and the nation as a whole doing well at school sport. That can be translated into a lifelong love of sport, and then to people participating at an elite level.

We must remind ourselves how badly we were doing as a country just a decade ago in terms of school sport. Looking around the Chamber, I see a generation of people who experienced the teachers' strikes in the early 1980s, at which point the emphasis changed. Teachers' relationship with school sport turned everything on its head so that there has been a 20-year gap. I know from my experience at the rugby club where I play every weekend—I am still one of the younger players, although I shall be 40 this Friday—that there has been a generational gap among those coming through the school system. It is now dependent on the clubs to reinvest, which clearly demonstrates the need for the school-club link in the future.

I am pleased that the Government have committed substantial sums of money to school sport, including the £459 million going into the school sport partnership programme. Nearly £700 million is going into facilities. I want to talk separately about those two, which are both important in their own right as they highlight the issues that we need to tackle.

I referred earlier to some of my colleagues not having a love of sport, which unfortunately translates across to school level. That was demonstrated only too clearly in the slightly outdated report "Sport Uncovered", produced by Adidas in 1999–2000. Nike has also conducted research on women's and girls' participation in sport. One of the problems is that it still seems really uncool, and some comments from youngsters illustrated the problems that we have. Many teachers who have stuck at teaching some form of physical education in school deserve credit for what they have done because their work has been carried out almost on a volunteer basis. We depend on those people. If it was not for them—I have been looking at comments over the past year or so from youngsters who have drifted away from sport—we would be in even greater difficulty.

However, because we are investing money in the school sports co-ordinators, the partnerships and the other little programmes, the balance is starting to shift. I was pleased to see in the Ofsted report earlier this year that the quality of the teaching of physical education and sport in schools is improving. However, there is still a long way to go. The Government's target that 75 per cent. of children should have two hours a week of high-quality physical education in school by 2006 still means that by then one in four children will not be getting what I consider the absolute minimum requirement.

The big debate has been over the two hours—whether it should be within or without the curriculum. I can live with it being outside the curriculum, but I would prefer it if the two hours were a definite that were tied into it, in the same way that we have the literacy and numeracy hours. Physical education and physical activity from five to 16 are that important.

I was delighted to see that 50 per cent. of schools are now into the school partnerships. Having an elite university in my constituency, with a sports specialist college—Burleigh—right next door, including its partnership and the group of schools around it, I can see how it all works. Sports co-ordinators are making a difference bit by bit. For example, we were pleased that two or three years ago, two children from Burleigh won the national tennis competition. For the first time, a non-private school won it. Strangely enough, a number of private schools then tried to recruit those two individuals. That shows that—given the right coaching, facilities, backing and opportunities—anybody can achieve a great deal.

Mr. Paul Truswell (Pudsey) (Lab): I congratulate my hon. Friend on securing this latest in a series of debates on sport. I come to the debate not only as an MP but as an avid sports lover and a parent of two boys who both play cricket at county level for Yorkshire, one of whom is also an international badminton player. Given that that is a personal and exhausting perspective, does my hon. Friend accept my contention that young people—irrespective of their age, ability or gender—need to be brought into contact with dynamic and enthusiastic coaches across the widest possible range of sports? They are the ones who can enthuse young people, point them towards clubs and facilities, and, importantly, help to engage the parents. Does he agree that schools are the best way of doing that?

Mr. Reed: I am grateful for that intervention, because it ties into what I have been trying to say. There is a twin-track approach to this matter. It is important to get the facilities right, so that the best ones are available across the range of sports. However, even before Loughborough university got the new 50m pool, swimmers were coming from around the world to be based there because of the quality of the coaches and because of their enthusiasm. We had a horrible 1950s swimming pool, but those people still came.

I learned to play volleyball simply because of the enthusiasm of a teacher who had played it at international level and gave lessons after school on a Thursday to those who were keen to take part. The enthusiasm of that individual brought me into a sport that otherwise was not available. Every now and then I still manage to get out there and do a bit of setting; it would be good to play a little more. I will try to get a parliamentary side together, as that is one of the few teams that we do not have in this House. I am pleased to say that the English Volleyball Association is now based in my constituency and we are trying to get the national governing bodies in as well.

It is crucial that we get the two things that I mentioned right. That comes through in the report. It is quite clear that if teachers, or coaches who are brought in from the national governing bodies through the school-club links, demonstrate that level of enthusiasm to individuals, they will participate. The facilities are also necessary. Part of the problem is that our experience is

of dirty, dingy areas. If we want children to stay after school hours, particularly when it is dark, we need well-lit areas.

What people want to do in terms of school sport is another issue. In most places, during the winter, boys do football or rugby and girls probably do hockey. During the summer there is a choice of cricket, athletics or netball, and a bit of rounders. The research shows that the reality these days is that lots of boys and girls want a much wider range of activities, and the media expose them—especially the girls—to many more sports. Football is the fastest-growing girls' sport, yet only 22 per cent. of them get exposed to girls' football at school. They also want to do basketball. That seems to be a growing area in which people, particularly girls, want to do a bit more.

There is much work to do in broadening the experience. It would be impossible in an average-sized primary or secondary school to obtain such a wide range of experience in the teaching staff, which is why that club-school link is vital. A co-ordinated approach means not only local clubs in sports such as basketball but local professional clubs. In Leicestershire, Leicester Tigers, Leicester City football club, Leicester Riders basketball team and the county cricket side do an excellent job to ensure that their talented players, including some academy members and some superstars, go into schools.

One of the greatest things after the Olympics was seeing Kelly Holmes returning to her school, taking a lesson and seeing the enthusiasm on the children's faces for having a go at athletics. That is vital, and it is why we must have enthusiastic teachers and coaches as well as club links in place. We must also ensure, particularly for girls, that children have sporting heroes to look up to and emulate. There are very few role models—people they would look up to and want to be like—for girls.

Research among girl footballers showed that they wanted to be like David Beckham. Would it not be great if they were able to name the captain of the women's football team? There is a great opportunity for enthusiasm to grow when we host the women's European championship next year. That is important, because sport is a good thing and we now have the obesity time bomb. For the first time in a generation, our life expectancy could be reducing instead of increasing. Some 20 per cent. of children are obese, and we must tackle that through physical education, nutritional and dietary requirements at school, and encouraging people to eat and live sensibly. We have them captured at school.

I know from my son's experience that a bit of tennis and physical activity—footie does not tire him out quite enough, but we can work on that—gives him an opportunity to do a variety of sports with his classmates, yet all the figures show that unfortunately we are still at the bottom of all international tables. We are still at the bottom when it comes to people participating in intensive, regular, competitive or organised sport at school. The UK is top of one league table, as 29 per cent. of us are involved in intensive, irregular competitive or organised sports.

The way we can achieve our targets is to try to involve not only the Department for Education and Skills. I am pleased to see the Minister in the Chamber and I would like to hear what further measures there are to ensure a co-ordinated approach.

Indeed, sport is not the only winner. As the report produced by, among others, the Rugby Football Union, the Lawn Tennis Association, UK Athletics and the Central Council for Physical Recreation and entitled "Everybody Wins: Social Inclusion and Sport" makes clear, with crime reduction and health improvements, every Department wins from sport. The individuals who have benefited from their involvement in school sport go on, not necessarily to win gold medals but to participate throughout their life perhaps to veteran level. We must ensure that children have positive role models to look up to. There is lots of scope for them to get involved, and we must assist teachers and volunteers from clubs when they are trying their hardest.

When I became chair of East Midlands Sport, I was bamboozled by the number of initiatives in sport, not necessarily from the Department, but from Sport England and all those other organisations. I wonder whether we can work through that. If we consider athletics, for example, it is difficult to see who is running what and who is responsible for what. In schools, we have the Youth Sport Trust, the National Council for School Sport, school sports co-ordinators supported by Sport England and the new talented athlete scholarship scheme. I wonder whether it is possible to co-ordinate them to ensure that the basics of school sport are put higher up the agenda.

I am pleased to see a number of professional sports doing their bit. Even for older sportspeople such as ourselves in this place, if there is an international attending an event we are willing to get involved. We played a game of rugby at Twickenham two weeks ago. I find it difficult sometimes to get Members of Parliament to play in our rugby games, but give us the opportunity to run out on to the turf at Twickenham, which was hosting the Saracens and Wasps game, in front of 51,000 people and we do it. At school level, bringing in professional footballers, local cricket and rugby heroes, hockey players or others who are known locally makes an enormous difference; it comes back to the idea of having positive role models for individuals to look up to.

On the gender issue, people used to say to girls, "You don't have to worry about exercise if you are not overweight; you'll end up looking like Arnold Schwarzenegger." We will not go into that, but many such comments show that people are fearful, not just slightly ambivalent, about getting involved in sport. There is a lot of work to be done.

A 13-year-old boy from Birmingham—not my five-year-old son from Loughborough—said:

"Sport gets you going for a good life, or else you could be fat like my dad."

That sums it up. Sport gets people going for life and gives them the opportunity to take it forward. They may want to join a local club and run at local level for the rest of their lives and go no further. Nevertheless, school sport is the foundation for all other sport in this country. If we are to succeed with the 2012 Olympics, we must start ensuring that 100 per cent. of our children get at least two hours a week of it now, not later.

4.41 pm

The Parliamentary Under-Secretary of State for Education and Skills (Mr. Stephen Twigg): First, I congratulate my hon. Friend the Member for Loughborough (Mr. Reed) on securing this important debate. I feel the need to place it on the record, in the light of his opening remarks, that I was one of those who was among the last to be chosen at school sport. I still bear the scars. However, even after that experience, I acknowledge the great importance of physical education and sport. My hon. Friend has powerfully placed on the record the case for those things and their importance. I congratulate him—on behalf of everyone in the Chamber, I am sure—on his birthday this Friday.

There is a real determination, which is shared throughout the House, to increase participation in school sport and ensure that opportunities are provided. The two hours a week is a minimum, but we want to see schools achieving it sooner rather than later. The national strategy on school sport is about turning that ambition, on which my hon. Friend spoke so eloquently, into a reality in schools and communities across the country. It is worth recognising that this strategy follows years of decline and underfunding as well as a lack of focus on physical education and sport in our schools, including, as he rightly reminded the House, the central role of competitive sports. I am pleased to have the opportunity to place clearly on the parliamentary record what was said over the summer, to which he referred.

We have an ambitious public service agreement target to increase the proportion of five to 16-year-olds who spend at least two hours a week on PE and school sport to 75 per cent. by 2006 and 85 per cent. by 2008. We want all children to be given the opportunity to take up that entitlement. Physical education and sport have a crucial part to play in so many different respects, very much for the reasons that my hon. Friend set out and not least in helping to secure and promote the health of our nation. Last week, we published the healthy living blueprint, which brings together our Department and the Department of Health to address a range of issues, including food in schools, what is taught in the curriculum and, importantly, physical education, sport and physical activity. The more we can break down barriers between the different elements in schools, as well as between different Departments, the more likely we are to be successful.

My hon. Friend spoke about the impact of the strategy. We have the school sport partnerships, to which he referred. Around half the schools in England are already part of the network of 313 partnerships, and pupils are benefiting from them. Alongside those schemes we are creating a network of sports specialist colleges—an important part of the specialist schools movement—which provide enhanced quality facilities, as well as learning and teaching in schools, and, importantly, act as a hub for other schools, including primary and special schools in the local community.

That is very much about sharing best practice, organising activities—including competitions—and building and strengthening subject leadership. That is particularly true in the primary sector, because the earlier we get it right, the more likely it is that we will get all the benefits, including an enthusiasm for sport and the health and broader educational benefits to which my hon. Friend referred.

An important component is to achieve professional development for all schools to access, and I am pleased to say that Leicestershire helped us to pilot the programme last year. Thousands of teachers are already benefiting from the programme. It is in part about strengthening the links between schools and clubs, and offering—through, for example, the step into sport programme—leadership and volunteering opportunities for young people. The national sport strategy is investing over £8 million and working with the 22 national governing bodies of sport to enhance club links and bring more coaches into schools.

We are starting to see the benefits of the programme, and my hon. Friend referred to some of them. The latest evidence is that, in schools taking part in the partnership programmes, 62 per cent. of pupils are spending at least two hours in a typical week on high-quality physical education and school sport. We are on course to deliver the 2006 target, but I recognise his point that we need to aspire to go beyond it. We need to achieve the target, but if we can go beyond it, so much the better.

That is remarkable progress, if we compare the position with what was happening in those schools in partnership just three years ago. On average, 68 per cent. of pupils do two hours of sport each week in the schools that have been part of a partnership for three years, compared with only half—52 per cent.—in schools that joined the partnerships in September 2003. That is a remarkable 16 percentage point difference. We want to build on that.

The survey also showed that 96 per cent. of schools hold a sports day, so there is an important element of competitive sports. Just over one in five pupils take part in intra-school sports competitions, and one in three took part in such competitions within their own schools—that is, in inter-school sports competitions—during the last academic year.

We also found that almost one in 10 pupils in years 10 to 13—the upper years of secondary school—from the partnership schools are actively involved in sports, leadership and volunteering—for example, participating in work in primary schools and sports clubs. One in five in years 2 to 11 are participating in clubs linked to schools. That is progress, but clearly we need to build on it if we are to ensure that the programme makes a sustained difference in the long term. There is no room for complacency; we need to consolidate what has been achieved, press on and do more. In particular, as my hon. Friend said, we must do more to widen participation among all parts of the community. For example, we need to encourage our youngest children in schools and we have to get more girls, pupils from ethnic minorities and those with special needs to take up their entitlement to physical education and sport.

On facilities, the national schools sport strategy is investing in the people and tools needed to transform physical education and increase participation. In the five-year strategy for children and learners set out by the Secretary of State in July, we said that one of our key secondary reforms was a commitment to refurbish or

rebuild every secondary school to a modern standard over the next 10 to 15 years through the building schools for the future programme.

Mr. Reed: I am delighted that we have some fantastic facilities—when I look around the school where I regularly play rugby, I see that it has what is required—but they are not used for much of the time. There seems to be general agreement that not enough school facilities are used 24/7, although there appears to be no further progress. Will the Minister take that on board and ensure that we start to use all those facilities 24/7?

Mr. Twigg: That is absolutely right. My hon. Friend asks an important question that has relevance for sports facilities for young people as well as sport and other facilities for the whole community. The sense of the school being the hub of the community is an important component of the policy, both as part of the building schools for the future programme and, more broadly, as part of the idea of opening up and extending school facilities. That has relevance in rural as well as urban areas, and we can pursue it further in debates here and in the main Chamber of the House.

We are supporting capital investment for school buildings at around £4.5 billion this year. That is a very considerable increase compared with the position we inherited in 1997—a sevenfold increase in the schools capital budget. It will rise to £5 billion next year.

My hon. Friend referred to the money that is going to particular programmes—for example, space for sport and the arts and the new opportunities for PE and sport lottery programme—to bring about a step improvement in school sports facilities across the country. More than 3,000 schools will benefit directly, and as the new facilities need to be opened up and shared with other schools and the wider community, I am confident that many more schools will benefit from this. As part of that, Leicestershire has funding of about £3.5 million and nine projects have already been awarded grants and given the green light to start work.

My hon. Friend referred to the success of Burleigh school in winning the tennis competition. I join him in congratulating it on that and, more broadly, in welcoming the work that is going on through the Burleigh school sport partnership in Loughborough. I want to put on the record thanks to Adele Hickling, the partnership development manager, for the excellent work that is going on. Already, 57 per cent. of pupils in that partnership are able to take up their two-hour entitlement, and I know that it is working very hard to build on and improve that.

An above-average number of pupils are involved in competitive school sport there, and all the schools hold a sports day with a massive 19 per cent.—one in five—of year 11 pupils across the partnership taking part in leadership and volunteering. Some really good work is going on, in particular to include children with special needs and disabilities. In response to my hon. Friend, I say that that example is exactly the kind of best practice that we want to share.

I welcome the opportunity that a debate such as this, however short, gives for some of these things to be put on the record. What is critical now is that we—as a Government, in Parliament and more broadly—learn the lessons from those examples of good practice so that they become typical rather than exceptional beacons to which we can refer in debate. We want them to become the good practice of all our schools so that it can be shared and so that all children and young people get the entitlement to physical and sports education that I think everyone in the House agrees they deserve.

Education Provision (Southend)

4.53 pm

Mr. David Amess (Southend, West) (Con): Mr. Conway, this may be a sad day for democracy and security, but the fact that we are discussing education, and education in Southend, is timely. However strongly we feel about issues, the attempt today to halt proceedings was a very sad action indeed.

I am very grateful that the Minister for School Standards is responding to this debate as it was not so long ago that I was part of a delegation to meet him. This is not an opportunity to criticise or berate the Government for what they have done in terms of education. All parents in Southend are very grateful for any assistance that the Labour Government give to our schools and that the Conservative council in Southend also gives to our children.

Southend used to be a very popular seaside resort, but times have changed and many people now travel abroad. The local authority has desperately looked for a new outlet in activities in Southend and, sensibly, it has been decided to try to make Southend a centre of learning. That is not easy to achieve, but I congratulate all those who have worked in partnership to make it happen.

South East Essex college of arts and technology is working with the university of Essex to enable young people to benefit from higher education. They have signed a joint venture agreement and have embarked on a unique partnership. The vision is for the joint development of an integrated further and higher education campus offering progression opportunities for young people and adults.

The college has recently relocated to its splendid new building in Luker road in the heart of Southend. The building forms the first phase of the campus and houses most of the college's further education and all its higher education provision. I hope that the appropriate Minister can visit our new campus. Everyone in the town is excited about it and the opportunities it affords. There will be a strong vocational focus in an exciting and innovative flagship building. The college, in partnership with the university, is helping to raise aspirations and skill levels in an area that, traditionally and unfortunately, has low rates both of staying on post-16 and of participation in higher education. The project fits in extremely well with all the aspirations of the Thames gateway.

The Minister has probably heard many Members of Parliament praise local examination results, and I intend to follow that example. I give the credit entirely to the children who have achieved those results, to their teachers and to their parents. Also, I want to touch briefly on the relationship between grammar schools and comprehensive schools in Southend and the impact it has on the results. As the Minister will know, we have four grammar schools in Southend. We are very proud of them. We know that the Labour party has pledged not to abolish them so we will be working with the secondary schools that we have in Southend at present.

Westcliff high school for boys was ranked among the top 50 schools in England and Wales, based on this summer's A-level results. We also saw excellent A-level results from Westcliff high school for girls, Southend high school for boys, Southend high school for girls and St. Thomas More high school for boys. I am pleased to tell the Minister that the percentage of pupils attending schools in Southend who achieve five or more A* to C passes at GCSE is above the national average. The percentage has risen from nearly 57 per cent. last year to nearly 60 per cent. this year. The national average is about 53 per cent.

Westcliff high school for girls, which one of my daughters attends, had a pass rate of 100 per cent. Southend high school for girls, which another of my daughters attends, had a pass rate of 99 per cent. Westcliff high school for boys had a pass rate of 98 per cent and Southend high school for boys had a pass rate of 96 per cent. As a Catholic, I was pleased to see the two Catholic schools—St. Bernard's, which is wonderfully led by Miss Vicky Squirrell, and St. Thomas More, wonderfully led by Frank Keenan—do so well. The Eastwood school also did splendidly. I congratulate all those involved.

Much as I praise all those schools, Prittlewell school and Belfairs school in my constituency are equally important. I do not want to use the short time that is available to go into the detail of what has happened at Prittlewell school. I simply put on record the fact that it has been a splendid school, given all the challenges it has faced. I am sorry that as a result of the Ofsted report it is now under special measures, something that I never thought would happen while I was the local MP. I was totally unaware that this was happening. We have support from the Minister's Department, but once a school is labelled as having difficulties it often takes a generation to turn it around. I will not shut up about Prittlewell school: I want to ensure that normal education provision is returned as soon as possible because I cannot believe that in just a year something has somehow gone terribly wrong there.

The final school, Belfairs, is magnificently led by John Duprey. I have had the privilege of attending many events at that school. The headmaster is very proud of all that has happened there, but he is concerned about the impact that the activities of other schools are having on his school. Obviously the grammar schools take a number of children who are not from Southend. However, the number of children from disadvantaged backgrounds is significantly higher at a school like his and the number of asylum cases and those from economic migrant families is higher at his school, and that type of population is, by character, fairly mobile. The Government have said that such pupils must be included in schools and they feel very strongly about that. However, such a change has absolutely no impact on the grammar schools, as the youngsters who are to be included are invariably not sufficiently able to go to grammar schools.

I would never support the abolition of grammar schools in Southend. We must live with the way things are at the moment. I feel very strongly that Belfairs' magnificent achievements should be recognised in a different way, not merely in terms of the tables as printed. As the Minister knows, Belfairs has a wonderful drama facility and other areas of excellence, but in its academic achievements it is seen not to be doing as well as the grammar schools. I will support Belfairs school to

the end; it has a magnificent staff, and it is a bit tough on them when the results are printed and Belfairs appears not to be doing as well as the other schools.

I have decided not to name the heads of secondary schools who have given me various pointers that I shall use in this debate. However, the head of one secondary school in Southend feels that channelling money to disadvantaged schools is unlikely to produce the effects that the Government want. He believes that the reverse will happen because learning is difficult; it comes from sustained and deliberate application over time and it is the product of patience and resolution. Learning is not amenable to a quick fix; neither can it be equated with having access to a computer. I have strong views on computers: I agree with the headmaster that information and communications technology by itself cannot usher in an age of higher standards. The head feels that the problem is

"a poverty in home life and in conversation, in reading, which many cannot do, in understanding the cultural and historic roots of our society, in seeing the significance of the principle of personal responsibility and in recognizing that the puritan ethic ought be a source of continuing vitality in our affairs."

The head also believes that the Government have not understood the distinction between education and training, which he feels will eventually have an adverse effect on the work force. The Government have always talked about "education, education, education", but that headmaster believes that there has been too much bureaucracy, bureaucracy, bureaucracy.

Several heads have complained about the cost of examinations, especially of modular A-levels, vocational examinations and so on. I hope that the Minister will say how funds will be given to the schools to sustain the cost of examinations.

My party feels strongly about parental choice. When the Government introduced the School Standards and Framework Act 1998, infant school class sizes were restricted to 30. In the tiny urban area that I represent, there is no space in the playground to build extra classes, and restricting class sizes to 30 has had an adverse impact on parents' choice of school. Once upon a time, you could go along to a teacher—they were all paid the same amount—and say, "Do you mind taking an extra one or two?" Schools cannot do that now, so primary schools such as West Leigh, Leigh North Street and Chalkwell have been turning parents away, literally in droves. Will the Minister comment on that?

The meeting that we had with the Minister was about budgets. I have to tell him that schools in Southend have muddled through with their budgets, but there are staffing restrictions, even with transitional grants. I am advised that the money is simply not enough, and next year the grant goes down by 50 per cent. I fear that schools will be in trouble again, although I hope that the Minister will be able to reassure me on that point.

A number of head teachers have raised concerns with me about funding generally, and work force reform in particular, which is an issue for both primary and secondary schools. Schools in Southend are very worried about how they will pay for those activities that were formerly performed by teaching staff, but that will now have to be performed by non-teaching staff. As I understand it so far, the Government have not yet indicated how funding will be passed on to the schools. Although it is laudable that the Government insist on non-teaching staff doing things formerly done by teachers, will that work force reform be fully funded?

Another head teacher wanted to share with me her concerns about pay, recruitment and the retention of staff generally. It is an issue in Southend. I do not know whether it is because we are at the end of the line, but we are currently finding it rather difficult to attract head teachers in particular, which is very surprising and disappointing. When vacancies are advertised, there is a small selection of replies. Head teachers feel concerned about funding for the upper pay scales. There appears to be a huge constraint on budgets for schools with established and experienced staff—I am sure that that is not the first time the Minister has heard that.

The transition from a local education department to a directorate of children's services, which is currently happening in Southend, has financial implications. The time scale and process seem unclear, and coupled with the loss of staff in the local education authority it has removed support from schools. During the same period, the local education authority is being further stretched by the secondary school that I mentioned—Prittlewell—going into special measures. There is additional concern that a second school on special measures—not in the area that I represent, but at the other end of town—will further distort the admissions into secondary schools.

The Minister will know that we also had a meeting with the Minister for Children earlier this year, at which the deputation was concerned about the financial impact of looked-after children, relative to Southend's size, and at which we gave the Minister all sorts of examples of how we thought we were not being treated fairly.

One primary school teacher—together with Michael Frampton, the excellent head master of Southend high school for boys—stressed to me very strongly that there does not seem to be any equality of funding whatever. She certainly feels strongly that the primary schools are not being treated fairly, and that there are no incentives for schools to reduce their budget deficits. I have to tell the Minister that she rather longs for the days of grant-maintained schools.

Recruitment and retention is an issue in Southend. In May 2003, there were nine primary, 19 secondary and two special school vacancies. That is quite high. At present, there are four primary and 16 secondary vacancies, and fortunately, we have solved the vacancy problem in our special schools. Will the Minister comment briefly on that?

I end with a comment about our special schools. I have five special schools in the area that I represent, and they are absolutely splendid. I am deeply moved every time I visit the schools and see their wonderful achievements. The Minister will understand that when it was first mooted that children with all sorts of special educational needs be absorbed into mainstream schools, there was resistance from many parents who felt that their children would be at a real disadvantage in some schools.

However, following the local authority's decision to reorganise special education in Southend, the five special schools—Kingsdown, Lancaster, Priory, St. Nicholas and St. Christopher's—have been preserved, although they are going through a period of

[Mr. David Amess]

prolonged change. The strategy adopted means that more people will be able to be educated locally in Southend, which I applaud, and there will be greater choice for parents with enhanced facilities in some of our mainstream schools, which I am particularly delighted about.

I am very pleased that in Lancaster school, 19 to 25-year-olds, for whom there has always been a gap in provision, will not be forgotten once they leave school. I praise Southend-on-Sea borough council for that development, which is one of just a few in the country. Eastwood secondary school, led by David Penketh, has a drama facility and music centre, and is a wonderful school. I am now into my eighth year as MP for Southend, West, and I am seeing all sorts of changes that the education authority is doing its best to cope with.

Finally, will the Minister look carefully at Southend council's position as a unitary authority outside Essex county council? I know that the change was not his decision but that of the local residents, but the fact that it is a unitary authority means that there are special circumstances in terms of educational opportunities. I look forward to working with the LEA and the Department for Education and Skills in raising standards for all our children in Southend and rejoicing with the Minister and others concerned as Southend marches on to become a centre of educational excellence.

5.13 pm

The Minister for School Standards (Mr. David Miliband): I can only guess at the excitement that you, Mr. Conway, and the millions of others who are watching us on television feel at joining what is becoming an extended conversation between the hon. Member for Southend, West (Mr. Amess) and me about education in Southend. Until today, the discussion has been sadly restricted to private meetings, but we can now be assured that it will be seen by a wider range of people who can gauge the passion, common sense and innovation that are part of it.

I congratulate the hon. Gentleman on the beginning and end of his speech, and I associate myself wholeheartedly with his congratulations to the teachers, pupils and parents of all the schools in Southend on their achievements this summer. I am pleased that he has not joined the brigade of so-called well-informed commentators who, every time that test and exam results come out, are the first to say that the results are the product not of hard work and good sense but of the exams getting easier. Like him, I believe that young people and their teachers are working more smartly and better, and that they deserve the results they achieve.

The hon. Gentleman was also honest enough to recognise that not every young person is fulfilling their potential at school or college and that we have to fight any sense of complacency that we feel about existing provision while celebrating the good work done by pupils and teachers in Southend.

Looking at the statistics for this year, I was struck by the fact that the number of 15 and 16-year-olds getting five or more GCSE passes—when the hon. Gentleman referred to passes, they were for grades A to C—rose by 2.9 per cent. in Southend, which is encouraging. That is above the national average and an increase from 48 per cent. when the authority went unitary in 1998, to pick up on a later point that he made. Also, the percentage of students receiving no passes fell—it nearly halved—this year. I am sure he agrees that that is significant.

I am glad that the hon. Gentleman talked about the work of the South East Essex college of arts and technology at advanced level. The A-level average points score in Southend rose to 48.4 per cent. this year, which is significant. Looking at the description of the new £52 million South East Essex college—I gather it is opening on Southend high street within a matter of days, and I am sure that the bunting will be put out—it was striking to see that nearly two thirds of enrolments at the college are in business, information and communications technology and visual and performing arts. Those are three areas in which there are growing employment opportunities and it is good to see that that often technical type of education, which has sometimes been neglected in this country, is being supplied by the college. I applaud the work that it is doing.

The hon. Gentleman concentrated his remarks on the secondary sector, but I am sure that he will join me in welcoming the renewed progress at primary level. Secondary schools cannot prosper unless the primary stage—the foundation of education—is properly undertaken. The improvements in that area are really striking.

Let me run through some points that the hon. Gentleman raised, because I want to ensure that they are covered. He mentioned Prittlewell school and said that he was worried that it might take a generation to repair and restore its fortunes. I do not just hope that that need not be the case; I believe it. The record of schools being placed in special measures shows that they can make fast progress. The average time schools spend in special measures is about 13 months—just over an academic year. It is a challenging process, but I am sure that he would agree that when Ofsted, the independent inspectorate, finds serious weaknesses or significant problems, it is right not to avert our eyes but to get in there and sort the difficulties out.

I can reassure the hon. Gentleman that overall the number of schools in special measures has fallen significantly over the past seven or eight years—it has more than halved. The number of schools with less than 20 per cent. of pupils getting five A to C grades at GCSE is down from 361 in September 1997 to an estimated 59 this year. This need not be a counsel of despair. I am sure that it is disappointing for the people at the school involved, but they can be sure that they will get support—not just from the local authority but from central Government—to get them out of special measures as soon as possible. It is not just that we want to avoid a spiral of decline; we believe that we can avoid it and have a virtuous circle of improvement. I am sure that any help or positive support that the hon. Gentleman can give will be welcome.

I will not dwell on the hon. Gentleman's worries about computers. Suffice it to say that the use of

information technology seems to me quite compatible with learning how to read and write well—in fact, they can support each other.

The hon. Gentleman had a specific question about exam costs, which is an issue. I think that he was probably thinking of exam registration fees. Rightly in my view, the exams are run by independent charitable bodies, not by central Government, and they fix their fees under the watchful eye of the Qualifications and Curriculum Authority. He referred to the costs involved for schools and colleges. Perhaps he did not have this in mind, but it is also important to think about the assessment burden in terms of coursework, which can take time away from teaching. We must look at both aspects. The Tomlinson review of 14 to 19 provision is looking directly at those issues and the cost implications; it will be published in about three or four weeks. I hope that we can address some legitimate points that were made by the hon. Gentleman's constituents in that context.

The hon. Gentleman talked about funding in Southend, but he has been misinformed that there was a 50 per cent. cut in its grant. Perhaps that was a slip. The funding for Southend continues to increase. This year, every school in his constituency is guaranteed at least a 4 per cent. increase per pupil in funding. Next year—2005–06—it will be at least 5 per cent. for primary schools and at least 4 per cent. for secondary. I will explain the difference later; it relates to work force reform, which he also mentioned. Those are the minimum increases. It is also important to recognise that Southend's overall increase per pupil was 6.3 per cent. this year, so significant extra funds are going to Southend.

I think the hon. Gentleman was talking about the transitional grant, which was given specifically to help to overcome some problems in 2003–04. He is right in saying that that is going down from £1.4 million to £0.7 million and to zero eventually, because it was a two-year grant to help to smooth out some of those difficulties. It is right that we do not go straight from £1.4 million to zero, which is the cliff edge that Southend might have faced. I hope he agrees that the overall increase in the base—6.3 per cent.—provides a significant safety net as the transitional grant is withdrawn and that the commitments for schools are inviolate.

I am glad that the hon. Gentleman referred to work force reform as well as the three-year programme to ensure that teachers focus on teaching and that the administration and whatever bureaucracy is necessary is taken care of by administrative support staff. That has been carefully modelled, most recently in 72 primary schools during the summer term of the 2003–04 academic year.

Furthermore, I am delighted that the National Association of Head Teachers, the Secondary Heads Association, significant teaching representatives and the Local Government Association have worked with us to develop the funding formula for 2005–06—the last year of the work force reform initiative—to deliver funding that will provide the stability, predictability and cover that primary and secondary schools need.

We have upped the minimum increase for primary schools because they face a particular challenge in the third year of the agreement as teachers are entitled to 10 per cent. of their teaching time being reserved for the preparation and planning of lessons, which are obviously critical as demands on the curriculum rise. However, we believe that the measures we have taken, with the support of those partners I mentioned, will cover that.

The hon. Gentleman also talked about children's services, and I heard and read about his meeting with my right hon. Friend the Minister for Children. There are big opportunities for schools and social services to work together in ways that they previously have not.

I shall wind up on a note of common agreement. Special schools have a critical role to play in our education system. For some pupils, they will always be right, but not necessarily for the whole of their school career. I do not want a battle between special schools and the mainstream sector; I want more co-operation between them so that the special skills in special schools and among the teaching staff are spread across the system.

I am glad to hear that the hon. Gentleman supports that and that he is as inspired as I am by what goes on in our special schools. They have a lot to offer—not just to their pupils, but to the wider system—and I look forward to making the most of them.

Question put and agreed to.

Adjourned accordingly at twenty-two minutes past Five o'clock.

Westminster Hall

Thursday 16 September 2004

[MR. JOHN MCWILLIAM *in the Chair*]

Postal Voting

[Relevant documents: Seventh Report from the Office of the Deputy Prime Minister: Housing, Planning, Local Government and the Regions Committee Session 2003–04 HC 400–I, and the First Special Report from the Committee Session 2003–04 HC 973, containing the Government's response to the Electoral Commission's observations on the Report.]

Motion made, and Question proposed, That the sitting be now adjourned.—*[Mr. Heppell.]*

2.30 pm

Andrew Bennett (Denton and Reddish) (Lab): I am grateful to have the opportunity to begin the debate on the seventh report of the Office of the Deputy Prime Minister Committee on postal voting. It is perhaps not the best of afternoons to have the debate. Sadly, there do not seem to be many people here who have not been involved in most of the Committee's deliberations. No doubt, one or two will at least read what the Minister has to say.

I begin by putting on record my appreciation of the work of the advisers to the Select Committee, David Godfrey and Professor Colin Rallings, who did an excellent job in keeping the Committee on track, and, as always with Select Committee work, of the witnesses and people who sent in evidence. Select Committee reports depend on good witnesses and good evidence, on which we can base a report.

We started the inquiry into postal voting long before the question of all-postal voting became a political hot potato. The report is concerned with the question of postal voting, rather than the all-postal voting that has become an issue. I briefly want to mention the all-postal voting experiment, but I want to concentrate on the problems of postal voting and the issues that we must address.

I praise the Government for the experiment. Those who have criticised them have been very unfair, as it delivered an increase in the number of people voting. That was of considerable importance, particularly with regard to the credibility of Members of the European Parliament. The experiment was also useful because it demonstrated some of the problems that have to be addressed, the first of which was the timetable. If we are going to send out postal votes, we need a longer time span for the election. Many of the difficulties that occurred in the experiment related to the restrictions of the timetable.

There is also the question of whether there are enough security printers in the country. One of the advantages of the experiment taking place in four regions was that it demonstrated that local authorities pushed the number of security printers almost to the limit. If we had tried the experiment across the whole of the country, it would have been difficult to find sufficient security printers to deal with the task.

The experiment also demonstrated that there are variable standards in the way that local authorities administer local elections. Some of them do so to an extremely high standard, but one or two were found wanting. It was sad that Stockport received a lot of bad publicity during the campaign because of the way it administered the all-postal vote system. It would have been much better if Stockport had got publicity for all the good things it did, but it did not and that was sad.

I say to the Ministers that their officials did not do very well with the regulations. I understand the argument that regulations should not be made in a Department until the absolute last minute because an excuse might be found for not making them, but the regulations for all-postal voting should have been worked out before Christmas. It was totally unacceptable that one or two local authorities had to publish notices of poll based on what they hoped would be in the regulations, rather than on what they knew for certain. In future, people making regulations in the Office of the Deputy Prime Minister need to do so more quickly, or should at least have done the work to enable the regulations to be made quickly.

A lot of people have said that there was a great deal of fraud. That is absolute nonsense. I have read what the Electoral Commission has said, I have talked to various police forces and the Committee has collected extra evidence, and there is not a shred of evidence that there was more fraud in the regions with all-postal voting than there was elsewhere. The worst allegations of fraud come from Birmingham and that has nothing to do with all-postal voting. Those issues must be dealt with. I will talk about them later, but as far as I am concerned, the all-postal voting system did not make fraud any worse.

Sadly, the Electoral Commission does not come out of this very well. First, it told us that postal voting was a great idea, based on the experiments in previous years, and now it tells us that it is not a good idea. Last time round, people expressed views from the newspapers and the feeling was that, judging from the experiments in previous years, postal voting seemed popular, so the Electoral Commission decided that it was a good idea. This time, partly thanks to the work of the Opposition and other groups, the suggestion was that there were lots of problems. That was the glib reaction expressed in many in briefly conducted polls. The Electoral Commission is not coming up with particularly valid judgments.

The Electoral Commission seems totally out of touch with the real world. Back in May, it published guidance on how the political parties were to operate in the context of the postal-vote system. None of the political parties was prepared to sign up to it because an awful lot of the proposals were stupid. Telling candidates that they should not handle postal-vote envelopes was absurd. Anyone who has done any electioneering knows that if someone says, "Can you post this postal ballot or hand it in?", candidates are not going to say, "Oh no, I can't touch that. You've got to get someone else to do it."

As an aside, the Electoral Commission does not have much idea either when it comes to how it is demanding that political parties' treasurers organise their finances. It assumes that all political parties can have a treasurer who has got a degree in accounting. The old Speaker's Conference, which used to organise such things, had

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strong political representation. Perhaps the Electoral Commission needs swiftly to import people who have knocked on a few doors and acted as agents or treasurers.

Mr. Edward Davey (Kingston and Surbiton) (LD): The hon. Gentleman is very critical of the Electoral Commission. Is it not possible that the Electoral Commission changed its view on all-postal voting in the light of the experience of 10 June, so its change is based on empirical evidence? Would it not have been better if the Government had listened to the Electoral Commission before 10 June in respect of the pilots on all-postal voting?

Andrew Bennett: The Government were sensible to go ahead with the pilots in the four regions. As I said earlier, the fact that we got the number up to four demonstrated some of the difficulties, particularly with the security printers. The pilots were worth while experiments. The question is how we take them forward. We should not criticise the Government in that respect; we should recognise that the pilots were useful. All that I am saying is that the Electoral Commission needs to improve its understanding of the way in which the political process works. The political process has worked in this country, with total public respect and with people not believing that there was widespread fraud, for a very long time—mainly at a time when electoral procedures were dealt with by a Speaker's Conference. All that I want is for there to be more realism in the Electoral Commission.

On the key issue of postal voting, it is important to remind people that postal voting in this country goes back a long way. I think that the first attempts to use it were made in 1918. Perhaps that did not influence that election, but it is alleged that in 1945 postal voting made a significant difference to the outcome. We have always believed, throughout recent times, that postal voting has its place. Quite clearly, it enables service people to vote. During the '70s, '80s and '90s, people were entitled to postal votes for incapacity and if they worked away. All that proved cumbersome. People originally had to get a doctor or perhaps a health visitor to certify that they were incapable of walking to the polling station; and, with perhaps less proof, they needed to show that their job might take them away for longer than the period in which the polling station was open. We need to be reminded that, rightly and with all-party support, postal voting became available on demand in 2000. Anyone who wanted a postal vote could have it and, as I understand it, that is likely to be the position for some time. Although that was a good idea, it has had a few consequences that perhaps were not thought through at the time and that have only now become evident. We must address those problems fairly quickly.

The first problem is with registration. So long as we have household registrations, there will be problems with encouraging postal voting or all-postal votes. With household registration, there is nothing to stop the householder putting down the names of people whom he or she hopes will be in the household. At that particular point, no crime has been committed and there is no verification of that information. However, without householder registration the situation becomes complicated, particularly for people with youngsters reaching 18 and away at college. One cannot send back the form until little Johnny has signed it.

We may have to consider a different form of registration. One possibility might be to require anyone aged 18 to go to the town hall and register themselves as a voter. I have a suspicion that an awful lot of people would not turn up, but perhaps giving them a tenner when they did so might be a more efficient use of resources than a complicated registration system. We would also have to ensure that when people moved addresses, their names were moved from one register to another. It is not impossible, but it must be thought out carefully. Without individual registration, dealing with fraud will be difficult; with it, we could end up with a significant number of people not on the register. We must guard against people losing the right to vote because they have not signed up at the right time.

One question that must be asked is how important voting is in a democracy. I think that it is only part of a democracy. We should emphasise that the important thing in a democracy is to give people the right to vote, but not necessarily to demand that they use it. For example, supposing that in this country 52 per cent. of the population voted for an extreme right or left-wing Government and 46 per cent. voted in the opposite direction and 2 per cent. did not bother to vote at all, would that be a happier, more democratic country than a situation in which 40 per cent. did not vote, 40 per cent. voted for party A and the other 20 per cent. voted for party B? I suspect that in the example in which fewer people voted, there was much more political consensus and it was a much more attractive place to be. The important thing is to get people on the register and able to vote, not to demand that they actually vote.

Mr. Davey: The hon. Gentleman makes an important point, but is he not really saying that turnout is not the only measure of how well an electoral system is working?

Andrew Bennett: Yes, I am certainly saying that, but I am also emphasising that it is important that those who do not vote choose not to do so, and that it is not just that we have made it too difficult for them to vote. It is important that we encourage people to vote and make voting easy for them, but we should not complain if they choose not to.

Mr. Bernard Jenkin (North Essex) (Con): Like the hon. Member for Kingston and Surbiton (Mr. Davey), I think that the hon. Member for Denton and Reddish (Andrew Bennett) has made an interesting point. However, it goes against the consensus purveyed by the Government, which is easily taken up without much thought and which is that a low turnout is somehow a bad thing and means a sick democracy. He is saying a bit more than the hon. Member for Kingston and Surbiton says. Is the hon. Member for Denton and Reddish saying that a low turnout could be an indication of contentment rather than anxiety, and that a hotly contested election is an indication of discontent?

Andrew Bennett: Not quite, but that is the direction of my argument. I would argue strongly that the successes

in politics are those times when a party manages to convince not only the electorate, but the other political parties that what it has done is a good idea, so that a whole series of policies develop that are not challenged. That is a considerable success in a democracy. If policies are not challenged, people may well feel that the difference between the parties is not so great as to make it absolutely desperate that they stop watching "Coronation Street" and dash to the polling station.

Sir Paul Beresford (Mole Valley) (Con): When there is a low turnout, many people on the doorstep say they are not voting because it is a waste of time, there is no interest, and it will not make any changes. That applies particularly to local government. However, in my experience, particularly of local government, there is sometimes a high turnout from fear of losing the party in power, and that is quite the contrary. There is a spectrum of reasons behind low turnout, so we have to be careful.

Andrew Bennett: I accept that. I just want to emphasise that we should not simply say that something is a great success because vast numbers turned out. There was a fair bit of eastern Europe where there used to be practically 100 per cent. turnout, but we would not say that it was particularly democratic. All that I want to emphasise is that we should be much more concerned to make it possible for people to vote, and less concerned about whether they choose to vote.

If we are to make postal voting work, I suspect that we will have to lengthen the electoral timetable. Most people will ask whether that really matters. The only reason that I can think of for not extending the electoral timetable is the problem that arises when a candidate dies between nominations and polling day. I understand that that is pretty rare in local government, and in national Government, we would have to go back to 1955 to find an example. In Manchester, Moss Side, the Conservative candidate died before the election and a further election had to be held afterwards. Obviously, if we increase the timetable by a week or a fortnight, which might seem sensible, we increase the risk of someone dying before polling day and the need for a separate election.

We have to recognise that the more we encourage people to vote by post, the less we have a polling day—a day when the country decides—and the more there is a spread-out period. With all-postal voting, the political parties realised that they should send their key campaigners to the three northern regions of the east midlands early in the campaign, because most people would vote a week or more before polling day. If there is polling on a choice basis, with perhaps 40 per cent. of people in a particular area voting a week before polling day, we cease to have that event. The most obvious example is that of Spain. I suspect that, if an awful lot of people in Spain had voted up to a week earlier, they might have voted rather differently. In the newspapers, there is a bit—although I did not look at it very carefully—about American ballot papers being sent out next week, well before the presidential election.

In one Scandinavian country people can vote by post and if, having done so, some event occurs that changes their mind, they can ask at the town hall for their ballot paper to be altered. I do not think that that is a practical proposition, but it reminds us that if the process is spread out with a postal vote, people may make a choice over time.

Mr. Jenkin: Correct me if I am wrong, but if people in this country vote by post and change their mind, they can vote at the polling station and that is the vote that will be counted.

Andrew Bennett: I am happy to accept that, but let us assume that 40 per cent. of people in Denton and Reddish were voting by post and 20 per cent. of them wanted to change their vote at the polling station. Considerable chaos would ensue. I am sure that people in Denton and Reddish would not want to change how they voted, but I do not think that we want to encourage that. I want to get the message across that if there is all-postal voting, or large numbers of people are voting by post, it will become less of a one-day event; the event will be spread over a longer period.

The declaration is one of the worst things involved in postal voting. It is crazy that people have to ask someone else to sign—thereby saying, "You are you"—and send in the declaration. That leads to other problems. If there is to be a declaration, there has to be a system of verification. I have not been able to find out—and there was no evidence in the inquiry—where that verification is done. I suspect that if someone signed as Mickey Mouse to verify another's paper, it would go through without anybody noticing. If people put their name down as John Smith, rather than drawing attention to themselves by using a funny name, nothing would be done about it. There is no point in including the declaration or the verification.

The fact that there has to be a declaration presses towards family voting. It is one of the problems that has to be weighed up. If there is to be postal voting, there will be a tendency to increased family voting. There does not need to be any pretence. In this country under traditional voting systems, there was a lot of family voting. On knocking on the door and asking, "How are you going to vote?", the person would look over their shoulder and shout, more often than not to their husband although not always, "How are we voting?" It was clear there was going to be a discussion and the household would plump in a particular direction.

I have had quite a few discussions on doorsteps about how the younger son would vote and have often been assured that he will "vote the same as us"—or words to that effect. In such circumstances, when someone got to the polling station they could ignore the collective decision of the household, although I suspect that most did not. The problem with postal voting—particularly if someone has to sign—is the temptation for the dominant person in the household to want to see that the crosses have gone in the right place. We have to accept that that was always a problem, but it is possible that postal voting makes it a bit more of an issue.

Sir Paul Beresford: There is a slight variation, which all hon. Members knocking on doors will have met, where the wife, perhaps, comes to the door and shouts loudly, "I always vote Labour!" then hisses, "That's for his benefit. I assure you that the rest of the family will

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vote Conservative", or vice versa. With postal voting, a dominant father, for example, could enforce that in his family.

Andrew Bennett: Not necessarily. It is easy for that to be enforced if there has to be verification and other household members have to be asked to do it. People may be able to get a friend to verify the ballot paper, but if they are putting their own cross on it, it is much easier to say, "I picked it up, cast my vote and put it back in the postbox, so it is all done and dusted", without having to discuss it with the other members of the household. I accept that there is a possibility of family voting and undue influence by one person, but it becomes worse if a declaration has to be made.

I also want to discuss electoral fraud.

Mr. Davey: Before the hon. Gentleman moves off the declaration point, I would like to say that my constituency has many properties that contain many people in different flats but which have only one postbox or which have many postboxes in a common place. One of the reasons why some of us felt that the declaration was very important was because in some parts of the country an unscrupulous person's ability to vote harness is much greater. That is a different problem from the household issue that the hon. Gentleman talked about.

Andrew Bennett: Yes, I understand the argument about houses in multiple occupation. However, where somebody wants to cheat, will they cheat a little or a lot? If they are going to cheat a lot, all they do is pick up the ballot paper, get somebody to sign the declaration and put it all back in the envelope. They have then voted on behalf of somebody else.

If the process were to be verified because there were individual voter registration or because somebody checked off the declaration and the name on it was of somebody who was known to the town hall or if the town hall could ring that person up and say, "Did you genuinely do it?", that would be all right. However, none of that happens. People sign the declaration and there is no way that anybody in the town hall can check the verification or whether it really was the person. So they are a waste of time. I accept that there is a problem with postal votes in houses in multiple occupation, but what we are doing is even worse.

The Minister for Local and Regional Government (Mr. Nick Raynsford) While I agree with a great deal of what my hon. Friend said, it was not the case that there was no attempt after the pilots this June to carry out verification checks on a sample of voters. One of the interesting conclusions in the Electoral Commission's report was that verification exercises were conducted, but none showed that there had been instances of fraud. Obviously, the matter will depend on how widespread those checks were, but I think that we should take that evidence into account. Those post-election verification checks with a sample of electors to see whether they voted the way that they appeared to have done all tended to support the case that it was a fair and proper election.

Andrew Bennett: I accept that point, but I am a bit sceptical about how effective the checking up was, because there was a lot of evidence about just how impossible it was to do that effectively. As far as my ballot paper was concerned, I got a colleague in the House of Commons to sign—perfectly legitimately—for the verification. How easy would it have been for someone in Stockport to contact that individual, who did not have to put their name, address or any other such detail on it, to check that they had signed? It would have been very difficult. I am very sceptical about that whole process, but I now want to discuss fraud.

Fraud has always gone on in our elections and there is a potential for it to increase if there are extra postal votes. All the evidence to the Select Committee indicated that it was how seriously the police and electoral officers treated fraud that was crucial. The sad thing is that over a period of, perhaps, 15 years, nobody has really seen it as that important. I understand that a police officer considering which crimes are most important would not rank someone putting a cross on a ballot paper that they are not entitled to mark very high in their areas of concern. We have to get it across to the police that if someone wins an election by fraud, a significant amount of money is involved. Somebody getting into the House of Commons as a result of winning an election by a handful of votes that are fraudulently returned would enjoy at least three to four years of salary—possibly five—and considerable expenses. Actually, it is a serious crime, not only because it undermines democracy but because considerable amounts of money are involved. That applies even to local elections, as someone who is elected to a local authority is likely to get allowances and other things. We must consider those matters and get across the message that electoral fraud is very serious indeed. We must ensure that the police and the returning officers treat it seriously.

The rest of my comments shall be brief, as I have gone on longer than I intended. The Ministry of Defence was involved at the beginning of postal voting, but we were disappointed at the session with people from the Ministry of Defence by the evidence that they were making very little effort to ensure that people in the services had the opportunity to vote. I understand the problems: probably the last thing that people in a fighting situation want to be involved in is postal voting. However, a significant number of troops are serving in places where they probably do not have all that much to do. They might actually be happy if someone ensured that ballot papers got to them so that they could vote.

Another issue is that not enough has been done for people with limited sight or other impairments. It is sad that, for the referendum in the north-east, it was decided that the new local authority boundaries would be set out on paper maps. That may well cause problems for people with poor sight.

Finally, who benefits from higher turnout if we have postal voting? All the evidence shows that it does not make any difference as to who wins. It appears that if the number of votes goes up because of postal voting, the proportion for each party is the same as it would have been with a smaller number of votes. Postal voting by itself does not make a difference to the outcome of an election.

Mr. Jenkin: In the case of the referendum in the north-east, which is on a proposal that does not excite much widespread enthusiasm among the public, is it not fair to conclude that a postal vote is being used to inflate the number of people who vote to try to make the result look more credible than it would otherwise be? The Minister has made it clear that the Government would dismiss a derisory turnout, so they are trying to disguise the apathy.

Andrew Bennett: If 75 per cent. vote yes and less than 25 per cent. vote no, that will be pretty decisive.

Mr. Jenkin: On what sort of turnout?

Andrew Bennett: I would suggest that the turnout is not nearly as important as the majority that we get.

I want to deal with the question of whether there is a party political effect if everyone has an equal chance to vote by post. If one political party is much more active and able to identify who their supporters are and to ensure that most of their supporters who need a postal vote get one, the outcome may be affected. I have made this point in the House on more than one occasion. I won in 1974 with a majority of 203. The fact is, my party activists got almost 500 postal votes for our supporters clearly had an influence on that. We have to recognise that an election may be affected if it is easier for a party that has many workers to get more postal votes than a party that does not.

In conclusion, I wish to stress the urgent matter of individual registration. We must review the consequences of that and of campaigning in the context of more than one voting date. Above all, we must emphasise that in a democracy the important thing is that people can choose whether they wish to vote. It is as well for us politicians if people occasionally indicate that they do not think it is worth bothering.

3.5 pm

Sir Paul Beresford (Mole Valley) (Con): First, Mr. Deputy Speaker, I make an apology. I have to leave in about 20 minutes, so I will be succinct. I hope to return to hear the Minister, who could be quite interesting on this issue. I add my thanks to the other representatives, the advisers, those who sent in evidence and—in particular—the witnesses. It was curious that all the witnesses were very cautious. Normally one gets more of a spread on both sides of an argument, but during our inquiry there was deep caution and concern. I agree with much of what the Select Committee Chairman said and I shall try not to repeat it. However, when I get home, I shall repeat one thing: it is clear from the Chairman's comments that I decided to become an MP because of the salary. I shall then stand well back as the gunfire comes at me. I was enlightened by that comment.

There is real concern about low turnout. I am interested in the Select Committee Chairman's view of that, although I do not completely agree with him. During the 1960s, 1970s and 1980s, the turnout, even for local government elections in London, was much higher. I was involved in some elections in which both the Conservative and Labour parties—the Liberals were a little out of sight then, and still are—really stirred it up. There were 60 and 70 per cent. turnouts in many of the wards which, for a local election, was considerable.

There is a legitimate reason to move forward on this issue, but the Government's reaction was too fast and knee-jerk, and some pretty dubious suggestions were put forward—not just by the Government, but by others as well. The idea of text-message and e-mail voting, which was floated but fortunately did not go further, was a little hare-brained.

Mr. Chris Mole (Ipswich) (Lab): I am not sure why the hon. Gentleman, my colleague on the Select Committee, feels that electronic voting is hare-brained. When I voted through the internet in one of the Government's electronic voting trials the year before last, I found it very simple and straightforward. I felt more than entirely reassured by the receipt of a letter from the electoral registration officer, which had a code number with a silver cover over it. That gave me enormous confidence that it could not have been tampered with and that nobody else could have used my vote. I appreciate that there have been concerns in the States about large-scale electronic voting, but I do not think that we should write it off yet. I have constituents who enjoyed voting electronically and I am looking forward to the Government returning to it.

Sir Paul Beresford: I suppose that I had better explain. My slight concern about the issue comes from my eldest son, who works in New Zealand on computer systems and networks and on keeping hackers out. By the time he finished explaining things to me, I was pretty concerned.

We all recognise that when the Deputy Prime Minister is in a hurry, nothing stops him. He was certainly in a hurry about this issue: on 10 June, people in the east midlands, the north-east, the north-west, Yorkshire and Humberside voted—about 30 per cent. of the English electorate. Many of the concerns expressed to the Select Committee by experts came to the surface to some degree. The Select Committee Chairman touched on printing difficulties, and some of the evidence that we heard was borne out. He touched on various answers to the problem, but not on the fact that one of the potential printers of the papers required for that election declined to participate. We asked him whether he felt that it would be possible to produce the papers fraudulently. He thought that it would take him about an hour with a photocopier. We have to consider that carefully, but such problems are not insurmountable.

The Chairman did not consider the doubts about postal voting. I have had some difficulty in my area with postal deliveries, postal collections and return postal deliveries. Many people are deeply concerned, although this may be more a question of voter concern than reality, about posting their vote but not being sure that it will get there. There is real satisfaction in going into a polling station, putting the vote into the ballot box and being 99.99 per cent. sure that it will at least be counted. When one drops a letter into the post box, however, one cannot be sure that it will get there. I tested this accidentally recently when I sent 300 letters to people who were expecting them. They were all in the same A5 envelope, they all bore clearly printed labels, and they

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were all expected at a certain time because they were posted first class at a certain time. Twelve failed to arrive. Four—two lots of two—were supposed to arrive at the same houses as two others. In other words, two houses were each expecting four envelopes. Both houses received two envelopes—a failure rate of 4 per cent. That might not be typical—it might have been an isolated occurrence—but anything like that failure rate in a marginal election could make quite a difference.

I know that postmen and the Post Office are politically unbiased, but when we are using the post office to deliver propaganda for a political election, there is the occasional lurking concern in some areas that the vote will not get there. There is often the feeling that makes a cynical person—and I am not one of those—suspect that this could be a trend with the postman.

Concerns about pressure and intimidation were put to the Committee by barristers who specialise in election fraud, by representatives of disabled groups and by the Metropolitan Police special branch, one of whom was an Asian officer who stressed the dominance of the male as the head of the family and beyond as a dominant person in religion. He was quite emphatic about the possibility of using postal votes that had been collected. That, in fact, was one of the allegations made by some of the press, although it has clearly not been followed up.

The family issue is valid. I know that the Chairman put it to one side, but it is very easy for a dominant member of the family to dominate if we have postal voting. That may not be a factor in a large general election, but in a local election, particularly in a ward or where planning permission is requested, such pressure can influence a vote and swing the ward in a direction in which someone illicitly wants it to go. Such corruption warnings were given and anyone, particularly someone with local government experience, can recognise the possibility of bribes in a postal vote.

If a contractor wants to build a property for which he requires planning permission, he can influence the decision by collecting and buying votes. He will not waste his time if the vote is not postal, because if he pays 100 people £100 to go to the ballot box and vote, he has absolutely no idea whether they have all simply put the £100 in their pockets and voted exactly the opposite way. If he has the opportunity to collect postal votes, however, he can influence a very close election.

Voter personation was mentioned. Many pointed out that there was little or no way of being sure that the postal vote received actually came from that voter. We touched on houses in multiple occupation and we should also discuss student accommodation, particularly where voting happens to coincide with the holiday period.

Postal voting increased voter participation. During our inquiry I could not, unfortunately, persuade two New Zealand local government politicians whom I met to come to the Committee. I do not know whether the Committee would have been able to see them, but it would have been interesting to do so. One represented Labour and one the National party—the Tory party in New Zealand. One was the mayor of Auckland. He said that the vote went up quite dramatically the first time, but then started to die away. There was interest at first—"Give it a try"—and then it was back to the usual boredom. What horrified me was that he said that although he could not prove it, he had the impression over time that about 50 per cent. of the increase was down to some sort of fraud: a farming or harvesting of votes. I was deeply concerned. What concerned me even more, although I did not say it to him, was that he did not seem to care very much.

Mr. Terry Rooney (Bradford, North) (Lab): Because he won.

Sir Paul Beresford: This mayor won by such a majority that it would have made no difference. Nevertheless, something should have been done.

The Committee did not really talk or get much evidence about the expense of postal voting, although I have gleaned evidence from elsewhere. Postal voting is much more expensive and the Audit Commission has put forward a number of suggestions that local authorities ought to undertake to offset the costs. What often bothers me about members of the Audit Commission—I say this as an ex-member—is much the same as the point made by the Committee Chairman about the Electoral Commission: they are not always in the real world. They look at the figures; they are auditors. They ought to sit down, look at the suggestions that they have made, try to apply them, and then ask the people who will apply them. As I understand it, the suggestions that the Audit Commission has brought forward will greatly contribute to the excess of costs.

I believe that our system of attendance on polling day at the polling station is the right way forward. We need to expand the choice for postal voting. I do not think that we should encourage it, for the reasons that we have put forward. People have a feeling of duty when they actually go and vote. One can see the smile of satisfaction as they leave. It is curious, but it seems to work.

The Minister of State with us today—in fact, we are so outnumbered with Ministers and officials that it looks like a cover-up, but that would be unfair—said several times that little or no allegations of fraud were made to the commission, that that is correct, that the media have reported more instances than were recorded, and that we are going to learn from them. However, one of the themes that I wish to pick up on from New Zealand is that people who wish to commit fraud are learning, too. We need to recognise that and to take preliminary steps early to try to stop it.

There is much credit in a mixture of methods. We need some postal voting—that is absolutely obvious in plenty of cases. We need postal voting for people who are not here, who have gone on holiday, who are ill and so on. But we also need to encourage voting in the traditional way.

The real problem comes down to politicians. If we can get people interested in politics at local and national levels, they will come out and vote. Sometimes that is done by fear: in local government, I used to do my best to encourage people that a Conservative vote was safer for their pocket and for better services, while a Labour vote meant that the next day they would in effect be living in Labour Lambeth. It used to work. I am sure

that the Minister will be able to come back with the equal and opposite, but the crunch is that it is possible to get people to take voting seriously. It is possible to persuade them to come out. I agree with the Chairman of the Select Committee that they should not be forced to vote, as the Australians are.

3.19 pm

Joyce Quin (Gateshead, East and Washington, West) (Lab): I welcome the opportunity to make a brief contribution to the debate. I welcome the Committee's report and the comments that were made by the Chairman of the Committee in presenting it.

I speak as someone who represents a constituency that I think has the longest experience of all-postal ballots. I know that you, Mr. Deputy Speaker, as my constituency neighbour, will appreciate that point. I am pleased that, in the Committee's report, Gateshead, in particular, receives the gold star for turnout in the various elections for which it has participated in all-postal ballots. As my constituency also covers part of the city of Sunderland, I am pleased that in Sunderland, too, turnout more than doubled as a result of the all-postal system.

Until this year, the experience of all-postal ballots was entirely positive in my constituency. Certainly we were not aware of any concerns about fraud, and all of us were greatly struck by the increased turnout that resulted from such ballots. In the course of canvassing and talking to people during the elections for which we experimented with all-postal voting, I was struck by the views that constituents expressed to me about the all-postal system. Indeed, what I learned during the pilot schemes has made me increasingly disenchanted with the traditional system of voting on a Thursday in person. That system was introduced in very different circumstances from those that pertain today. When Thursday was first decided on, few women worked and men in work tended to work quite close to their home, so voting in person on a workday seemed natural and feasible. I have been struck by the number of people I have come across who live in typical households made up of two persons, both of whom work longish hours and who find that voting in person is not always easy, given their lifestyle.

Of course, the point may be made that people can apply in advance for a postal vote, and under the old system of postal voting that is true, but having the ability automatically to receive a postal vote means that people do not have to concern themselves in advance with whether they will be available to vote in person at the upcoming election. People do not always know their commitments so much in advance that they can arrange to receive a postal vote. Even so, I think that in all our constituencies more people have applied to vote by post recently than was the case in years gone by. Again, that shows that postal voting responds to today's needs in a way that should at least give us pause for thought if we are considering abandoning that way of voting in future.

As politicians, we are all keen for people to take an interest in politics and to turn out and vote at every election, but in areas that are perceived as safe, not marginal, people sometimes do not feel the overpowering need to vote that perhaps we wish they did. Certainly people pointed out to me that although they were not averse to voting, if circumstances were such in their busy lives and they felt that they lived in a non-marginal area, they might be less tempted to vote in person, even though they were happy to vote by post. All of us who have canvassed in what are perceived as safe areas, know that if a by-election takes place in winter when the evenings are dark or when the weather is inclement, or even when there is something good on the telly in competition, people cannot always be persuaded to leave their homes and go to the polling station. That does not mean that they are totally averse to the idea of polling, but they may not see it as the highest priority that we might wish they did. The point was repeatedly made to me that something that can make voting more convenient should not of itself be rejected. If it can be done satisfactorily and in circumstances that do not give rise to greater difficulties than the traditional method of voting, it should be welcomed and we should proceed with it.

The June postal ballot in the elections in the north-east proved to be less popular and turnout was somewhat reduced in areas such as the one that I have the honour to represent. I believe that that was largely related to the requirement for a witness statement. Those areas had had three years' experience of operating a system without a witness statement, so it confused and perplexed them. They did not understand why it was necessary when it clearly had not been necessary previously.

The requirement for a witness statement, combined with the fact that we had two elections and a larger number of candidates than in previous all-postal ballots, made the system seem more complex. The fact that the witness statement necessitated the use of two envelopes and several pieces of paper gave rise to some practical problems, such as people mislaying envelopes or pieces of paper. Indeed, I and workers in all parties felt somewhat uncomfortable when canvassing that people should have to ask us how to complete the ballot papers. That simply did not happen before because the previous system was so straightforward; it worked extremely smoothly.

I urge the Government to continue in their resolve to make voting easier and more convenient. The experience in my area has on the whole been beneficial. However, I recognise that some like to vote in person. In addition to all-postal ballots, I like the idea of having collection points in libraries and other public buildings so that people can vote in person if they wish.

I felt that it was uncharitable of the official Opposition to criticise authorities such as Gateshead for providing more collection points during the recent elections. It was not a sign of weakness. Those authorities recognised that, despite the complexities of the witness statement and the way in which the system was organised this time, some people much prefer to vote in person. I also think that people should be given the choice. It makes a great deal of sense to have collection points of the sort used by Gateshead. Indeed, even during the first three years of operation in my area when the all-postal system was simpler, the collection points in local libraries and elsewhere proved popular.

Mr. Jenkin: Please let me clarify the matter. Officials in the right hon. Lady's constituency may have felt that they had been criticised, but it was not intended. We

[Mr. Jenkin]

were criticising the system that led officials, such as those in Gateshead, to feel the need, unexpectedly and in an unplanned way, to respond to the shortcomings of a system that was obviously overloaded—perhaps because of the number of elections taking place or because of the need for a witness statement. That was one of the unexpected shortcomings of the system and officials conscientiously did their best to address it by opening more delivery points.

Joyce Quin: I am certainly happy that the hon. Gentleman does not mean any criticism of officials in my local authority area. However, his party and the Liberal Democrats pushed hard for the witness statement, which was a complicating factor. I am rather sorry that my right hon. Friend the Minister gave way in Parliament to that request, because it was largely unhelpful. However, I am glad that my local authority responded as it did to help people who otherwise would have been occasioned further difficulty by the way that the all-postal ballot was conducted.

In conclusion, I say to Ministers that I hope that we can combine the best of the old and the new. I hope that we will not abandon the experiments, which have been largely successful in increasing turnout, but that we can combine them with a greater number of balloting points and ballot boxes in local areas, to maintain high turnout for the future. We must allow people who want to vote in the traditional manner to do so without making it difficult for those who have become used to, and greatly value, the postal ballot system.

3.31 pm

Mr. Clive Betts (Sheffield, Attercliffe) (Lab): One of the sad things about the past few months is that the procedures by which we conduct our elections have become a party political issue. That has not been true in the past; we have been able to sit down and discuss how we conduct elections. The party political football has been well and truly out in recent debates and has been kicked backwards and forwards in a totally unhelpful way. I hope that today will mark the beginning of a different process, in which we discuss issues that genuinely concern many people and work towards an electoral system that we all feel confident in and can adopt for the future.

The fundamental problem that led to the discussions was that a general concern about low turnout was felt across all parties, political commentators and the public. People were worried that turnouts at local and general elections were falling and asked what we should do about it. One way was to examine the method of voting to see whether we could remove barriers that might discourage people from going to polling stations.

Parliament, the Electoral Commission and the Government together recognised the problem and agreed that we should consider alternative methods of voting and conduct pilots in different local authority areas throughout the country to find out whether they worked and pushed up turnout. I have criticised Ministers on the odd occasion, but we should not be in the business of saying that it is their fault if some pilots did not work. The whole idea of a pilot is to test something to see whether it works. If it does not, it is not repeated but lessons are learned.

I thought that pilots involving weekend voting, including one in Watford, might be successful and that people might vote in greater numbers, but it had no effect on the turnout in Watford. I thought that moving from Thursdays to Saturdays and Sundays might work, but I was proved wrong. We also tried voting in supermarkets but that did not make a great deal of difference.

We tried e-voting. I am perhaps a little less enthusiastic about that than my hon. Friend the Member for Ipswich (Mr. Mole) or the Minister. We held an experiment in some wards in Sheffield at previous local elections. We encountered an awful lot of technical problems that had they been repeated with a 50 per cent. turnout or more at a general election, would have given us real difficulties. However, I am not writing that system off completely, and I am sure that we will come back to it in the future.

All-postal ballots were the only different form of voting carried out in the pilots that proved successful in substantially increasing turnout. It happened repeatedly, including at Rotherham and Doncaster near my constituency. It was successful and there was a desire to find out whether that method that had been piloted at local authority level of increasing turnout would work on a larger scale.

Mr. Edward Davey: Before the hon. Gentleman moves on to discuss all-postal votes and away from pilots, may I say that I agree with him that the Government were right to examine different forms of voting and pilot them as they did? Of course, it prompts the question about whether a particular idea is piloted sufficiently and whether it will work at a particular election, place and time. I am sure that he will agree that any pilot procedure can be improved and that different results can come from different pilots, as was the case for the different all-postal pilots. Does he share my belief that some of the ideas—particularly weekend voting—could be piloted again, and might prove more successful?

Mr. Betts: Generally, I would not be against that; it would not alter the method of voting. I shall come on to future changes of that kind later. There may be some sense in thinking again about weekend voting, perhaps over two days, for general elections in this country; many countries in continental Europe have that.

The European elections provided an opportunity to study a pilot of all-postal balloting in a wider area. In the end the argument that took place was about whether there should be two, three or four regions; it was not about whether to extend the pilot to the European elections but about the scale on which we should do so. A larger-scale pilot was right, because it showed problems, such as the printing difficulties, an issue that people might not have thought about initially. The smaller pilots probably would not do that.

Whatever the recommendations of the Electoral Commission, it said when it presented its evidence to us that it could not see particular problems with all-postal voting that did not have to be tackled with postal voting per se. We pushed them on that issue and they gave clear evidence to that effect repeatedly.

I agree with the Chairman of the Select Committee, my hon. Friend the Member for Denton and Reddish (Andrew Bennett), about the difficulty in following

some of the arguments of the Electoral Commission. The commission has now said that the referendum should go ahead in the north-east on an all-postal basis but that any referendum that might take place in due course in Yorkshire and the Humber should not happen in that way. However, its review of what happened in Yorkshire and the Humber in the recent European elections is hardly a damning indictment of the pilot.

The review states:

"Yorkshire and the Humber is not traditionally an area with a high number of allegations of electoral fraud or malpractice",

which is true. It also states:

"The number of allegations of electoral fraud or malpractice reported during the pilot process was low."

The only reason for the commission's concern is a perception that postal voting opens the process to more abuse. It has obtained that perception by running an opinion poll, as far as I know. It has not had floods of letters and complaints from people in the region.

I went to a presentation by the Electoral Commission on its report, and what seemed to emerge from that was that the public felt concerned, probably because of all the publicity about Birmingham and other areas that were not dealt with on the basis of all-postal votes.

Mr. Mole : My hon. Friend has put his finger on the point. In coverage of the progress of the European elections one of the witnesses, a Liberal Democrat Lord, seemed almost to want to prove, in his television appearances, the point that he had made to the Select Committee in evidence before the elections. He produced anecdotes that were repeated in the media, the strongest example of which was 16 proxy vote frauds that had nothing to do with the postal votes. Yet all that was muddled by the media into the view that there was a problem with the European election because of postal votes. The fraud that was found could have happened under the traditional system.

Mr. Betts: That is right. There is no evidence as far as I can see that the all-postal voting pilots in the regional elections were more subject to fraud and abuse than the ordinary voting systems that were used in the rest of the country at that time.

Mr. Davey: The hon. Gentleman was questioning the view of the Electoral Commission, and its consistency, but does he agree that its report, "Delivering democracy? The future of postal voting", was published after the Government had taken the decision not to go ahead with all-postal votes in the referendums in Yorkshire and the north-west? It was the Government's decision. The Electoral Commission makes it clear that it is relaxed about all-postal votes in the north-east referendum; again, that was a Government decision. The hon. Gentleman seems to be blaming the commission for Government decisions.

Mr. Betts: I am sorry if I gave that impression; it was not intended. I was merely commenting on the fact that the Electoral Commission had said that it would not recommend all-postal voting for a referendum, whenever that might happen, in Yorkshire and the Humber. That is in the commission's recommendations. I am in no way implying that it was responsible for the decision in July to postpone the referendum in Yorkshire and the Humber.

Having criticised the Electoral Commission a little, I should go on to say that its report "Delivering Democracy" is helpful in many respects, and I hope that it will form the basis for all-party agreement on the way forward. Essentially, it accepts—as I hope all parties do—that postal voting on demand is here to stay. Nobody, I hope, would say that people should go back to filling in ridiculous forms—with doctors' signatures, nurses' signatures and all the other paraphernalia—to get a postal vote. I hope that we can at least get agreement on that. If we do, we then have to consider how postal voting is conducted, because that is the essential issue.

Postal voting on demand can ensure that people have ease of voting, that we keep turnout as high as possible and that we do not put barriers in people's way, but we must also address the safety and security issues. Attention has already been drawn to the fact that the witness statement in no way ensures that postal voting is done properly, because anyone can sign it. In fact, all it does is ensure that some people are so confused by the process that they do not exercise their vote. I do not know whether anybody else has experienced this, but I talked on the doorstep to a husband and wife who both had postal votes, but neither thought that they could sign the other's witness forms, because that was somehow wrong and someone independent had to do it. That sort of confusion is rife and we should do away with the witness statement.

I very much agree with my hon. Friend the Chairman of the Select Committee, who said that we must move to a test. The obvious test would be individual registration, with a signature on a registration form that could be checked, at least on a sample basis, to see whether the right person was voting. However, I should throw in a caution at this point. The great worry is that individual registration would deter some people, particularly the young, from registering and would cause additional complications. That is a real worry, and I say to my right hon. Friend the Minister that if we go down that road—I think that we will, because there is general agreement on the issue—we must look at local authority processes and procedures to ensure that canvassing is effective, particularly in areas where returns of registration forms are traditionally low. That will probably mean making extra resources available.

Generally, I am not in favour of ring-fenced grants for local authorities but, in this instance, there may be a case for them in the first year or two to encourage the process to be set up properly. Perhaps we could reach agreement with local authorities on that. There may even be a case for some sort of financial incentive to register; we could certainly look at the idea of penalising people who do not register. Not sending back the registration form is actually an offence now, but can anyone tell me the last time someone was prosecuted for it? Perhaps things should be the other way round, although I do not know whether there is any way in which we could introduce a financial incentive. When we had household

[Mr. Betts]

registration, we could have given a discount on the council tax, but that is more difficult with individual registration.

Mr. Jenkin: If any function undertaken by local government is truly a national function undertaken on behalf of central Government and, indeed, Parliament, it is surely the formulation of the register used to elect us as Members of Parliament. It would therefore be perfectly legitimate for the Government to use local authorities as paid agencies to ensure that the electoral register was properly formulated.

Andrew Bennett: Ring-fencing?

Mr. Jenkin: I phrased it in the way that I did because the term "ring-fencing" is misleading in this context. Local authorities use the register for their own elections, but they have also compiled a national register for national elections on behalf of central Government. Central Government are perhaps obliged to undertake expenditure to ensure that that is done properly.

Mr. Betts: That is quite an interesting point, and I am sure that the shadow Chancellor will support the spending commitment that the hon. Gentleman has just given.

Mr. Jenkin: It was not a spending commitment.

Mr. Betts: Oh, it was not a spending commitment.

We must take further steps on safety and security, although it is not just a matter of postal votes. By and large, postal votes go to the address on the register, but where there has been postal voting on demand in other circumstances, one worry has been the number of postal votes that have ended up at the same address. We have to look at that issue to see whether we can restrict the number of postal votes that go to a different address from that on the register. We already restrict the number of people for whom an individual can act as a proxy in elections to prevent such misuses of the electoral system. Perhaps we must consider that issue, too.

We have to review the whole issue of election offences. Perhaps the police can set up a special unit to advise their forces up and down the country who do not always take the issue terribly seriously. It is not considered the same sort of problem as burglary or theft, but actually, stealing and misusing votes to get someone elected who should not be is a serious offence, and we ought to get the police properly to address it.

On the other hand, we must be careful about the guidance given, and all the parties were right not to sign up to the Electoral Commission's suggestions early this year. As my hon. Friend the Member for Denton and Reddish mentioned, being asked to take away a completed ballot paper in a sealed envelope from someone two days before the deadline, when they have filled it in and are desperate to take it to the post, and having to say, "I'm sorry, I am a member of a political party so I can't take it" is really nonsensical. We have all had that happen to us, and the person is distressed and upset because they do not know who will be the next caller who can take the postal vote to the post box for them. So we must be sensible about this, and the Select Committee endorses my hon. Friend's very helpful suggestions about having a bit more practical political input to some of the guidance.

However, although I support postal voting on demand and trying to do everything possible to get postal votes to people that want them, I feel in the end that there must be an element of choice in voting. What came back to me in the pilots in Sheffield was that postal voting is very popular, particularly among people who would not otherwise have bothered to vote, but some of the people who vote at every election felt a little cheated by not being able to go down to the polling station. There were collection points, but not many of them. That was so particularly with elderly people; we have all met such people, who refuse a postal vote even though logically they ought to have one, because they actually want to vote in person. They have always done so and they believe that voting is a duty and their right.

We have to run a parallel system and there is a cost to that, because postal voting on demand will probably rise, which will take it naturally to 25 per cent. or more in most constituencies over time, and we must run all the polling stations as well. The Government must look at that. I think that it is a cost worth paying for democracy, and we should seriously consider it. When the Electoral Commission comes back with its proposals for a general form of voting, I think that it may advocate that direction, saying that we shall have voting at polling stations in the normal way, and voting by post, as well as the additional ability gradually to bring in e-voting.

I also think that it is sensible to get to a position fairly quickly in which we have the same form of voting at all elections, so that people know what is coming. This time, despite all the publicity, I met many people who said, "A ballot paper has arrived, but we didn't actually ask for one." People were still not expecting the vote to come through the post despite the fact that there had been an advertising campaign telling them that that was how they were going to have to vote at those elections. Getting consistency in how people vote is important for the future.

I also think it is important to make voting easy. Currently, even if someone wants a postal vote on demand, they have to apply for a form to fill in. Why should there not be simply a box for people to tick on the registration form, saying whether they want to vote by post or in person, or ultimately by e-voting? It seems that simple, and we should allow it to happen, particularly with individual registration, which will go hand in hand with that.

Mr. Davey: I have just filled in my electoral registration form today and there is a box to tick for postal votes, at least in the royal borough of Kingston.

Mr. Betts: There certainly is in Sheffield as well, but it is a tick to get a form to fill in, not a tick to say that someone wants it automatically. That is the difference, and I think we can move one step further down that road.

We must also look at the information that goes out on postal voting. The information that went out in Yorkshire and the Humber—I think it was the same in

the other pilot areas—was incredibly complicated. I know that the witness statement did not help, but it was very difficult to follow, and I met several people, whom one would normally expect to be able to follow such instructions, who got it wrong. The instructions in London were much easier to follow, despite the complications of the elections there. I hope that we can learn from that as well.

Finally, I have one or two more suggestions about how to improve our voting system. To ensure that people know that they are on the register, a useful thing that Westminster council does—I do not always support or give credit to Westminster council for the way in which it runs its affairs—is to send, once the new register comes out in February, to every person who is registered, a card saying, "You are registered on our electoral list." That does not go out at election time, but in February, so that everyone can check. For general elections in particular, when there is no time between the declaration and the election to get on the register, that is a good idea and could be introduced on a national basis.

The information given to political parties and others this time, on who had voted in postal votes and in the pilot areas, was useful and helpful. Such day-to-day information should be available for all elections, because postal voting on demand will increase the number of people voting by post, even in elections where there is a choice.

Finally, let us consider moving the date of the local elections to June rather than May. If more people are going to vote by post and there is more party work to do, we should at least do it in slightly better weather. There is general support for moving the date to June from May.

3.50 pm

Mr. Edward Davey (Kingston and Surbiton) (LD): I start by congratulating the hon. Member for Sheffield, Attercliffe (Mr. Betts) on a balanced and well informed speech, reflecting the Committee's work. The hon. Member for Denton and Reddish (Andrew Bennett) introduced the Committee's report and gave a good account of it. Although I do not agree with everything in the report, it was helpful. The amount of evidence that was taken and how it was dealt with did the Committee credit. Fortunately for this debate, the Electoral Commission's report came out last month, which enables us to reflect even more on the experiments last June.

The hon. Member for Denton and Reddish was right to separate postal voting and all-postal voting. It is helpful to look at the debate in that way, because we can get more agreement. He rightly wanted consensus and, with that division, it is easier to move forward. Postal voting is voluntary and all-postal voting is compulsory. That important difference has marked the debate and assures those of us who have always been concerned about all-postal voting, but are more relaxed about postal voting on demand.

As the Chairman said, postal voting has a long tradition in this country, has been well used and is well understood by those who have wanted it. The extension made a few years ago received all-party support and continues to do so; it was an extension of choice, after all. The change makes it easier for people to vote; I do not think there is any disagreement on that. From the pilots and what happened in June, however, we have seen that if there is going to be more postal voting on demand, we must be a lot stricter on the controls and the legal framework around it. That came out in the Committee's report and in the Electoral Commission's report.

The Government should look at the matter urgently. Are the Minister and the Department looking to the forthcoming Queen's Speech to see whether a small Bill can be introduced to tighten the relevant legislation for the next general election? We should take on board the significance of the lessons learned and move quickly. Although there is perhaps not enough time to conduct a full review of every aspect, there is certainly time to tighten up certain issues. It is interesting that the Committee and the Electoral Commission pointed to one or two areas that could be tightened up with no further ado.

For example, there is agreement that we need an updated offence of undue influence in relation to postal voting to ensure that it is legal for a party worker to take a sealed envelope to the polls, but an offence for someone to put pressure on an individual. The commission also proposed a new offence relating to the fraudulent completion of postal vote applications. That must be pushed forward quickly, as it makes an awful lot of sense.

The hon. Member for Sheffield, Attercliffe talked about how the police needed to be encouraged to take the matter more seriously. He was right about that. I have known councillors who have been concerned about how elections were carried out and so tried to get the local police interested. They furnished them with fairly incontrovertible evidence that an electoral offence had been perpetrated, but they were not interested. It took a long time to get them to start investigations and then some of the trails went cold. The police must act quickly if there is evidence of electoral fraud. We could tighten up the legal framework. In some areas, there is a case for moving very quickly.

There has been some discussion about the options for tightening up the security of the system, in particular the choice between household voter registration and individual voter registration. The Chairman rightly highlighted the problems that will arise if we go down the road to individual voter registration. There is some consensus about it being the way forward, but he was right to point out that it is not without its problems. If we eventually consider legislation on that, we must take into account those logistical problems to ensure, through local electoral registration officers and elsewhere, that we do not accidentally disfranchise a group of the population. The hon. Member for Ipswich (Mr. Mole) mentioned the young. We must not see further disfranchisement of young people.

However it is the right way to go. If we have more postal voting, there are genuine concerns as to how household voter registration could affect elections. There could be pressure from the strong member in a household. I raised in an intervention the case of houses in multiple occupation, flats and other types of dwellings. There are problems that could be alleviated with a proper and rigorous form of individual voter registration.

[Mr. Edward Davey]

The hon. Member for Denton and Reddish is quite right; any form of registration only works if there is a proper checking and verification system. It was interesting to hear the Minister say that a lot of sampling was carried out in the June elections, which, thankfully, showed that there was little fraud. We need to discuss both the resource implications and the skills that are required to do more sampling if we continue to develop postal voting. That will be the case whether we have household voter registration or individual voter registration. It is important to have verification. Verification of individual voter registration will give greater assurance to the House and to the public once the benefits in respect of fraud are more widely understood.

Before I come to all-postal voting, I should like to talk about postal voting on demand. It is important, as the Electoral Commission looks at its foundation model for voting, that we consider the needs of the disabled, particularly those with visual impairment but also those with mobility problems. That group of people are concerned about the impact of all-postal voting and we must take care that we do not disfranchise them. As we develop these so-called multi-channel options, we must ensure that we take into account the needs of people with different forms of disability.

It is quite reassuring that the home assistance option is referred to in some of the reports before us. It may be necessary for those who are severely disabled. They have probably been disfranchised ever since democratic elections were introduced and we should look for new ways to ensure that they can take part in our democracy.

There has been a bit of debate about turnout today and whether people are not turning out because they are content and happy or because there is little difference between the parties. I would add another thesis—these theses need testing and I see a political PhD research project coming on—that, unfortunately, some people do not vote because they think politicians cannot change things. On one level, they are right; we have accepted a free-market approach to managing the economy, which means that many choices—some of the big things that affect people's lives—are outside the realm of politics. But it is a good thing, not a bad thing, if politicians do not have all the power over people's lives, as it means that people are freer and not dependent upon political decisions. There may be a group of voters who think that they have the freedom to take responsibility for their own lives and how an election turns out makes relatively little difference to them.

We should be careful how we react to a low turnout, because it sends many complex messages. The Chairman of the Select Committee was right to say that we should not just gnash our teeth, that we must get everybody voting because otherwise it could lead to a restriction on freedom, not an enhancement of it.

I hope there will not be too many groans when I suggest that in respect of turnout and different ways of voting, we should consider piloting different electoral systems for local elections, which has not been done. There are different electoral systems for Europe, Scotland and Wales and Westminster, but—

Andrew Bennett: It didn't do much good for Europe.

Mr. Davey: It is contestable whether that was to do with the electoral system. What I would like are experiments and pilots with different electoral systems for local elections.

Mr. Deputy Speaker: Order. If the hon. Member for Denton and Reddish (Andrew Bennett) wishes to intervene he will be responded to, but the proceedings are being transcribed elsewhere by *Hansard* reporters, not by the sub-editor in the Chamber, and they may not have heard what was said.

Mr. Davey: The single transferable vote form of proportional representation will be used in the 2007 local elections in Scotland. We are looking forward to seeing its effect on the elections, how it impinges on the abilities of local government to deliver services to the constituents, and how voters react to it. It will be an interesting experiment; I hope that that type of system could be piloted elsewhere in the UK if a council were to apply to the Government for the right to do so.

We should not discard some of the ideas that have been piloted previously. As I said to the hon. Member for Sheffield, Attercliffe, weekend voting, especially in general elections, has a lot to recommend it, although for religious reasons it would have to be carried on throughout the weekend, on a Saturday and a Sunday. Weekend voting takes place in many other countries; it could have a big effect and prove very popular. It would be highly controversial and consensus among all parties would be needed if it were to take place at a general election. Obviously, there could not be a pilot study in a general election, so there would have to be clear agreement among the parties for it to go ahead. Have the Minister and his colleagues thought about holding a debate on the issue? It is all very well to try things at local elections, but there have been few suggestions for pilots to increase turnout at a general election. I am glad that the Government have never suggested an all-postal general election, but we may want to apply some of the other methods at a general election; perhaps it is time for a debate on the issue.

The Minister knows that the Liberal Democrats have always been against all-postal ballots for local elections because of concerns about fraud. Despite what I said in the House recently in response to the Minister's statement, we were against the Electoral Commission on the matter, but with one proviso: we were prepared to consider it once individual voter registration had come into place, which was in tune with the commission's thinking. However, we were very concerned about adopting all-postal votes as a rule for local elections before individual voter registration.

If we had that now, would it be acceptable? If one looks at the reasoning behind the commission's change of mind on the matter, it has nothing to do with fraud or with whether there is individual voter registration. The

commission changed its mind because of what people had said to it in surveys about their wish to have a choice.

Andrew Bennett: As I understand it, it was not what people were saying to the commission, but what people were saying to their pollsters. I believe that people reflected the view that was being expressed in the newspapers at that time. I do not think that the results were particularly useful the first time when they said it was such a good idea, because all the media coverage then was saying that the pilots were a good idea, and I do not think that they are particularly helpful now, because it seems that most of the media are talking about fraud and other problems, and that again has influenced people's instant reaction.

Mr. Davey: The hon. Gentleman may be right; it may have been an opinion poll. I am just taking the information from page 7 of the commission's report, where it states, "Our survey found that". I accept that that survey may have been commissioned from the pollsters, but that was not clear from the text. The hon. Gentleman may be right to suggest that the response might be different if an opinion poll was done now, when the media are not covering the subject. However, that was the commission's logic in its report, and it would have to answer for that. I was merely describing to the House what it said.

Mr. Betts: Does the hon. Gentleman not agree that when the commission did its survey of the pilots and produced its report, it found no evidence of any increase in allegations of fraud or malpractice in those pilot areas, compared with earlier elections held by different systems in those areas? His concerns about fraud are therefore misplaced, according to the evidence in the commission report.

Mr. Davey: I had moved away from fraud and on to choice, but I do not wish to try to wriggle out of answering the question. We did have concerns about fraud, and we still do. Just because we do not know that fraud has taken place does not mean that it has not. [*Interruption.*] Hon. Members laugh, but that is an important point to bear in mind. Presumably, people want to try to hide fraud. No one is going to say, "I am going to commit fraud and make sure that everyone knows about it." Moreover, the commission said in its report:

> "Nevertheless, we recognise that in pilot areas prosecutions may be brought up to two years after the close of poll . . . As a result, the Commission is not yet able to conclude whether the increased use of postal voting across Great Britain has led to an increase of fraud or malpractice."

The commission itself therefore reserves judgment on that matter. I therefore do not accept that the pilots in June have proved the case that there is no increase in fraud with respect to all-postal votes.

Andrew Bennett: The logic of the hon. Gentleman's view—that because fraud has not been identified it has occurred—could indicate that there was widespread fraud in the last general election. Is his argument not a little doubtful?

Mr. Davey: It is not doubtful at all. It is possible that there was widespread fraud at the last general election. However, that is unlikely, given the systems that were used. I argue that it is much more difficult to commit mass fraud when one has to turn up in person than it is when one can harvest votes being sent out through the post. It is possible that there was fraud, although I hope that there was not. The sampling exercise that was undertaken suggests that there probably was not, but that does not mean that the likelihood of all-postal voting creating more fraud has been disproved.

Joyce Quin: The hon. Gentleman said that he has always been opposed to all-postal ballots because of concern about fraud. He also said that prosecutions could take place up to two years afterwards. But was there any evidence of fraud in the local elections that used all-postal ballots in May 2000, which is more than two years ago? If there was not—as I believe—did that not cause him and his party at least to re-evaluate their view?

Mr. Davey: I understand that there was not much evidence of fraud, but that does not mean that because there is a much greater likelihood—because of how the system works—it will not happen. We have seen in the experience of postal voting experiments, not just in this country, but in others that have tried it, that voters' use of postal votes changes over time; for example, postal voting initially increases turnout, but the increase falls away over time.

Mr. Raynsford: No.

Mr. Davey: The Minister says no, but all the evidence that he has produced, and that from Australia, shows that turnout does not necessarily drop to what it was previously, but it does drop in relation to the first experience of postal votes.

Sir Paul Beresford: The Committee pursued Sam Younger, the chairman of the Electoral Commission, on that point when he was giving evidence. His response, along with that of others, was that in their opinion all-postal voting posed no greater security risk than voting in conventional polling stations. He said that

> "the dangers cannot be eliminated entirely—because I do not think attempts to defraud the system will ever be eliminated entirely: they were there in the conventional system—but can be coped with."

That makes the point.

Mr. Davey: My argument is not that all-postal votes inevitably mean fraud and will, always and everywhere, result in an increase in fraud, but that they are more open to fraud. We can debate that further, but the evidence shows that that is so. I was trying to move on to choice, which is the key issue in the Electoral Commission's recent report and it appears to have changed its mind.

The hon. Member for Sheffield, Attercliffe gave the graphic example of the old lady whose experience of voting was of leaving her flat and going to the polling

[Mr. Davey]

station; it was part of the social experience of voting. Governments and political parties must recognise and respond to that.

Whether or not the survey undertaken by the commission would have been different if it had done it differently, or at a different time, my experience is that people want choice. I did not put as much weight on choice prior to June as, it now appears, the general public do. It did not seem such a big issue then, but increasingly that is what the public are saying. It is their voting system and we have to listen carefully to them.

Given that the commission has made its decision, what is the Government's position? The Minister began to make it clear, but he was not crystal clear in his response to the statement. Is it now policy that no more council elections will be held using all-postal votes? Will the Government continue with pilots? Will they have future mass pilots, or mass voting by the all-postal method, or have they decided that there will be no more all-postal votes in this country? If they were to make that decision, it would not be out of tune with the Select Committee report, which said, in recommendation 1:

"Provided that the Electoral Commission's evaluation of the June 2004 pilots is positive, we recommend that the Government does not hold any more pilot schemes."

In other words, they should not push it across the country. The commission's evaluation has not been positive. There is a suggestion that the Select Committee, quite rightly, wanted to see the evaluation. We have seen it, too, and it is not positive; it says that there are real concerns among voters. I hope that the Minister will confirm that the Government have listened and have now changed their policy.

A separate issue arises from all-postal voting and referendums. We debated that before June. I still think that, despite the choice issue, there is less concern about all-postal ballots at referendums, partly because it is a one-off question and partly because the incentives for fraud and the logistical problems are fewer. However, as we learned from the experience in June, the point of choice is relevant, even in a referendum. The only way that I can see the Government getting round that, at least for the referendum on 4 November, is by ensuring that there are more assisted delivery points for people. The Minister said in the response to the statement that there would be more delivery points—I think that he said at least 50,000.

Mr. Raynsford: At least one per 50,000 of the population.

Mr. Davey: That is helpful, but I would point out, as I am sure that my right hon. Friend the Member for Berwick-upon-Tweed (Mr. Beith) would agree, that there are some areas in the north-east where the whole council area is in remote countryside. To have one point per 50,000 people will not make much difference in Berwick-upon-Tweed. I hope that the Minister can give the commitment to my right hon. Friend that there will be many assisted delivery points in that area of the north-east on 4 November.

We have seen the logistical problems with all-postal votes. Some Members seem to think that if we tease out the problems, we can still go ahead, as we will know what the problems are. However, there is a question in my mind about whether the problems can ever be dealt with satisfactorily. The hon. Member for Mole Valley (Sir Paul Beresford) talked about the reliability of the postal service, and I must make a confession. Before I came to the House, I was a management consultant, and I specialised in postal services—

Mr. Raynsford: You're to blame!

Mr. Davey: I was about to say that it was not in this country. I worked on projects for postal administrations in many other countries, including South Africa, Belgium, Holland, the United States, Japan and Taiwan, and I visited postal administrations in many other countries. I got to know far too much about how post offices, collection, sorting and delivery work. Hon. Members will be pleased to know that I will not say much more about that, other than that the difficulties of guaranteeing 100 per cent. reliability are legion throughout the world. Not one postal administration chief executive anywhere in the world would put their hand on their heart and say, "We can achieve 100 per cent. reliability." They just will not do that, understandably. They can reach up to 98 per cent. reliability relatively easily if they manage their businesses properly, but achieving 100 per cent. would require massive investment in extra staff, machinery and overall capacity. If we will always have problems in achieving 100 per cent. reliability, a lot of voters will be disfranchised.

Andrew Bennett: The hon. Gentleman might be upset if that 2 or 3 per cent. were all Liberal voters, but has he any evidence from his experience of the postal service that a particular party would be affected? Surely letters going astray would be totally random and therefore very unlikely to affect the outcome of the election.

Mr. Davey: The hon. Gentleman says that, but I speak as a Member who was elected in 1997 with a majority of 56 votes. One of my colleagues was elected with a majority of two, while another has a majority of 12. I am afraid that his argument does not work. There may be no bias, but if 400 votes do not arrive because the form is not delivered to either the voter or the electoral registration office, there does not need to be any bias for a skew to affect the outcome of the election. We must consider that concern, and I thought about it more when I listened to the hon. Member for Mole Valley and remembered my days as a management consultant.

My final question to the Minister is for him to look into the future and tell us which Department is likely to be in charge of elections in the future. We have the slightly odd position in which the new Department for Constitutional Affairs and the Office of the Deputy Prime Minister seem to share responsibility for elections. It is clear from some of the wording of the Electoral Commission's report that it believes that to be sub-optimal. The Minister quite rightly said when he made his statement that the report does not say exactly

which Department should be in charge. However, there have been some heavy hints, and I wonder whether he would like to speculate on them.

4.20 pm

Mr. Bernard Jenkin (North Essex) (Con): I congratulate the hon. Member for Denton and Reddish (Andrew Bennett) and his Committee on their report. It has been extraordinary timely, from its evidence, which contributed positively and constructively to the then raging debate about all-postal voting, to its production.

The hon. Gentleman criticised the way in which the postal pilots had worked. I may be a bit old-fashioned, but for him to criticise the officials about the timing of the regulations does not match the rigour with which he tackles the question of ministerial accountability. The one thing that Ministers do is lay orders on the Table of the House. Ministers chose to pursue the all-postal pilots and they should have been aware and properly advised of the difficulties they might encounter when preparing those orders. I put it to the hon. Gentleman that he was a little unfair on the officials, one or two of whom are perhaps not sitting very far away from him, and that our job is to hold Minister's to account and not to blame officials who cannot answer for themselves.

The hon. Gentleman also spoke about the scope for fraud in the all-postal voting system. The Minister could help us more with that in his winding-up speech, because we have had a broad discussion about that scope for fraud. My argument, which I think has gained increasing acceptance during our debates, is that all-postal voting is an invitation to fraud, simply because people get sent their ballot papers whether they have asked for them or not. It would be extraordinary if one were to walk into an ordinary polling station and pick up as many ballot papers—all perforated, verified and ready for putting into the ballot box—as one wanted. However, that is more or less what we do with postal voting.

Admittedly, ballot papers are distributed to people's personal addresses but, particularly in an election or a referendum where the turnout is likely to be low, we are taking the risk that unused ballot papers, ready and verified for use, will be used by people for whom they were not intended. That is why the phrase "vote harvesting" has passed into the currency of our language. One can imagine an organisation effectively exploiting blocks of flats or waste paper bins to obtain large numbers of those ballot papers.

In this debate there has been much discussion about what additional offences are required on the statute book to make it easier to police postal voting, whether it is on-demand postal voting or compulsory all-postal voting. However, with the current state of electoral law, particularly with regard to postal voting, it is very difficult to check what fraud has taken place. I should like the Minister to elaborate on exactly what checks the Electoral Commission undertook. Did it, for example, identify the witness on the witness statement and check that they had actually signed the statement? Did it go out and find those witnesses? How many people who voted forged the witness statement, even though they were perhaps the right person voting but could not be bothered to get a witness statement?

All sorts of difficulties arise under the system used for the pilots. I accept that the pilots were successful, in that they successfully proved that the system was full of flaws and difficulties, but I do not think that the system is a sound basis for conducting the next or future elections, and I am pleased to hear that the Electoral Commission came to the same conclusion.

Andrew Bennett: I understand the hon. Gentleman's concerns, but why did not he or his party express them when postal voting on demand was extended in 2000? All the problems that he identifies still apply to those who ask for a postal vote. It is just as easy to write in and fraudulently claim a postal vote for someone as it is to do all the things that the hon. Gentleman mentions. The problem is not the pilots; it is extending postal voting, or the right to apply for it, to everybody.

Mr. Jenkin: The hon. Gentleman wants to accuse my party and the Electoral Commission of being inconsistent, but we have all been on a learning curve throughout the introduction of all-postal voting. I confess freely that I was preoccupied with other matters when postal votes were being developed. My personal experience of the issue comes from getting the job of shadow Secretary of State for the Regions, taking an interest in how the referendums would be conducted, talking to organisations that were preparing for other referendums, and hearing their anxieties about all-postal referendums and sharing those views with my colleagues, the Electoral Commission and others. That has all led to progress in the argument.

I did not come to the debate with a predisposition against all-postal voting; in fact, I am on record in the House of Commons as having said that we had no objection in principle to all-postal voting. I am bound to say that I have hardened my view against it as time progressed.

It is a little invidious to accuse the Electoral Commission of changing its mind. I have had intensive discussions with the commission, which has had an extremely difficult job in producing dispassionate advice without causing political explosions. It is the Electoral Commission's prerogative to alter its view in the light of experience, and that is what it seems to have done with regard to all-postal voting.

Mr. Betts: May I suggest that the Electoral Commission eventually came down against all-postal voting fundamentally on the issue of choice? Although it found a perception that fraud would increase, it found no evidence in any of the pilot areas that there had been an increase in fraud or abuse of the system since previous elections. That was true of all four pilot areas.

Mr. Jenkins: I shall come on to that; in fact, I will deal with it straight away. There is always a problem in trying to prove a negative; one cannot do it. The obstacles to proving fraud in elections are great. Paragraph 52 on page 28 of the Committee's report reads:

> "The Police cannot undertake any investigation into allegations of such offences until a report has been submitted to the Crown Prosecution Service . . . or, in the case of offences contrary to the Political Parties, Elections and Referendums Act 2000, to the Electoral Commission. The CPS must assess whether offences may have been committed, and whether to proceed."

[Mr. Jenkins]

So the police cannot start investigating properly until certain hoops have been jumped through. The report goes on to say:

"Proceedings for minor infringements may not be in the public interest if . . . The offence could not have influenced the result of the election process".

At a stroke, that ensures that a large number of allegations may simply never see the light of day in officialdom, because there are an awful lot of hoops to jump through. We do not want an electoral system that is vulnerable to accusations of abuse.

Mr. Betts: I think that the hon. Gentleman misunderstood the point. Certainly, what he described was a situation in which we will not get prosecutions because it is not in the public interest. However, what the Electoral Commission reported on in its investigation into the pilot areas was allegations of electoral fraud and malpractice. It says that there has not been an increase in allegations. The point about public interest would not apply to allegations.

Mr. Jenkin: I would be interested to know the definition of "allegation". There was certainly plenty of reporting and anecdote. I repeat the beginning of paragraph 52:

"The police cannot undertake any investigation into allegations".

The reference is not to prosecutions. The police cannot start investigations into allegations until they have gone through certain hoops. Until we have more offences on the statute book and until it is far easier for the police to commence investigations and pursue prosecutions, we cannot begin to think of a large-scale expansion of postal voting. However, that is only one of the problems.

Sir Paul Beresford: Where my hon. Friend is right—although he did not go into this—is that most of the public do not make an accusation because they do not think it is important. I can remember a by-election when I should have done something about a situation, but did not. After a local government battle in a ward on the edge of Lambeth, I was running my eye down the electoral roll and I noticed that some of the entries could not have been right, because there were seven or eight people to a one or two-bedroom flat. When we checked, it started to look unpleasantly smelly. Interestingly, when we re-did the register for the next round, it went back to normal. I should have done something about that. In fact, I did not bother because we won that ward hands down. However, most people just shrug their shoulders.

Mr. Jenkin: My hon. Friend makes an extremely valuable point. We have dwelt enough on this issue, but the obstacles to pursuing an investigation are legion. Just because very few of them have been pursued that is not an indication of the reliability of the electoral system. Whether or not there are allegations, the fundamental flaw is the issue of how we can check and verify all-postal voting. If somebody walks into a polling station and casts their vote, their name is crossed off on the list. To organise the act of personation at polling stations on a large scale requires enormous effort and this can be checked because it can be investigated. However, much of what was alleged in relation to postal voting was difficult to check and easy to carry out. I submit that confidence in all-postal voting was inevitably going to decline as the system was seen to be vulnerable to that kind of criticism, even if fraud was not actually being carried out on a large scale.

My hon. Friend the Member for Mole Valley (Sir Paul Beresford) made a point about turnout and the experience of the Auckland mayor. I wonder whether he caught the disease of not doing anything about perceived fraud from the Auckland mayor, who himself did not do anything about the rather suspicious increase in turnout; 50 per cent. of the increase in turnout was a result of fraud.

We must be careful about the claims about turnout. I plead with the Minister not to go through that argument again. All-postal voting is not the panacea that some have cracked it up to be. In the end, turnout and disillusion with politics—whether people feel it is worth voting—are about politicians and what we do. There are all sorts of reasons why people feel that it is not worth voting, as the hon. Member for Kingston and Surbiton (Mr. Davey) said. I do not think that inflating the turnout artificially with all-postal voting—I realise that I am saying this in an inflammatory way—is necessarily the be-all and end-all of resolving these questions.

Mr. Mole: The hon. Gentleman will be aware, I am sure, that the report comments that changes to the voting system are but one method of increasing turnout. We have to consider all the other issues as well. However, I have become disturbed by the undercurrent to the debate that turnout does not matter. I have seen a worrying increase in recent years of political commentators making the observation that a Government elected by 40 per cent. of the vote, with a turnout of 60 per cent., commands only 25 per cent. of support among the population. As long as that argument is wheeled out to criticise the legitimacy of the decisions made by the governing party in Parliament, all of us have to worry about the faith and confidence the populace will have in the decisions we make. It is important to recognise that those people the hon. Gentleman describes as having formed part of an artificial inflation of the turnout have cast their vote in as much faith as anyone who voted at the ballot box.

Mr. Jenkin: The hon. Gentleman uses the correct word, which is "legitimacy". I am saying that an increased turnout at any cost is not necessarily the path to increased legitimacy, and there is nothing absolute about an increased turnout.

The right hon. Member for Gateshead, East and Washington, West (Joyce Quin) gave a strong defence of postal voting, and she put the arguments in favour of all-postal voting extremely well. Listening to her, I dare say that this debate will continue, even if the Government consolidate Monday's announcement that they will not continue all-postal voting in any shape or form. The right hon. Lady made a point about increasing receiving points, but they are not polling stations. They are not

somewhere where one can go and be verified in person against an electoral register, and draw a ballot paper knowing that it has had an impression, or holes, put in it. They are not a substitute for polling stations, and I shall return to that point in my concluding remarks.

The hon. Member for Sheffield, Attercliffe (Mr. Betts) complained that the debates about all-posting voting had become party political. He makes an important point. I do not intend to start casting blame as to why that happened because it would be counterproductive, but for everyone involved in democracy and our politics who believes in the integrity of the system, there is a terrible price to pay when people start taking risks that break the consensus between the parties so that things become party political.

This is not an accusation, but an observation; it is unfortunate that the process of all-postal voting got muddled up with the disagreement between the two main parties about elected regional assemblies. The Government put themselves on a collision course with the House of Lords about the number of pilots that were to be included, and they happened to coincide with the areas in which the Government wanted all-postal referendums to decide on the matter of elected regional assemblies. In the Minister's more honest moments—perhaps as he looks into his shaving mirror—he might admit that this has not been the Government's finest hour. It has not been the most deft handling of policy. If we could have avoided the early disagreements about that, postal voting may not have become the battleground for the parties that it became.

However, let us not despair of party politics. The tension between the parties has illuminated the issue, and perhaps much truth has emerged as a result of good, old-fashioned adversarial politics. The Electoral Commission made it as explicit as it decently could that the decision to go ahead with the north-east referendum on the basis of all-postal voting is not its decision. Can we imagine what the political fallout would have been had the Electoral Commission changed its mind and said, "We recommend that the referendum does not go ahead on the basis of all-postal voting"? It would have been an utter humiliation for the Government, who pre-empted the Electoral Commission with the orders.

I underline the point again that the Electoral Commission has an extremely difficult job disseminating its view as dispassionately as it can without creating huge political explosions. Do we really think that it is the job of the Electoral Commission to instruct Parliament to reverse a decision that it has already taken? It is one thing to advise the Government and contribute to the public debate, but it is another thing to disrupt a process that is already in progress.

I quote from the Electoral Commission's statement on the implications of its report "Delivering democracy?", issued at the same time as the report on 27 August. It states that its conclusion on the north-east referendum is that

"the referendum should proceed as an all-postal ballot without major changes to the process. In reaching this view, the Commission is strongly influenced by the fact that the referendum process is already underway".

The statement gives a list of comforting factors, which I acknowledge, but that point is clearly in a different league from the other points that the Electoral Commission makes. It states that

"it would be a far greater risk to the process if significant changes were to be made now than if the referendum were to continue as planned."

The Electoral Commission does not spell out what the risks are, but they are probably political rather than technical risks.

It would be quite easy to hold a general election on 4 November if the Prime Minister wanted to call one. It would be quite easy to hold a by-election in any of the constituencies in north-east England on 4 November. We issued the writ just last week for a by-election on 30 September. I have made the point before that, if we wanted to revert to the old tried and tested ballot box for the referendum, Parliament could choose to do so. It is a little invidious of the Government to hide behind the Electoral Commission as the authority for proceeding with what they were desperate to proceed with for their political reasons, rather than consider what the consensus would be for the referendum, if it were to go ahead at all.

I have already mentioned fraud and quoted from the report about how difficult it is to get prosecutions. I commend the comments of the hon. Member for Kingston and Surbiton (Mr. Davey) about helping the visually impaired deal with postal voting, and it would be very helpful if the Minister would respond to some of the points in the RNIB brief, which I have no doubt he has in his folder, and say what he will do, regardless of all-postal voting, in order to make postal voting accessible to blind people.

In summary, we have been on a journey on the question of all-postal voting. The most telling argument against all-postal voting is the risk of vote harvesting, and I do not believe that any number of additional offences on the statute book could correct that risk. We look forward to the Government's new foundation model for voting, but the all-postal voting experience demonstrates that we should be sceptical about innovations in the electoral system. The excitement of politics and the press are easily triggered, which does not improve public confidence in innovative electoral systems.

I note the point made by my hon. Friend the Member for Mole Valley concerning electronic voting. It takes just a moment's thought to realise how clever hackers have become and how vulnerable an electoral system could be to hacking. We get used to banking and using our credit cards online, but it is a constant battle for the financial institutions to protect themselves from hacking. Are we really going to trust our solid and dependable, but perhaps less expert, returning officers and local government officials with such a big challenge, given that public confidence will be undermined as soon as anybody starts throwing allegations around?

We need to underline the importance of consensus in how we approach the development of our electoral system; consensus is important for public confidence. There is consensus about the need to improve choice and

[Mr. Jenkin]

about increasing postal voting on demand to match people's modern lifestyles and the fact that we work so far away from our homes, as mentioned by the right hon. Member for Gateshead, East and Washington, West. There is also consensus about the offences that the Electoral Commission recommends should be put on the statute book. I reiterate the question asked by the hon. Member for Kingston and Surbiton: will there be a Bill during the next Session—perhaps in time for the next general election—to improve the list of offences on the statute book?

I borrow my final point from the widely respected columnist Matthew Parris, who wrote a very moving article during the row about all-postal voting during those elections. He pointed out that the journey to the polling station is not an individual, but a collective, communal and public act. Throughout the world, the ritual of democracy reflects something that has become embedded in the culture of democracy almost wherever one is in the world. Everybody understands the process of marching off to a ballot box, drawing a ballot paper and casting a vote.

To atomise another aspect of our national life, so that voting turns into something akin to filling in a bank mandate or a proxy form for a building society meeting, is not how we want our democracy to figure in the lives of the people whom we represent. If we think that democracy is truly important, it should have a special place in our society. Voting is like going to a public meeting or going to church, synagogue or mosque. It is, if you like, part of our religion and way of life. I use those words technically, rather than in the traditional way. If we were lightly to cast aside the rituals of our democracy, that would be very dangerous. That is one of the lessons that we should learn.

David Taylor (North-West Leicestershire) (Lab/Co-op): Will the hon. Gentleman give way?

Mr. Jenkin: I am just about to sit down, but I will give way.

David Taylor: I read the same article by Matthew Parris, and I was equally moved. However, is it not the case that only a distinct minority is involved in the sorts of activities to which the hon. Gentleman referred—going to church, etc.—and that, if we are not careful, by the time the next general election comes, only a minority of the electorate will vote? Surely the Government need to take positive action to head off that eventuality.

Mr. Jenkin: If turnout went down by that much, that would reflect badly on us and what we are doing. I come back to my perhaps slightly inflammatory way of expressing the point: simply inflating artificially the turnout figures would not resolve the problem of how people felt about politics and politicians. If we revert to a voting system that people trust less, we might do even more damage to the reputation of politics and politicians. We should look more to our own actions and the honesty with which we address subjects of this nature, rather than artificially inflate election figures to make ourselves feel better.

4.49 pm

The Minister for Local and Regional Government (Mr. Nick Raynsford): We have had a welcome and thorough debate. A great deal of ground has been covered, and I pay tribute to the Select Committee and its Chairman, my hon. Friend the Member for Denton and Reddish (Andrew Bennett), for the thorough and thoughtful way in which they approached the inquiry and explored a number of issues that are terribly important for the future of our democracy.

I shall try to address the points raised by Members in a moment. Before I do, it is right that I put the issue of postal voting in context. As the Chairman of the Select Committee rightly pointed out, postal voting has been part of the democratic apparatus in the United Kingdom since 1918. However, over time its application has been greatly extended, and that is right and proper. Any voting system needs to adapt to meet people's changing preferences and lifestyles, and there have certainly been significant changes during the past 86 years. It is right that we take account of those and ensure that our electoral process is fit for the purpose and encourages people to participate. For that reason, the Government have considered increasing the opportunities for postal voting and piloting other voting methods.

Since the passing of the Representation of the People Act 2000, approximately 100 electoral pilots, including many all-postal voting pilots, have been conducted. In my written response of 21 July to the Select Committee's report, I made it clear that the Government welcomed the report and its support for the use of postal voting. I agree with the Committee that it has proved popular. The substantially larger number of people choosing to vote by post since 2000 demonstrates that, and it is also reflected in the increases in voter turnout that were recorded at the vast majority of all-postal ballot elections.

We know that changing the voting mechanism is not a panacea—I agree wholeheartedly with the hon. Member for North Essex (Mr. Jenkin) about that. Indeed, it is only one element, albeit an important one, in encouraging political participation. However, there is no excuse for not considering it, particularly when we face a serious problem of declining levels of participation and turnout, and of people casting doubt on the validity and legitimacy of our democratic process.

We clearly must think about more fundamental issues as well: how we engage with the public, conduct our political debates and engage those sections of the population, particularly the young, who have shown the most dramatic disengagement from the political process. That is a real challenge for us, but it would be quite wrong to say that those are the only things that we need to do and that we should not be thinking about how we might make it easier for people to vote, because that can, as we have seen through the pilots, make a significant difference.

The electoral pilots programme has provided us with a considerable amount of data and experience of new voting methods. It has also helped to make the process of voting in recent elections more convenient for millions of people. Piloting electoral innovations is the best method to identify ways in which the voting system

may be improved in a controlled and informed manner, while at the same time—this is absolutely fundamental—ensuring that we maintain confidence in the system's integrity. Our electoral pilot programme will continue, in order to test electronic voting methods and other electoral innovations as we proceed towards our ultimate goal of a multi-channelled general election—I know that some people will ridicule that as jargon, but it is the easiest way to say it.

For several years we have had the commitment to work through pilots towards a multi-channelled general election at some time after 2006. In other words, it was simply unrealistic to think about that for the next general election, because the timetable for the necessary preparation made it impossible. However, at some time after that we should be aiming to work towards it. I hope that that answers the question about our intentions in that direction asked by the hon. Member for Kingston and Surbiton (Mr. Davey).

An important aspect of any voting method is that it should be as secure as possible and in no way more open to fraud than existing arrangements. As we all know, and as has been stated in the debate, it is impossible to be entirely protected against fraud in the electoral process. The existing system, which has been with us a long time and has many safeguards implicit in it, is, sadly, open to certain possibilities of fraud. They have been encountered from time to time. However much one tries to tighten arrangements, there is always a risk. The important point is that we do not expand opportunities for fraud or open up new ones. We must do everything that we can to maintain the public's confidence in the integrity of the voting system and we must have safeguards in place to minimise the risk.

Mr. Jenkin: Does the right hon. Gentleman agree that public confidence also depends on a broad measure of consensus between the political parties? That is one of the lessons of the past few months: we can restore public confidence in the voting system if everybody agrees about it, rather than if one party is imposing its will on another party about the system to be used.

Mr. Raynsford: I agree with that point, which my hon. Friend the Member for Sheffield, Attercliffe (Mr. Betts) made in his important speech. It is right that we should aim for consensus and it is a shame that party political divisions have entered the debate. The hon. Member for North Essex said that he thought that that was in part because the issue of all-postal voting in the June pilots was entangled with the dispute between his party and the Government over the programme for regional referendums in the northern regions. There is an element of truth in that, but I refute the idea that one party sought to impose a particular option.

As the hon. Gentleman will know, we have been piloting not only all-postal ballots but other options since 2000. We indicated clearly our intention to have much more extensive pilots in 2004 to test the scaling up of the application of all-postal ballots. We asked the Electoral Commission to advise us on up to three regions for all-postal pilots and one region for electronic pilots. In the event, the commission recommended against electronic pilots. I shall not go over the ground that we have covered endlessly before about how we came to the idea of four regions, but the hon. Gentleman should recognise that that was clearly part of an ongoing process in which we had always indicated our intention to extend the pilots. Until June this year, that was done in a generally amicable way, with a large measure of agreement. I hope that we can move back to such consensus, and I see some evidence from the considered way in which the Select Committee approached the issue that we can achieve that objective.

David Taylor: It is hugely important that we remain alive to the possibilities of increased fraud, but the June experience in the east midlands was very positive; things went well. Does my right hon. Friend agree that some of the lack of consensus that we have seen in the run-up to June and since is rooted in hyperventilating opportunism and synthetic angst from Opposition parties that are just trying to make a partisan point?

Mr. Raynsford: As I was saying, I hope that we can move back towards greater consensus, so I will not rise to my hon. Friend's invitation, as I fear that it would not encourage the more consensual spirit that I have advocated. All I will say is that he is right to highlight the fact that the overwhelming evidence from the people in the regions where there was all-postal voting was that they welcomed it. As we have established, the opinion poll was carried out at a time when there was extremely negative media publicity about the whole process. However, the Electoral Commission's report shows that even against that background, the people who were questioned said by a margin of two to one across the country, and by a rather higher figure in the north-east, that they preferred all-postal voting. We should remember that. We are not talking about something that is deeply unpopular; on the contrary, all-postal voting is getting a strong vote of confidence from a significant majority of people in the regions where it has been tried.

There is a hugely important point, which I shall come on to, about the significant minority who do not like all-postal voting. That is where the importance of choice comes in and where we agree with the commission that the model should move forward on the basis of greater choice than is possible with an all-postal framework alone.

Joyce Quin: Can my right hon. Friend understand that there will be disappointment in my area if all-postal ballots cannot continue? In addition, despite the fact that I agree with my hon. Friend the Member for North-West Leicestershire (David Taylor) that generally the experience in June was positive, there were difficulties, such as those relating to the witness statement. In my area, we are worried that the experience in June will outweigh the even more positive experience of our first three years of all-postal pilot experiments.

Mr. Raynsford: My right hon. Friend makes a number of valid points. As she knows, Gateshead has probably had more experience of piloting than almost any other area. That has been very positive. The high turnout achieved in the first pilot was sustained through the second and third pilots. Only with the fourth pilot was there a dip. That is relevant to the argument that things may improve to start with but there is bound to be a fall-away. There was no evidence of a fall-away in

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the first three years, although there was evidence of one in the fourth year. The evidence suggested that that was associated with the introduction of the witness statement, which clearly caused serious problems for many voters in all parts of the country, particularly in the north-east where voters were not used to the witness statement and wondered why on earth it had been introduced. We have further evidence about this issue; it is one of the difficulties that I have to tackle.

The commission's clear recommendation was that there be no more all-postal ballots. Before we received that recommendation, we agreed to a very small number of all-postal local by-elections in areas that had had them before, so that there would be continuity and people would not suddenly be presented with a different way of voting. Another reason for that decision was to test whether the turnout would be different without a witness statement.

A local by-election in Darlington was held at the end of August—not a particularly promising time for the participation rate—and the turnout, at 39 per cent., was 5 per cent. higher than that in the same ward in the June pilot. The only difference was the absence of a witness statement. That is significant. I shall be frank with the Chamber: one of the things that made me uncomfortable about the commission's recommendation that there be no more pilots was that it would make it impossible for us to test whether there was merit in proceeding without a witness statement in an all-postal ballot area that had previously required one and where there had been a fall in turnout. That is a purely objective comment on the difficulty of reconciling our wish to continue to have pilots, so that we can acquire evidence about how best to proceed, with the commission's recommendation that there be no more all-postal ballots.

We said that we would respond to the commission, and we will do so. Obviously we shall also take the many other factors into account, but it is sensible for the Chamber to be aware of the serious issues that must be considered as we move forward.

Mr. Davey: I understand the Minister's point that the Government have already indicated that there will be pilots in by-elections and that there should be an all-postal vote to test the point about the witness statement. Those pilots aside, is he saying that he has not yet decided to accept the commission's recommendation that there be no more all-postal ballots? Is he saying that he has already rejected that, or has he accepted it? What is he saying about that main recommendation for most elections?

Mr. Raynsford: The hon. Gentleman is normally more acute than that. He heard me very clearly when I said that we have not yet responded to the commission's recommendation, but that we will. I was setting out one of our dilemmas. He will be aware of that difficulty, particularly in the north-east, where, as I said, a pilot took place in June and a referendum will take place in November. It is likely to confuse the electors if the local council by-elections, which are to be held in the intervening period, are conducted completely differently. We need to consider such issues carefully, and we will do so before we respond to the commission's recommendations. I hope that the hon. Gentleman will accept that that is a sensible way to proceed.

An important aspect of any voting method is that it must be as secure as possible and command the confidence of the electorate. The Select Committee itself concluded that evaluations of all-postal voting had suggested that, with sufficient safeguards in place, it was no more prone to fraud than conventional voting. Although different points of view have been expressed this afternoon about that, there is no objective evidence that all-postal voting has opened up opportunities for greater fraud.

The Electoral Commission, in its report on the June 2004 European parliamentary and local elections, concluded that postal voting should remain part of the UK electoral system, noting that postal voting on demand continues to enjoy very high levels of public support and increasing levels of use. The commission also concluded that successful elections were delivered in the four pilot regions, and stated that to date it is not aware of any evidence to suggest any widespread abuse of postal voting either in or beyond the pilot regions. Those are rather important conclusions that have not necessarily been given the publicity they deserve.

The extensive public opinion survey conducted by the commission found that people in the pilot regions were satisfied with all-postal voting by a margin of two to one: 59 per cent. against 29 per cent. It was also encouraging to see in the commission's conclusions that the all-postal elections in the north-east, north-west, east midlands and Yorkshire and the Humber helped to deliver a significantly higher turnout in each of the regions, with double the numbers voting compared with the previous European Parliament election in 1999.

Mr. Jenkin: May I reiterate my question? What did the Electoral Commission do to try to convince itself that there was no evidence of fraud?

Mr. Raynsford: I had not forgotten that, and I was going to come back to it when I responded specifically to the hon. Gentleman's comments. However, as he has raised the point now, let me do so.

On page 50 of the report, the commission gives the following description:

"In 2003 we recommended that Returning Officers should conduct post-election checks on security statements returned in all-postal pilot schemes. These checks would allow some auditing of signatures of Declarations of Identity against existing electoral records."

It goes on to say why it was not able to issue final guidance because of the timetable in 2004, but obviously the previous guidance was still there. The report goes on:

"At the time of writing many Returning Officers are still conducting these tests and the Commission will continue to gather their evidence with a view to providing final guidance . . . Those Returning Officers (in both pilot and non-pilot regions) that have conducted such checks report that no evidence of fraud has been found."

That is the process, and it is important evidence. We know that there are public concerns. A lot of media publicity has been given to allegations of fraud, but the objective evidence does not show any increased fraud in the areas where all-postal voting took place.

Mr. Jenkin: I am disappointed that that is all that the Minister can give the Chamber. The only signatures in the records of a returning officer are the signatures of householders. The witness statements may be signed by people who are not even voters. I am not convinced that the checks are comprehensive. That is the problem: until we have individual voter registration, it is impossible to run the kind of checks that electoral officers need in order to verify the voting system.

Mr. Raynsford: I entirely agree that individual registration is crucial, and I will deal with that in a moment. I remind the hon. Gentleman that the commission did not claim that the method was comprehensive, but it did say that it would allow some checking, because in those cases where the signature was that of the householder it would be possible to make the check. It was not the commission itself but electoral returning officers who were asked to do that, and their having done so, the commission concludes that there is no evidence of fraud. It states:

"Of those samples examined, at most only one or two signatures have required further checks, usually done by the election staff."

That seems to be evidence that the Select Committee should consider. If somebody is convinced that the whole issue is riddled with fraud, they will probably not accept that evidence. However, if they look at it in an open-minded way and try to consider what evidence there is, either one way or the other, they will see that no one has come forward with any evidence suggesting greater fraud in the pilot areas where all-postal voting took place in June as against other parts of the country.

The area where the issue of vote harvesting was most debated and highlighted was the west midlands, which was not a pilot area and where the problem was to do with major allegations relating to activities in certain communities. That was nothing to do with all-postal voting, because it was not an all-postal pilot.

Sir Paul Beresford: The Minister needs to understand the concerns of the Opposition if we are going to take sides, especially from the point of view of the Committee and many of the witnesses. That concern is not that there is or is going to be fraud, but that there should not be fraud; the opportunities to inflict it on our system should be seen beforehand and stopped. That was the constructive approach taken by the Select Committee and I hope that the Minister will accept it in that spirit.

Mr. Raynsford: As I said, I wholly accept the need to proceed carefully, using pilots to establish the evidence, acting on the evidence to maintain the confidence of the public in the integrity of the voting system and to ensure that there are as many safeguards and checks as possible to deal with the risk of fraud, whatever form it may take. As I said, too, unfortunately there can never be an entirely fraud-free system; the existing system sadly remains open to fraud in some respects, and we must do everything we can to minimise fraud, not just in the existing system but in any new arrangement that is introduced.

The Electoral Commission's report contains some important recommendations; we will consider them most carefully and respond in full in due course. Prior to that response, however, I shall comment briefly on some of the recommendations, which are designed to make voting more convenient, to increase the administrative capacity to run elections, and to build greater public confidence in voting arrangements.

Above all, the commission proposes to develop a new model of voting as a basis for future multi-channel elections. The commission said that it would undertake to work with the Government, electoral administrators, political parties, and experts in access and security to design the new approach to voting, which must be capable of offering electors both choice and security. A multi-channelled approach has consistently been the long-term aim of the Government's electoral modernisation strategy. As we work out the detail of that strategy, the commission's efforts in developing a new model will be of immense value, and we look forward to discussing with the commission and others how it will be taken forward. To that end we will continue to consider how we can strengthen and improve safeguards and measures to combat fraud and coercion.

We note that some electors had less time to complete and return their ballot papers than originally desired, and that the ensuing media attention will have had an impact on public confidence. We acknowledge that there is a debate to be had about the number of assistance and delivery points provided at future elections; moreover, we are aware that some significant problems were experienced with the witness statements in June. We agreed to dispense with the requirement for a witness statement in the all-postal referendum that is being held in the north-east on 4 November. I have already referred to the fact that in Darlington, in the all-postal by-election without a witness statement, the turnout was five percentage points higher than in June when the witness statements were used.

I want to respond to points raised by hon. Members in the debate. The Chairman of the Select Committee, my hon. Friend the Member for Denton and Reddish, talked about the benefits of piloting, the significant increase in turnout achieved and the problems associated with the tight timetable before the June pilot. I entirely concur with his remarks. He rightly highlighted problems related to printing industry capacity, an important issue to which further attention needs to be given. He also spoke about the varying performance of local electoral administrators, which we all need to think about, and highlighted issues relating to fraud, saying that there was no evidence of more fraud in the all-postal voting pilot areas than elsewhere. I agree with that, as I made clear to the Committee.

My hon. Friend addressed the issue of individual registration, and rightly stressed the potential risks associated with it, as well as the important benefits that it could deliver. He spoke of the possible need for incentives to local authority electoral administrators to ensure that the register is as comprehensive as possible, and to avoid people simply slipping off the register as a result of a move to individual registration, which are genuine worries. We are keen to support the move to individual registration, because it has obvious benefits, but we do not want it to happen in a way that reduces the number of people able to exercise their democratic rights because they simply slip off the election register.

[Mr. Raynsford]

In Ireland, when there was a move to individual registration, about 10 per cent. came off the election register. Some should have come off, perhaps because they were not correctly registered previously, but others undoubtedly came off because the new system was less convenient. As we know, many young people may not trouble themselves to register in person if it is left to them, whereas their parents would have registered them previously. We need to think carefully about how to address such important issues and we certainly should not rush things.

Sir Paul Beresford: We can learn from the experience in America, where there were accusations in Florida that a number of Democrats moved out of the cemetery and then went back to the cemetery. That is an indication that we must be extremely careful in following up registration.

Mr. Raynsford: I am a little astonished that the hon. Gentleman should choose to make allegations about the Democrats in the state of Florida, in view of the outcome of the last American presidential election and the questions about hanging chads, but I shall not develop that one. All I would say is that I agree with him about the importance of having a system that ensures a genuine, authentic register that does not include people who should not be on it, but which, equally, does not discourage registration from people who ought to be on and who will lose the right to vote if they are not included. That is the challenge and it must be handled carefully.

There was a debate in the Committee about turnout and about whether we should try to increase it. I understood my hon. Friend the Member for Denton and Reddish to be arguing that we should not be unduly worried if we do not have the highest possible turnout. However, I did not understand him to be arguing that we should not be at all concerned about low turnout. We should be concerned about low turnout and we should do all that we can to encourage participation.

In a free society, where it is the right of people not to vote if they so choose, there is no reason why we should be troubled if 20 per cent. of the population do not vote. When turnouts in both national and local elections are as low as they are in many areas, however, there is a cause for concern. A turnout of 15 or 20 per cent. is not a sound basis for the maintenance of a democratic system and we must address the issue seriously.

I apologise that I cannot deal with all the issues that my hon. Friend the Member for Denton and Reddish raised, but I hope that I have done his key points justice.

The hon. Member for Mole Valley (Sir Paul Beresford) supported my view that low turnout is a problem and rightly highlighted the importance of the political parties in encouraging participation by presenting themselves in the most effective way to the electorate. Although I have no doubt that he would present his party and his views differently from how I would mine, it is absolutely right that the electorate's political representatives should argue the case, present their different policies and, hopefully, achieve engagement.

The hon. Gentleman talked about pressure and intimidation—this came up in a number of other contributions—where members of a family could be subject to a dominant member. In a postal vote it might be easier for the dominant member of the family to intimidate other members into voting in the way that he or she wants.

I understand the argument, but those pressures exist irrespective of whether there is a postal vote or not. We have all seen evidence of strong members of a family coercing other members to vote in a particular way, including taking them down to the polling station. That practice is as open to the risk of intimidation as the senior or most dominant member of the family keeping a close watch on how other members fill in their postal vote forms. For that reason, there is a strong argument for making it possible for people to vote at an assistance and delivery point, where they can vote in total privacy and there is no question of their vote being seen by another family member. I accept that there is an issue, but I do not think that it is a problem as uniquely associated with postal voting to the degree that the hon. Gentleman implied.

I have dealt with the issue of diminishing returns over time. I think that the jury is out on that. Certainly, those members from areas that have done extensive all-postal voting in this country say that they have seen no evidence of it, other than in association with the problem of the witness statements in June. Only time will tell.

My right hon. Friend the Member for Gateshead, East and Washington, West (Joyce Quin) rightly highlighted Gateshead's important track record; the big increases in turnout achieved over the years in which elections have been conducted by all-postal means, and the positive experience of her constituents and their support for all-postal voting. She spoke of the difficulties of the witness statement, and I hope that she is reassured by my clear commitment that the witness statement will not be used in the all-postal referendum in November. Indeed, it was not used in the local authority by-election that subsequently took place in the north-east. My right hon. Friend urged the Government to continue their efforts to make voting easier. She supported postal voting and giving people the choice to vote in person. From what she has heard today, she will know that we are sympathetic to that approach.

My hon. Friend the Member for Sheffield, Attercliffe spoke of the importance of pilots, highlighted the fact that some had not worked so well in supermarkets and in terms of weekend voting, and expressed a degree of scepticism about electronic voting. Whatever we feel now about electronic voting, it is inconceivable that demand will not grow for it during the next 20 years. That will be related simply to changing lifestyles. It is clear that many younger people find it much easier to communicate by using mobile phones or the internet than by going through the processes and rituals that we regard as part and parcel of the democratic process.

We would be making a serious mistake if we did not continue to test electronic options, knowing all the time that we have to be absolutely certain that proper safeguards are in place to avoid the risk of fraud. For reasons that every hon. Member will understand,

people's anxieties and concerns about fraud are genuine. Well run pilots are vital to test and check the process, and we need to continue that evaluation to see whether an electronic component in a multi-channel election is a good option to offer in due course. I believe that it will be; we should be working towards that end, which is why we will continue to pursue the electronic option.

My hon. Friend also stressed another important point; the need for a consistent pattern of voting at all elections. In a period when pilots have been taking place and when alternatives such as weekend voting or electronic voting or voting in supermarkets have all been tested, some degree of confusion is inevitable. It is implicit in the process. We will look closely at the Electoral Commission's proposals and its new model for multi-channel voting. It is right that we should try to ensure greater consistency in order to avoid confusing the public. It will not be achievable immediately, because if we are to test further elements before we achieve a form of multi-channel voting about which everyone can feel confident, variations are likely. Nevertheless, the message about trying to move towards a more consistent pattern is sensible.

My hon. Friend also made an important point about the need for good information and guidance to be given to the electorate. When it has been done well, it has a big impact on helping people to understand the process. However, I remember that in a local authority election in a previous year the ballot paper was a huge, lengthy piece of paper that was difficult to manage; that resulted in about 10,000 spoilt ballot papers, because people could not manage it. Getting things designed well, getting the language right—using plain English, so that people can understand—and good communication are all important.

The hon. Member for Kingston and Surbiton asked about legislation, as did the hon. Member for North Essex. I should make it clear that we recognise the importance of new legislation both to tighten up on safeguards, to provide new offences, relevant to the likely pattern of future voting, and to deal with issues such as individual registration.

I hope that both hon. Members will recognise that this is complex territory and that legislation must be got right. I could not recommend going ahead with a quick Bill before the next general election without being confident that it was the right legislation. I would walk straight into the trap of being accused of acting precipitately and without building consensus. I hope that the hon. Gentleman will understand that while we are committed to legislating and will do so at the earliest opportunity, it is premature to ask for that legislation to be rushed through in time for the general election.

The hon. Member for Kingston and Surbiton asked about the importance of exploring ways of encouraging higher turnout and why we did not try proportional representation. He may disagree with me, but I have no evidence to suggest that proportional representation of itself would have any impact on turnout. That is not to say that we have not extended options for proportionate voting. We have done so in bodies such as the Scottish Parliament, the Welsh Assembly and the Greater London Authority. We are offering it in the English regions.

Mr. Davey: I actually asked whether the Government would pilot it in the way that they piloted weekend voting, supermarket voting and all the rest. Why have the Government shied away from piloting this idea?

Mr. Raynsford: That should be fairly obvious to the hon. Gentleman. We have been piloting methods that we think may have a chance of increasing turnout. As I made clear, there is no evidence that proportional representation is likely to do that. I said earlier that I would try not to say things that would exacerbate a party political divide. I will move rapidly on.

The hon. Gentleman also asked whether we would think about different means of voting at a general election. I have answered that in response to the earlier point. We are committed in the long term to work towards a multi-channel general election, but not at the forthcoming general election. He talked about fraud. That has been mentioned by others and I think that I have covered all the points that need to be made there. He talked about choice and asked what our policy is. I have made it clear that we are in favour of a multi-channel approach towards elections. There is no change in our policy on that. I have also talked about what we will do in relation to further pilots. I said that we would give a full response to the Electoral Commission's report in due course.

The hon. Gentleman very sensibly asked whether more assistance and delivery points could be made available in rural areas. He mentioned Berwick-upon-Tweed. His right hon. Friend the Member for Berwick-upon-Tweed (Mr. Beith) should make representations to the regional returning officer who is the chief executive of Sunderland. I am sure that he will listen carefully. Our guidance is that there should be a minimum provision of one assistance and delivery point for every 50,000 electors but that where there is a case for providing more, the regional returning officer would certainly have the discretion to do so.

The hon. Gentleman asked about people with disabilities. He will know that the vast majority of disability organisations have welcomed all-postal voting and see considerable advantages. The RNIB disagrees because it believes that all-postal voting disadvantages people with a visual impairment. The RNIB paper, which was full of claims that all-postal voting disfranchised people with visual impairment, did not provide evidence that such people had voted less as a result of all-postal pilots. However, let me assure the hon. Gentleman that we are committed to ensuring that people with visual impairment should be able to exercise their democratic rights.

We have made specific arrangements in the north-east, which will repeat the arrangements that applied in the June pilots where returning officers will be required to make arrangements to attend or to make arrangements for one of their clerks to attend any voter who cannot reasonably be expected to obtain assistance at an assistance and delivery point.

It being half-past Five, the motion for the Adjournment of the sitting lapsed, without Question put.